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**THE EQUALITY BODIES IN EU MEMBER STATES  
AND REFLECTIONS ON THE FUTURE EQUIVALENT BODY IN  
TURKEY**

*AB'YE ÜYE ÜLKELERDE EŞİTLİK KURUMLARI  
VE TÜRKİYE'DE GELECEKTEKİ EŞDEĞER KURUM ÜZERİNE DÜŞÜNCELER*

*Assist. Prof. Dr. V. Atilla OĞUŞGİL*

*Turkish National Police Academy*

*İstanbul Şükrü Balcı Police Vocational College*

**Abstract**

The European Union has demonstrated well-established commitment to combat discrimination, which may occur based on different grounds. While the Union has regarded the fight against discrimination as one of its fundamental missions since its establishment, it was especially since the end of 1990s, when it has been intensely involved in taking initiative for providing a more comprehensive protection against discrimination based on various grounds. As of the years in question, the Union has been making a great effort to prevent the citizens of the Union being discriminated against the grounds such as; racial and ethnic origin, religion and belief, disability, age, sexual orientation and sex. By means of many binding legal texts, for instance, the Union has obliged the member states to take protective measures to prevent discrimination and promote equality. Pursuant to those texts, which primarily include the "Equality Directives", one of the measures taken by the member states in question is to establish "equality bodies", the functions of which are to supply the victims exposed to discrimination with assistance in the fight against discrimination, to conduct survey relating discrimination and to raise the awareness of individuals on discrimination and equality by improving their knowledge on these concepts. This study aims to investigate those equality bodies in the member states of the Union in the context of their structures and jurisdiction. Also, it is planned that this study will provide an insight as to how the equivalent institution in Turkey, which is envisaged to be established in the forthcoming period in compliance with the membership negotiations with the European Union, should be structured and in what framework it should be commissioned.

**Key Words:** European Union, European Union Member States, Anti-Discrimination, Equality Bodies, Turkey

### Özet

Avrupa Birliği, değişik temellere dayalı olarak ortaya çıkabilecek ayrımcılıkla mücadele etmek için sağlam bir kararlılık sergilemektedir. Birlik kuruluşundan itibaren ayrımcılıkla mücadele etmeyi temel görevlerinden biri olarak görmekle birlikte, değişik temellere dayalı ayrımcılıkla mücadeleye karşı daha kapsamlı bir koruma sağlamaya yönelik yoğun bir şekilde girişimlerde bulunduğu zaman özellikle 1990'lı yılların sonlarıdır. Söz konusu tarihten itibaren Birlik, vatandaşlarının ırk ve etnik köken, din ve inanç, engellilik, yaş, cinsel yönelim ile cinsiyet gibi temellerde ayrımcılığa uğramalarını önlemek için büyük bir çaba harcamaktadır. Örnek vermek gerekirse, Birlik bağlayıcı olan birçok hukuki metin aracılığıyla ayrımcılığı önlemeye ve eşitliği geliştirmeye yönelik olarak koruyucu önlemler almaları için üye devletleri zorunlu tutmaktadır. Öncelikli olarak "Eşitlik Direktifleri"ni içeren bu metinler uyarınca söz konusu üye devletler tarafından alınan önlemlerden bir tanesi, işlevleri ayrımcılığa maruz kalan mağdurlara ayrımcılıkla mücadelede yardım sağlamak, ayrımcılığa ilişkin araştırmalar yürütmek ve bireylerin ayrımcılık ve eşitliğe ilişkin bilgilerini geliştirerek bu kavramlara yönelik farkındalık oluşturmak olan "eşitlik kurumları"nı kurmaktır. Bu çalışma, Birliğe üye devletlerdeki söz konusu kurumların yapıları ve görev alanları bağlamında bir araştırma yapmayı amaçlamaktadır. Çalışmanın aynı zamanda Avrupa Birliği ile üyelik müzakereleri gereğince Türkiye'de de önümüzdeki süreçte kurulması öngörülen eşdeğer kurumun nasıl bir yapılanma ve ne çerçevede bir görev alanına sahip olması gerektiğine ilişkin ışık tutması da planlanmaktadır.

**Anahtar Kelimeler:** Avrupa Birliği, Avrupa Birliği Üye Devletleri, Ayrımcılıkla Mücadele, Eşitlik Kurumları, Türkiye

### INTRODUCTION

The legislative arrangements for prohibition of discrimination which European Union (EU) put on the agenda dates back to the establishment year of the Union. The EU, which originated as an organization targeting economic integration through common market, initially and only dealt with this issue within the framework and principle of "equal pay for equal work"<sup>1</sup> between men and women. In the course of time, the scope of prohibition of discrimination has broadened through the relevant Directives and programmes adopted by the Union itself and it gained an increasing importance accordingly. The principles of equal treatment and non-discrimination are at the heart of social model and fundamental rights architecture of today's EU.

The EU, which has regarded prohibition of discrimination as a matter of human rights particularly since the 1990s, has been urging the member states to take protective

<sup>1</sup> The first arrangement relating to this takes place in the Treaty Establishing the European Economic Community, (Treaty of Rome (1957)), which states "each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive *equal pay for equal work*" (art. 119), (Treaty Establishing the European Economic Community, (Treaty of Rome), 25 March 1957, [http://ec.europa.eu/economy\\_finance/emu\\_history/documents/treaties/rometreaty2.pdf](http://ec.europa.eu/economy_finance/emu_history/documents/treaties/rometreaty2.pdf) (Accessed on 27 September 2013)).

measures to combat discrimination and promote equality through the Directives issued especially in the last 15 years. One of those protective measures that the member states took in accordance with those Directives is to establish "equality bodies". These authorities are one of the most specific expressions of equality policies and represent the recognition of the state that certain disadvantaged groups require special protection and/or state-guided collective action.<sup>2</sup>

Those bodies started spreading within the EU member states especially after the year 2000 along with the adoption of successive Directives, which presented binding requirements for the states to establish the bodies in question. Depending upon their types, the functions of those bodies may vary from supporting good practice in organizations, raising awareness on equal treatment among the public and providing legal assistance to victims of discrimination to investigating and deciding on individual cases of discrimination brought before them.<sup>3</sup> These bodies are regarded extremely important for the implementation of anti-discrimination legislation on all grounds, given the role that they can play in giving guidance to governments and other public and private bodies on how to work towards equality and conducting specialized surveys and research into discrimination and ways of eradicating it.<sup>4</sup>

The scope of this study covers 38 equality bodies functioning in the EU member states and also being the members of EQUINET (European Network of Equality Bodies). Those bodies will be analyzed based on two criteria: their structures and jurisdiction. As a candidate country, which is currently conducting membership negotiations with the Union, the question of how the future equivalent institution in Turkey to be established in the forthcoming period should be structured and authorized will be another point at issue.

