

Joint Letter: Germany urgently needs to finally allow EU to continue closing gaps on anti-discrimination with racism, xenophobia, LGBTI-phobia and sexism on the rise

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The following open letter has been jointly sent to the German government by ILGA-Europe, the European Network Against Racism, European Disability Forum and Age Platform Europe.

Dear Chancellor Scholz,

We are writing to you today as a coalition of European NGO networks working on equality and non-discrimination, representing thousands of organisations of LGBTI people, people with disabilities, racialised people, the young and older people. Together with many other human rights organisations we are very concerned that while a large majority of EU Member States supported the efforts of the Belgian Presidency to finally ensure that the EU's draft Equal Treatment Directive (2008/0140(CNS)) gets adopted after 14 years of stalling in the Council, it was yet again your government that blocked any progress by not lifting the general reservation.

Considering your strong commitment to advancing equal rights, as well as a clear passage in the coalition agreement that commits to supporting the broadening of anti-discrimination legislation on EU level to include LGBTI people (Überschrift Queeres Leben S.95 des Koalitionsvertrags: „Rechtsakte der EU, die gegen Diskriminierung aufgrund von Rassismus gelten, müssen künftig auch Homophobie und andere Diskriminierung umfasse“), the ongoing general reservation of your