### **1. EU and Equal Treatment Directives**

Among the legislative regulations made by the EU for prohibition of discrimination, four Directives come to the fore within the scope of our study for they oblige the member states to set up equality bodies, and thus forming the legal basis of the bodies in question.

The first Directive called the "Racial Equality Directive"<sup>5</sup> and appeared in 2000 prohibits discrimination on the ground of race and ethnic origin in and outside the

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<sup>2</sup> Andrea Krizsan et al. (2012) 'Institutionalizing Intersectionality: A Theoretical Framework', in A. Krizsan, H. Skjeie, and J. Squires (eds) *Institutionalizing Intersectionality: The Changing Nature of European Equality Regimes*, Basingstoke: Palgrave Macmillan, p. 8.

<sup>3</sup> Margit Ammer et al. (2010) 'Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC', (Utrecht: Human European Consultancy in partnership with the Ludwig Boltzmann Institute of Human Rights), p. 43-44.

<sup>4</sup> Jan Niessen and Janet Cormack (2004) 'National specialised equality bodies in the wake of the EC antidiscrimination Directives', in: J. Cormack, (ed.), '*Considerations for Establishing Single Equality Bodies and Integrated Equality Legislation*', p. 21.

<sup>5</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, *OJ L 180*, 2000.

workplace.<sup>6</sup> It offers a general framework to fight against discrimination on the aforementioned ground beyond employment as well as in employment. The scope of the Directive beyond employment covers social protection including social security and health care, social advantages, education, housing and access to goods and services.<sup>7</sup> This is the first Directive adopted pursuant to the Article 13 of the Treaty of Amsterdam, which actually underpins the Directives under discussion and which extends the former grounds on which discrimination is prohibited to sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

The second Directive called "Goods and Services Directive"<sup>8</sup> and dated 2004 targets at establishing a framework for combating discrimination based on sex in access to and supply of goods and services. This is the first directive,<sup>9</sup> actually, addressing sex equality issues beyond employment.<sup>10</sup> Although it goes beyond the area of employment and professional life, it nonetheless remains limited in comparison with the "Racial Equality Directive".<sup>11</sup> It applies to all persons who provide goods and services which are available to the public both in the public and private sectors, including public bodies, and which are offered outside the area of private and family life and the transactions carried out in this context. On the other hand, the Directive does not apply to the content of media and advertising and education and to the matters of employment and occupation.<sup>12</sup>

In 2006, another directive called "Recast Directive"<sup>13</sup> was adopted in which the existing provisions of different sex equality directives are brought together. Thus, this new Directive serves as a consolidating Directive on the former directives on sex equality. As an "umbrella Directive" it simplifies the legislation on the equality between men and women and updates several former Directives in effect which were issued for

<sup>6</sup> Elspeth Guild (2002) 'The EC Directive on Race Discrimination: Surprises, Possibilities and Limitations' *Industrial Law Journal*, 29/4, 2000, p. 416 ; Christopher Brown (2002) 'The Race Directive: Towards Equality for All the People of Europe?' *Yearbook of EU Law*, 21, p. 195

<sup>7</sup> Council Directive 2000/43/EC, art. 3.

<sup>8</sup> Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, *OJ L 373*, 2004, pp. 37-43.

<sup>9</sup> One of the former Directives (2002/73/EC of 23 September 2002 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions) had already dealt with and prohibited discrimination based on sex in employment. But since this Directive was repealed and replaced by one of the subsequent Directives called the "Recast Directive 2006/54/EC", which will be discussed later in the related section, it is not included within the scope of this study.

<sup>10</sup> Susanne Burri and Sacha Prechal (2008) *EU Gender Equality Law*, European Commission Directorate General for Employment, Social Affairs and Equal Opportunities, (Luxembourg: Office for Official Publications of the European Communities), p. 13

<sup>11</sup> Annick Masselot (2007) "The State of Gender Equality Law in the European Union", *European Law Journal*, Vol. 13, No. 2, p. 153

<sup>12</sup> Council Directive 2004/113/EC, art. 3

<sup>13</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), *OJ L 204*, 2006, pp. 23-36.

providing the principle of equal treatment and opportunities and merges them into a single legal text.<sup>14</sup> The purpose of this Directive is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation encompassing access to employment, including promotion, and to vocational training; working conditions, including equal pay; and occupational social security schemes.<sup>15</sup>

The year 2010 witnessed a new Directive, "Self-Employed Directive",<sup>16</sup> which specifically takes self-employed people into its scope. The Directive lays down a framework for putting into effect in the member states the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.<sup>17</sup> That is, it applies to self-employed workers, namely all persons pursuing a gainful activity for their own account, under the conditions laid down by national law and the spouses or life partners of self-employed workers.<sup>18</sup> The Directive aims to prevent any discrimination based on sex in the public or private sectors in relation to, for instance, the establishment or extension of any form of self-employed activity and also to enable strengthening female entrepreneurship.

While each Directive discussed above differs from one another regarding either the target group it appeals to or the specific fields and grounds it takes within its scope, all share the same provision, which enjoins the EU member states to establish bodies responsible for the protection and promotion of equality. That is, all of the directives on equal treatment among people on different grounds and fields discussed above oblige the member states to designate what is called "equality bodies" to combat discrimination and promote equality on the related fields and grounds. For instance, the following article from the Directive 2000/43/EC sheds light on this obligation:

**Article 13<sup>19</sup>**

1. Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of *racial or ethnic origin*.

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<sup>14</sup> The Directive incorporates the following previous directives into a single text: Directive 75/117/EEC on equal pay for men and women; Directive 86/378/EEC, as amended by Directive 96/97/EC, on equal treatment for men and women in occupational social security schemes; Directive 76/207/EEC, as amended by Directive 2002/73/EC, on equal treatment of men and women in the field of employment; and Directive 97/80/EC, as amended by Directive 98/52/EC, on the burden of proof in cases of discrimination based on sex.

<sup>15</sup> Directive 2006/54/EC, art. 1

<sup>16</sup> Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, *OJ L 180*, 2010, pp. 1-6.

<sup>17</sup> Directive 2010/41/EU, art. 1

<sup>18</sup> Directive 2010/41/EU, art. 2

<sup>19</sup> The same provision specific to its own ground and field takes place as the 12<sup>th</sup> article in the Directive 2004/113/EC; as the 20<sup>th</sup> article in the Directive 2006/54/EC and as the 11<sup>th</sup> article in the Directive 2010/41/EU.

These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights.

2. Member States shall ensure that the competences of these bodies include:

- without prejudice to the right of victims and of associations, organisations or other legal entities referred to in Article 7(2), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination,
- conducting independent surveys concerning discrimination,
- publishing independent reports and making recommendations on any issue relating to such discrimination.

## **2. Equality Bodies in EU Member States**

### **2.1. Structure**

As the names of equality bodies alone imply that they are structured in many different ways.<sup>20</sup> The questions of whether the body is organizationally attached to a ministry or a stand-alone independent body and whether the body is governed by a single individual or a collegiate board and also how the members of the body are composed are all inclusive of the structure of an equality body.

#### **2.1.1. Organizational Attachment**

The first distinction is between equality bodies that are a part of an administrative unit of the government and equality bodies that have their own legal entity.<sup>21</sup> This is one of the most critical aspects of bodies in question, since it directly affects the fundamental principle underlying these institutions, i.e. independence. Most of the member states established their equality bodies as distinct and independent bodies having no attachment to any ministry or other governmental bodies whereas the others are established as part of a ministry or any other governmental bodies.

The first set of bodies (in Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Greece, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Romania, Slovakia, Sweden, United Kingdom) do not have any organic relations with the Government and modelled as stand-alone independent institutions. This set constitutes 22 equality bodies among all bodies under discussion. Some of these bodies ensure their independence from government through having a legal personality and the assurance of receiving no instructions or orders outside in their founding acts. To take an example, *National Council for Combating Discrimination* in Romania is the autonomous state authority having legal personality and operates independently without any constraint or influence by other institutions or public authorities.<sup>22</sup>

<sup>20</sup> Rikki Holmaat (2006) *Catalysts for Change? Equality Bodies According to Directive 2000/43/EC - Existence, Independence and Effectiveness*, (European Commission), p. 21.

<sup>21</sup> Minouschka Fernand (2012) "Equality Bodies Enabling Women to Claim their Right to Equal Treatment in Employment", Master in Public Administration F.H.R. Lim A Po Institute, (Suriname: FHR Publications), p. 18.

<sup>22</sup> Hotărârea nr. 137 din 31 august 2000 privind prevenirea și sancționarea tuturor formelor de discriminare modificată și aprobată, art. 16-17, Publicat în *Monitorul Oficial*, nr. 99 din 8 Februarie 2007, [http://www.cncd.org.ro/new/files/file/ORDONANTA\\_137.pdf](http://www.cncd.org.ro/new/files/file/ORDONANTA_137.pdf) (Accessed on 18 November 2013).

These equality bodies, the stand-alone and independent nature of which are guaranteed in their legal basis, and thus being able to act free from any governmental influence can formally have the opportunity to operate without any interference in the exercise of their powers, which is regarded as highly important for effective protection against discrimination.

The second set of bodies (in Austria, Belgium, Finland, Germany, Italy, Luxemburg, Malta, Portugal, Slovenia, Spain), on the other hand, are established as administratively attached to a ministry, which is charged with developing and implementing policy on anti-discrimination and equality. This set constitutes the remaining 16 equality bodies among all within the scope of this study. To illustrate, Italian *National Office against Racial Discrimination* is set up within the Department for Equal Opportunities under the Presidency of the Council of Ministers;<sup>23</sup> and German *Federal Anti-Discrimination Agency* is established within the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.<sup>24</sup>

These equality bodies are structured in a position that will render the bodies to be dependent on the Government. Such an organic link, undoubtedly, constitutes a serious obstacle for the bodies in question to be independent from the Government. The bodies structured around this model may become open to any political influence and also face the risk and danger of receiving instructions and orders from the related Minister or Government in general. Moreover, this close tie between the government and bodies in question may expose those bodies to administrative supervision by the Ministry, which shows itself as another form of governmental influence on those bodies.

### 2.1.2. Management

The second distinction is among equality bodies that are governed by a single headed governance structure, by a collegiate board or by a combination of both. The first model called single headed equality bodies mainly reveals itself in "Commissioner" and "Ombudsman" models in which the powers are gathered under the authority of a single individual, the head of the body. This is actually the most widespread structuring model across members states. Most of the member states (Austria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Portugal,<sup>25</sup> Romania, Slovenia and Sweden)

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<sup>23</sup> Decreto Legislativo 9 luglio 2003, n.215, Attuazione della direttiva 2000/43/CE per la parità di trattamento tra le persone indipendentemente dalla razza e dall'origine etnica, art. 7, *GU N. 186 DEL* 12.8.2003, pp. 65-82.

<sup>24</sup> General Act on Equal Treatment of 14th August 2006, last amended by art. 15, para 66 of the Act of 5 February 2009, part 6, para. 25, [http://legislationline.org/download/action/download/id/3484/file/Germany\\_engl\\_general\\_equal\\_treatment\\_act\\_2006.pdf](http://legislationline.org/download/action/download/id/3484/file/Germany_engl_general_equal_treatment_act_2006.pdf). (Accessed on 18 November 2013).

<sup>25</sup> *High Commission for Immigration and Intercultural Dialogue*; and *Commission for Citizenship and Gender Equality*.

preferred this model. For instance, *Austrian Ombud for Equal Treatment* is a single headed equality body, which is managed by an Ombud as the Director of the institution.<sup>26</sup> *Hungarian Office of the Commissioner for Fundamental Rights* is another single headed equality body, which is led by a Commissioner.<sup>27</sup>

In interpreting the law, this type of equality bodies, which are individualised by means of a single governor, can only present unidirectional and thus narrow perspective concerning especially the decisions given. Furthermore, this type of equality bodies also precludes the pluralistic nature of the institution, which is of paramount importance for the authorities responsible for the protection and promotion of human rights and thus participation of different individuals representing different segments of the society, especially the disadvantaged groups, who are more likely subject to discrimination.

In the second model called collegiate headed body, the powers do not belong to a single individual but rather are given to a group of individuals, who all together constitute the governing body of the institution. This model has the forms of a "Commission", "Board", "Center" or "Institute". Some of the members states (Denmark,<sup>28</sup> Ireland, Luxemburg, Netherlands, Spain and United Kingdom) are structured within the framework of this model. To take an example, *Danish Board of Equal Treatment* is a collegiate headed body, which is led by a distinct board composed of 12 members.<sup>29</sup> *British Equality and Human Rights Commission* is another collegiate headed body, which is led by a commission composed of not less than 10 and more than 15 members.<sup>30</sup>

Unlike the former one, in interpreting the law, this type of equality bodies can present multidirectional perspective and thus broad perspective concerning especially the given decisions with full participation of members constituting the governing body. This structure also ensures the pluralistic nature of the institution, which makes the representation of the aforementioned groups possible in the governing body of the institution, hereby getting them involved in the decision making process.

The third model called the mixed one serves as a combination of a single and collegiate headed equality body and mostly takes the forms of the latter one. The institution in this model has both a "Director" or a "President" or a "Chairman" and a collegiate body, each of whom has its own tasks and powers. Like the second model,

<sup>26</sup> Änderung des Gleichbehandlungsgesetzes sowie des Bundesgesetzes über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft, *Das Gleichbehandlungsgesetz*, BGBl. I Nr. 66/2004, zuletzt geändert durch das Bundesgesetz BGBl. I Nr. 98/2008

<sup>27</sup> Act CXI of 2011 on the Commissioner for Fundamental Rights, sect. 1, [www.apt.ch/content/files/Hungary%20NPM%20legislation\\_2011.docx](http://www.apt.ch/content/files/Hungary%20NPM%20legislation_2011.docx), (Accessed on 15 November 2013).

<sup>28</sup> *Board of Equal Treatment*

<sup>29</sup> Act No 387 of 27 May 2008 on the Board of Equal Treatment, part 1, art. 3, <http://uk.bm.dk/~media/BEM/Files/English/Acts/Lov%20om%20li11.ashx> (Accessed on 13 October 2013).

<sup>30</sup> Equality Act 2006, schedule 1, part 1, art. 1/1, [http://www.legislation.gov.uk/ukpga/2006/3/pdfs/ukpga\\_20060003\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/3/pdfs/ukpga_20060003_en.pdf) (Accessed on 28 October 2013).



this type of bodies distinguish among the others for they enable the pluralistic composition of the members as the governing body of the institution.

Looking at the member states, we note that a few of them (Belgium, Bulgaria, Denmark,<sup>31</sup> Malta, Portugal<sup>32</sup> and Slovakia) are structured around this model. *Bulgarian Commission for Protection Against Discrimination*, for instance, is led by a Chairman and a distinct board of 9 members. The chairman represents the institution, organises and steers the work of the commission; signs, amends and terminates the labour contracts and appoints the civil servants in the administration; executes the budget of the institutions while the commission deals with other issues such as; providing independent assistance to the victims of discrimination in constituting complaints against discrimination; conducting independent researches related to discrimination; publishing independent reports and providing recommendations on all issues related to discrimination; imposing the provided sanctions and enforcing administrative compulsory measures; issuing obligatory prescriptions for compliance with laws, which regulate the equality of treatment; appealing against the administrative acts, which are in contravention to the laws that regulate the equal treatment; initiating claims before the court and acting as a concerned party in proceedings under related laws, which regulate the equal treatment.<sup>33</sup>

### 2.1.3. Member Composition

Another distinction concerns the composition of the members who all together constitute the governing body of the institution. This leads us to the observation whether the governing bodies in question are vested with a pluralistic nature or not. This distinction is, certainly, not applicable to single headed equality bodies, which are, by definition governed by an individual, but to the collegiate headed bodies or the mixed ones.

Among the member states which have either collegiate headed bodies or the mixed ones, some of them (Bulgaria, Denmark, Ireland, Malta, Netherlands, Portugal,<sup>34</sup> Slovakia, Spain and United Kingdom) ensured in their founding acts that members of the bodies shall be composed through the involvement of multiple stakeholders such as; government, parliament, employers' confederations, trade union confederations, universities and non-governmental organizations. For instance, 12 members of Portuguese *Commission for Equality in Labor and Employment* are appointed by the participation of tripartite partners: government and two social partners. Four of them are nominated by four separate Ministers, four of them are nominated by employers' confederations and the other four by the the trade union confederations.<sup>35</sup> It seems that these bodies are successful in balancing their dependence on the government with the

<sup>31</sup> *Institute for Human Rights*

<sup>32</sup> *Commission for Equality in Labour and Employment*

<sup>33</sup> Law on Protection Against Discrimination, art. 47 and 49.

<sup>34</sup> *Commission for Equality in Labour and Employment*

<sup>35</sup> Decreto-Lei n.º 76/2012, art 6, *Diário da República*, 1.ª série — N.º 61, 26 de março de 2012, p. 1446

participation of several social and academic partners. In addition, this composition enables the equality bodies to have a large spectrum representing the different segments of the society within its governing body.

Another important issue concerning the member composition of equality bodies is related to the member states' approach in taking into consideration the representation of people who are more likely the main addressees of discrimination; the women, the handicapped, the elders, the religious and ethnic minorities and so on in their governing bodies. Looking at the member states in such context, we see that some member states (Bulgaria, Denmark,<sup>36</sup> Ireland, Malta and United Kingdom) attach importance to this issue. For instance, Danish *Board of Equal Treatment*,<sup>37</sup> Irish *Equality Authority*<sup>38</sup> and Maltese *Commission for the Promotion of Equality*<sup>39</sup> are the notable bodies, which stipulate the balanced representation of women and men as members in their governing bodies. By the same token, Bulgarian *Commission for Protection Against Discrimination* guarantees the participation of persons belonging to ethnic minorities as well as balanced participation of women and men in the governing body itself.<sup>40</sup> Last, British *Equality and Human Rights Commission* stipulates that the Commission include a disabled person.<sup>41</sup>

## 2.2. Jurisdiction

The previous section proved that the equality bodies functioning throughout the EU display variety in terms of their structures. The next point which sets the framework of this study concerns the jurisdiction of those bodies. The questions of whether an equality body carries out its activities within the scope of a single ground or multiple grounds and of a single field or multiple fields, all of which are covered in the Directives, are all closely related within the jurisdiction of that equality body.

### 2.2.1. The Grounds of Discrimination

In accordance with the Directives discussed above including Directive 2000/78/EC,<sup>42</sup> which extends the protection against discrimination to other grounds

<sup>36</sup> *Board of Equal Treatment*

<sup>37</sup> Act No 387 of 27 May 2008, art. 3.

<sup>38</sup> Employment Equality Act, Number 21 of 1988, art. 41, <http://www.irishstatutebook.ie/pdf/1998/en.act.1998.0021.pdf> (Accessed on 30 October 2013).

<sup>39</sup> Equality for Men and Women Act, 9 December 2003, Act I of 2003, as amended by Legal Notice 427 of 2007; and Acts IV of 2009 and IX of 2012. art. 11, [http://msdc.gov.mt/en/NCPE/Documents/Home/Welcomes/chp\\_456\\_updated\\_2012.pdf](http://msdc.gov.mt/en/NCPE/Documents/Home/Welcomes/chp_456_updated_2012.pdf) (Accessed on 05 November 2013).

<sup>40</sup> Law on Protection Against Discrimination, art. 41/3.

<sup>41</sup> Equality Act 2006, schedule 1, part 1, art. 2/3.

<sup>42</sup> As stated before, this Directive does not include any explicit provisions putting the member states under obligation for the establishment of equality bodies. However, it sets conditions for them "to maintain or adopt specific measures to prevent or compensate for disadvantages linked to any of the grounds referred in the Directive" (art. 7). Thereupon, the member states regarded establishing equality bodies within the

such as; sexual orientation, age, disability and religion and belief, all EU member states established either a single body to deal with multiple grounds or separate specialized bodies, each of which deals with a single ground.

Most of the member states (Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Romania, Slovakia, Slovenia, Sweden and United Kingdom) preferred to establish equality bodies, all of which take multiple grounds into their scope. Almost all member states above deal with all 6 grounds enshrined in the relevant Directives. Furthermore, many states (Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, France, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Romania, Slovenia, Sweden and United Kingdom) went further than those 6 grounds incorporating many other grounds into their scope, like nationality, citizenship, political opinion, views, marital status, pregnancy and maternity, social status and genetic characteristics.

Few of the member states (Finland and Spain), on the other hand, own bodies which only take a single ground into their scope. For instance, Finland has two equality bodies named *Ombudsman for Equality*<sup>43</sup> and *Ombudsman for Minorities*,<sup>44</sup> which deals with sex, and race and ethnic origin, respectively. As to *Spanish Council of Race and Ethnic Equality*, its jurisdiction is confined to just the ground of race and ethnic origin.<sup>45</sup>

The remaining ones (Belgium, Italy, Malta and Portugal) have both bodies functioning based on a single ground and bodies functioning based on multiple grounds. For example, as pointed out previously, Belgium has two distinct bodies, *Institute for the Equality of Women and Men* focusing specifically on the ground of sex<sup>46</sup> and *Centre for Equal Opportunities and Opposition to Racism* focusing on the other grounds including, *inter alia*, race and ethnic origin, age, disability, sexual orientation religion and belief.<sup>47</sup> Malta has two distinct bodies, as well. The first one called *National*

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jurisdiction envisaged in this Directive as a part of those "specific measures" and set up equality bodies accordingly covering all grounds prescribed in this Directive.

<sup>43</sup> Act on the ombudsman for equality and the equality board, 1 January 1987, sect. 2, [http://www.tasa-arvo.fi/en/legislation/equality\\_ombudsman](http://www.tasa-arvo.fi/en/legislation/equality_ombudsman) (Accessed on 05 November 2013).

<sup>44</sup> Act on the Ombudsman for Minorities and the National Discrimination Tribunal (660/2001; amendments up to 1109/2008 included), sect.1, <http://www.finlex.fi/en/laki/kaannokset/2001/en20010660.pdf> (Accessed on 05 November 2013).

<sup>45</sup> Ley 62/2003, de 30 de diciembre, de medidas fiscales, administrativas y del orden social, art. 33 *Boletín Oficial Del Estado*, Núm. 313, Miércoles 31 diciembre 2003, p. 46874

<sup>46</sup> Wet houdende oprichting van het Instituut voor de gelijkheid van vrouwen en mannen, 16 December 2002, Raadpleging van vroegere versies vanaf 31-12-2002 en tekstbijwerking tot 30-05-2007), art.3, [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2002121635&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2002121635&table_name=wet) (Accessed on 5 November 2013).

<sup>47</sup> The Anti-Discrimination Law of 10 May 2007, clause 2, <http://www.diversitybelgium.be/anti-discrimination-law-10-may-2007#competent> (Accessed on 27 November 2013).

*Commission for Persons with Disability* deals with the ground of disability<sup>48</sup> whereas the second one named *National Commission for the Promotion of Equality* deals with the remaining five grounds: sex, sexual orientation, age, religion or belief, and race and ethnic origin.<sup>49</sup> By the same token, Portugal has three separate bodies, one, *Commission for Immigration and Intercultural Dialogue*, dealing with the multiple grounds, race and ethnic origin, and religion and belief,<sup>50</sup> the other, *Commission for Equality in Labour and Employment*, dealing with a single ground, sex,<sup>51</sup> and the last one, *Commission for Citizenship and Gender Equality*, dealing with multiple grounds, citizenship and sex.<sup>52</sup>

### 2.2.2. The Fields of Discrimination

As for the fields of discrimination that the bodies in question take within their scope, it is, first of all, noted that all equality bodies functioning across the Union, except the ones in Portugal and one in Italy,<sup>53</sup> appeal to both fields specific to their own grounds. Thus, the jurisdiction of those bodies concerning the field of discrimination consists of multiple fields. The field beyond employment in all member states contains at least education, housing, social protection and goods and services. Besides, many states (Czech Republic, Finland,<sup>54</sup> Ireland, Lithuania, Luxemburg, Netherlands, Poland, Romania, Slovenia, Sweden, United Kingdom<sup>55</sup>) went further than those 4 sub-fields incorporating many others into their scope like health service, social benefits, transport, social security, public administration and membership in political parties and associations. For instance; Czech Republic *Defender of Rights* adds the sub-fields of health service, social advantages and social security for all grounds,<sup>56</sup> Polish *Human Rights Defender* includes the sub-field of health care to its beyond employment agenda for the grounds of nationality and race and ethnic origin,<sup>57</sup> and Dutch *Institute for*

<sup>48</sup> Equal Opportunities (Persons with Disability) Act, ACT I of 2000, as amended by Legal Notice 426 of 2007; and Acts II and XXIV of 2012, part 5, art. 22, <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1> (Accessed on 08 November 2013).

<sup>49</sup> Equality for Men and Women Act, art. 2.

<sup>50</sup> Lei n.º 18/2004, Transpõe a Directiva Raça, art. 1, *Diário da República*, 1.ª série — N.º 110, 11 de Maio de 2004, p. 2972.

<sup>51</sup> Decreto-Lei n.º 76/2012, art 2.

<sup>52</sup> Decreto-Lei n.º 164/2007 de 3 de Maio, art. 2, *Diário da República*, 1.a série — N.º 85 — 3 de Maio de 2007 p. 2943.

<sup>53</sup> *National Equality Councillor*

<sup>54</sup> *Ombudsman for Equality*

<sup>55</sup> *British Equality and Human Rights Commission*

<sup>56</sup> Act No. 198/2009 Coll. of 23 April 2008 on equal treatment and on the legal means of protection against discrimination and on amendment to some laws (the Anti-Discrimination Act), sect. 1, [http://www.legirel.cnrs.fr/IMG/pdf/antidiscrimination\\_act198-2009.pdf](http://www.legirel.cnrs.fr/IMG/pdf/antidiscrimination_act198-2009.pdf) (Accessed on 13.08.2013)

<sup>57</sup> Act of 3rd December, 2010 on the implementation of some regulations of European Union regarding equal treatment, art.4, <http://www.rpo.gov.pl/sites/default/files/13203205690.pdf>, (Accessed on 10 October 2013).

*Human Rights* incorporates the sub-field of public transportation into its field beyond employment for the disabled people.<sup>58</sup>

Among the bodies discussed in the previous paragraph, most of them (in Bulgaria, Cyprus, Czech Republic, France, Germany, Hungaria, Ireland, Latvia, Lithuania, Luxemburg, Netherlands, Romania, Slovakia, Slovenia, Sweden and United Kingdom) ensure the protection of all grounds, which they take within their own scope, in both fields. To make it more precise, all of the 6 grounds falling within the scope of, for instance, Irish *Equality Body* are ensured beyond employment as well as in employment without any exceptions.<sup>59</sup> Those bodies provide full protection in terms of both grounds and fields. Interestingly enough, some of the other equality bodies, on the other hand, do not give the same protection that they provide for the field of employment to the field beyond employment. For instance, the jurisdiction of Danish *Board of Equal Treatment Rights* for the grounds of age, disability, sexual orientation and religion and belief just covers the field of employment but not beyond employment.<sup>60</sup> Although Polish *Human Rights Defender* provides protection on the grounds of sex and race and ethnic origin in both employment and beyond employment, it provides protection on the other grounds just in employment.<sup>61</sup> Thus, the scope and level of the protection against discrimination for these bodies on the related grounds and fields is not as comprehensive as that of the other ones discussed immediately above.

Last, as stated above, one of Italian and all of Portuguese bodies take a single field into their scope. For instance, two of the equality bodies in Portugal function in the field beyond employment while one of them functions in employment. Thus, unlike the ones discussed above, the jurisdiction of these bodies concerning the field of discrimination consists of a single field: either employment or beyond employment. To exemplify, Portuguese *Commission for Immigration and Intercultural Dialogue* and *Commission for Citizenship and Gender Equality* carry on their duties and responsibilities on their respective grounds just beyond employment<sup>62</sup> whereas *Commission for Equality in Labor and Employment* conducts activities on its peculiar ground exclusively in employment.<sup>63</sup> As for Italian *National Equality Councillor*, its jurisdiction within the boundary of the ground of sex is restricted to a single field, employment.<sup>64</sup>

### 3. Initiatives to Establish an Equality Body in Turkey

<sup>58</sup> Wet van 3 april 2003 tot vaststelling van de Wet gelijke behandeling op grond van handicap of chronische ziekte, art. 8, [http://wetten.overheid.nl/BWBR0014915/geldigheidsdatum\\_25-12-2013](http://wetten.overheid.nl/BWBR0014915/geldigheidsdatum_25-12-2013) (Accessed on 27 October 2013).

<sup>59</sup> Employment Equality Act 1998, art. 6-8.

<sup>60</sup> Act No 387 of 27 May 2008, art. 1

<sup>61</sup> Act of 3rd December, 2010, art. 4.

<sup>62</sup> Lei n° 18/2004, art. 2, and Decree-Law no. 126-A/2011, art. 2, respectively

<sup>63</sup> Decreto-Lei n.° 76/2012, art 2.

<sup>64</sup> Decreto Legislativo 11 aprile 2006, n. 198, "Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246", art. 3, *Gazzetta Ufficiale n. 125*, 31 maggio 2006 - Supplemento Ordinario n. 133, p. 66.

Although, anti-discrimination and the principle of equality has been ensured in several legal texts in Turkey,<sup>65</sup> legislation establishing an equality body has not yet been adopted. Turkey, which qualified as a candidate country in 1999 and has been negotiating with EU on full membership since 2005, is required to establish its own equality body in accordance with the Union *acquis*. This requirement was highlighted in several places of the last Progress Report (2013) issued by the EU Commission on Turkey. The Report clearly states that there was no progress on comprehensive anti-discrimination legislation. The current legal framework is not in line with the EU *acquis* and the equality body required by the *acquis* has not been created.<sup>66</sup>

The initiatives for legislation establishing an equality body in Turkey, actually, dates back to 2009 just after the Government's promise for democratization within the framework of "Democratic Initiative". After intensive legislative efforts, the Ministry of Interior prepared a draft law and sent it to the Prime Ministry. Unfortunately, the draft law in question remained pending before the Prime Ministry despite the lasting years and has not been sent to the Grand National Assembly of Turkey yet.

Lastly, on 30 September 2013, the current Prime Minister announced a "democratisation package" to the public. Within the context of combating discrimination and promoting equality, the package foresees the establishment of an equality body. This promising step is considered as one of the most important reforms that will be able to result in positive impression regarding the promotion of the right to non-discrimination as a fundamental right. Nevertheless, although the draft law for the establishment of the body was supposed to be sent to the National Assembly to pass into law during the elapsed time, there has been no tangible improvement so far.

As emphasized in the Union's related documents on Turkey, establishing an equality body is an obligation for the country in question to provide the necessary assurance for both fundamental rights and social policy practices. To establish such an equality body, which should be full-compatible with the Union *Acquis*, requires, first of all, the adaptation of the minimum requirements of the Directives discussed under this article. Within this context, it is claimed that the equality body, which is expected to be established in the following period, should be structured in a way that will guarantee both the independence and pluralistic nature of the institution and comprehensive protection against discrimination in terms of its jurisdiction.

In the first place, the Turkish equality body should not be organizationally attached to any ministry since this gives rise to problematic consequences with respect to the independence of the body. It should be a legal entity and have administrative autonomy. It should also be ensured that the body shall not receive any orders or

<sup>65</sup> For a detailed analysis of the development of Turkish Law on Prohibition of Discrimination, the reader is referred to Fazıl Altınordu (2012) *Aوروبا İnsan Hakları Sözleşmesi'ne Göre Ayrımcılık Yasağı ve Türk Hukukunda Gelişimi*, Ankara: Adalet Yayınevi

<sup>66</sup> European Commission (2013) *Turkey 2013 Progress Report*, 41, 50, 56, 58. [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/brochures/turkey\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/turkey_2013.pdf) (Accessed on 18 November 2013).

instructions from any other organs and institutions with the intention of influencing the decisions of the body. This type of organizational structure will avert the body to be influenced by the government, which is itself the state party in most cases of discrimination and also to be exposed to the administrative supervision by any ministry or the government in general.

In the second place, prevention of discrimination and promotion of equality in Turkey on all grounds and fields prescribed by the Directives in question should be under the authority of a single institution due to the fact that more institutions may cause institution inflation and also human and financial resources disintegrated. Thus, all human and financial resources as well as specialties should be gathered under a single body, which shoulders the responsibility of all grounds and fields prescribed by the above-mentioned Directives. This single body, however can be organizationally divided into several departments, each of which will be in charge with a specific ground. Thus, each specialized department established under the body can deal with a particular ground which falls within its scope and the person who claimed that s/he was subject to discrimination can lodge his or her complaint to the related department. A single body dealing with multiple grounds and fields may also enable the representation of pluralistic nature in the decision making body, by reflecting those various sensitive groups, who are more likely subject to discrimination.

In the third place, it is suggested that the prospective body in Turkey be established as a collegiate headed or a mixed body, in which the authority is in the possession of a group of people. This will also enable the body to contain within itself the qualifications of participation and pluralism in its decision making body. Thus, rather than "ombudsman" and "commissioner" type of bodies in which the authority is held by a single person as in the cases of, for example, Austrian or Hungarian bodies, "board" or "commission" type of bodies as in the cases of, for instance, Danish or Maltese bodies, is regarded as a structurally preferable model. This model is also the assurance and prerequisite of the representation of civil society in the related body, which is regarded as crucial for all national institutions charged with the protection and promotion of human rights.

Although it is an undeniable fact that having several members in its governing structure in collegiate headed or mixed body paves the way for having a pluralistic nature, it does not necessarily mean that the body will conclusively have a pluralistic nature in all cases. This leads us to the fact that those members should be structured in way that the member composition will reflect a pluralistic nature. This can be achieved by, for example, rendering the involvement of civil society into the process of nomination of members. Thus, the members of the Turkish equality body should be composed in close cooperation with the non-governmental organizations which are primarily engaged in fighting against discrimination and human rights so that the specific grounds that fall within the scope of the body can be reflected by the members representatively in the governing body. In this way, it will be possible for the body to

include the representatives of the different segments of the society, especially the ones who are more likely to be exposed to discrimination like the women, handicapped, elders, ethnic or religious minorities and so on. In short, as in the cases of, for instance, Bulgarian and Irish bodies, in selection or appointment of the members of Turkish equality body, the principles of balanced participation of women and men and participation of disabled persons, elders and also persons belonging to ethnic or religious minorities shall be respected while composing the members of the body.

In the fourth place, the jurisdiction of the body in terms of the grounds of discrimination should, first of all, cover sex, race or ethnic origin, age, disability, sexual orientation and religion and belief, as prescribed by the Directives. Given the fact that exposure to discrimination as a human right violation is not exclusive to specific grounds and can be realized in a wide range of different grounds, Turkey, as most of the member states did, should also go beyond these grounds and include, for instance, other grounds like colour, language, political or other opinion, social origin, philosophical belief, sect, property, birth or other status, as stipulated in European Convention on Human Rights,<sup>67</sup> to which Turkey is a party, and Turkish Constitution.<sup>68</sup>

Finally, pursuant to the Directives under discussion, the protection against discrimination should appeal to both fields; employment as well as beyond employment. The field of employment should at least cover issues like; place of work, working conditions, wages and other financial rights and benefits, vocational training, social benefits and so on. The protection against discrimination in employment should also address self-employed people within the scope of, for example, acceptance to self-employment, licence, registration, discipline and the other related matters. As to the fields beyond employment, it should contain social security, health care, social advantages, education, housing and access to goods and services, as prescribed by the Directives. Considering the fact that a person may also be subject to discrimination in other sub-fields under the field beyond employment, the scope of protection should be expanded to other sub-fields. The extra sub-fields proposed under the field beyond employment are; transport (at least for the disabled people), public administration, membership in political parties and associations, communication, access to justice and judicial services, law enforcement activities, renting and sale of movable and

<sup>67</sup> Article 14 of European Convention on Human Rights on "Prohibition of Discrimination" proclaims that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as; *sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*". (Convention for the Protection of Human Rights and Fundamental Freedoms (the European Human Rights Convention) as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, Rome, 4 November 1950; Council of Europe, [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) (Accessed on 17 November 2013).

<sup>68</sup> Article 10 of Turkish Constitution on "Equality before the Law" proclaims that "everyone is equal before the law without distinction as to *language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds*". (Constitution of the Republic of Turkey, (1982) [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf) (Accessed on 17 November 2013)).



immovable property, public services and so on, as many member states included within the jurisdiction of their equality bodies.

### **CONCLUSION**

This study revealed the general trends that the EU member states adopted for their equality bodies in terms of their structures and jurisdiction. It also presented suggestions for Turkey, which is expected to establish its equivalent body in accordance with the negotiation process with the EU. The table below presents the findings we noted for the equality bodies functioning within the boundaries of EU.

**Table 1. Findings in relation to the structures and jurisdiction of Equality Bodies**

EQUALITY BODIES	STRUCTURE			JURISDICTION	
	ORGANIZATIONAL ATTACHMENT	MANAGEMENT	MEMBER COMPOSITION	GROUND	FIELD
<i>Austrian Ombud for Equal Treatment</i>	Attached to the Ministry for Women and Public Administration	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Belgian Institute for Equality of Women and Men</i>	Attached to the Ministry for Employment and Equal Opportunities	Mixed Body	No Legal Assurance for Pluralism	Single	Multiple
<i>Belgian Centre for Equal Opportunities and Opposition to Racism</i>	Attached to the Prime Ministry	Mixed Body	No Legal Assurance for Pluralism	Multiple	Multiple
<i>Bulgarian Commission for Protection Against Discrimination</i>	No Attachment to Government	Mixed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Croatian Office of the Ombudsman</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Croatian Gender Equality Ombudsperson</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Cypriot Office of the Commissioner for Administration</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Czech Republic Office of the Public Defender of Rights</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Danish Board of Equal Treatment</i>	No Attachment to Government	Collegiate Headed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Danish Institute for Human Rights</i>	No Attachment to Government	Mixed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Estonian Gender Equality and Equal Treatment Commissioner</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Finnish Ombudsman for Equality</i>	Attached to the Ministry of Social Affairs and Health	Single Headed Body	Not Applicable	Single	Multiple

EQUALITY BODIES	STRUCTURE			JURISDICTION	
	ORGANIZATIONAL ATTACHMENT	MANAGEMENT	MEMBER COMPOSITION	GROUND	FIELD
<i>Finnish Ombudsman for Minorities</i>	Attached to the Ministry of Interior	Single Headed Body	Not Applicable	Single	Multiple
<i>French Defender of Rights</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>German Federal Anti-Discrimination Agency</i>	Attached to the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Greek Ombudsman</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Hungarian Equal Treatment Authority</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Hungarian Office of the Commissioner for Fundamental Rights</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Irish Equality Authority</i>	No Attachment to Government	Collegiate Headed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Italian National Equality Councillor</i>	Attached to the Ministry of Labour and Social Policy	Single Headed Body	Not Applicable	Single	Single
<i>Italian National Office against Racial Discrimination</i>	Attached to the Presidency of the Council of Ministers	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Latvian Office of the Ombudsman</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Lithuanian Office of the Equal Opportunities Ombudsperson</i>	No Attachment Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Luxembourgian Center for Equal Treatment</i>	Attached to the Ministry of Family and Integration	Collegiate Headed Body	No Legal Assurance for Pluralism	Multiple	Multiple
<i>Maltese National Commission for Persons with Disability</i>	Attached to the Ministry of Family and Social Solidarity	Mixed	Legal Assurance for Pluralism	Single	Multiple

EQUALITY BODIES	STRUCTURE			JURISDICTION	
	ORGANIZATIONAL ATTACHMENT	MANAGEMENT	MEMBER COMPOSITION	GROUND	FIELD
<i>Maltese National Commission for the Promotion of Equality</i>	Attached to the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties	Mixed	Legal Assurance for Pluralism	Multiple	Multiple
<i>Netherlands Institute for Human Rights</i>	No Attachment to Government	Collegiate Headed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Polish Human Rights Defender</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Portuguese High Commission for Immigration and Intercultural Dialogue</i>	Attached to the Presidency of Council of Ministers	Single Headed Body	Not Applicable	Multiple	Single
<i>Portuguese Commission for Citizenship and Gender Equality</i>	Attached to the Presidency of Council of Ministers	Single Headed Body	Not Applicable	Multiple	Single
<i>Portuguese Commission for Equality in Labour and Employment</i>	Attached to the Ministry of Economy and Employment	Mixed Body	Legal Assurance for Pluralism	Single	Single
<i>Romanian National Council for Combating Discrimination</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Slovakian National Centre for Human Rights</i>	No Attachment to Government	Mixed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>Slovenian Advocate of the Principle of Equality</i>	Attached to the Ministry of Labour, Family and Social Affairs	Single Headed Body	Not Applicable	Multiple	Multiple
<i>Spanish Race and Ethnic Equality Council</i>	Attached to the Ministry of Equality	Collegiate Headed Body	Legal Assurance for Pluralism	Single	Multiple
<i>Swedish Equality Ombudsman</i>	No Attachment to Government	Single Headed Body	Not Applicable	Multiple	Multiple
<i>UK Equality and Human Rights Commission for Great Britain</i>	No Attachment to Government	Collegiate Headed Body	Legal Assurance for Pluralism	Multiple	Multiple
<i>UK Equality Commission for Northern Ireland</i>	No Attachment to Government	Collegiate Headed Body	Legal Assurance for Pluralism	Multiple	Multiple

The diversity, first of all, is evident with respect to the structures of equality bodies. The general tendency for most of the member states is to establish a single body to deal with multiple grounds and fields. Out of 28 member states, 19 of them set up a single body which takes more than one ground and field into their scope whereas the remaining 9 set up more than one body, each of which, in general, specialized on a single ground and/or field.

Regarding the organizational structure of the bodies in question, the member states are inclined to establish bodies which have no administrative attachment to the Government. Out of all 38 bodies, 22 of them have no attachment to a ministry or other governmental body while 16 of them are part of a ministry or any other governmental body. The organizational attachment of a body to a ministry may raise several problematic consequences in terms of the independence of that body, which is regarded as of paramount importance for the effective functioning of that body.

As to the governing structure of bodies, it is observed that they lead trinity. Most of the bodies, 23, are noted to be single headed equality bodies. As for the rest 15 bodies, 7 are collegiate headed bodies while 8 are structured around a combination of both. Single headed bodies manifest themselves mainly in "Ombudsman" or "Commissioner" type whereas collegiate headed bodies and the mixed ones manifest themselves mostly in the form of "Commission", "Board", "Center" or "Institute". Among all bodies, the collegiate headed bodies or the mixed ones set a good example for they pave the way for bodies to have a pluralistic nature in their governing bodies by the close involvement of, especially, civil society. This pluralistic nature in turn makes it possible for the bodies to be composed around the grounds ensured in the Equality Directives. Thus, the individuals like women, handicapped, the elders, ethnic and religious minorities, who are more likely to be subject discrimination, can take part in the decision making bodies. Among the collegiate headed bodies or the mixed ones, 12 of them compose the members of their bodies by means of a multi-partnered method involving government, parliament, employers' confederations, trade union confederations, universities and non-governmental organizations. Last, among those 12 bodies, 5 of them also guarantee in their founding acts that the members of the bodies shall be composed taking into account the representation of the aforementioned individuals in their governing bodies.

The diversity among equality bodies, though not as clear as the former criterion above, becomes visible regarding the jurisdiction, as well. The general tendency among the bodies in question is to take multiple grounds and multiple fields together into their scope. Moreover, most of those bodies go further than the grounds and the sub-fields of the field beyond employment prescribed in the Equality Directives in order to provide a more comprehensive protection against discrimination. From a more detailed point of view, out of 38 equality bodies, 29 take multiple grounds and multiple fields; 5 take single ground and multiple fields; 2 take multiple grounds and single field and 2 take single ground and single field into their scope.

Finally, formation of an equality body is of vital importance in Turkey, in which equality on the basis of various grounds discussed throughout the paper are just theoretically ensured in legal texts. This formation is regarded as an assurance for equality in question to be ensured in practice, as well. With reference to this obligation, the good examples from EU member states can shed light to the equivalent institution to be established in the following period in Turkey. At this point, the equality bodies in, for example, Bulgaria, Denmark, Ireland and United Kingdom, serve as good examples for Turkey on the grounds that they have no organizational attachment to the Government, which secures its independence; are either collegiate headed bodies or mixed ones, which supplies the body with legal assurance for pluralism and also the representation of individuals who can be liable to discrimination in the society; provide the body a comprehensive jurisdiction in terms of ground and field, including additional grounds and also sub-fields under the field beyond employment.

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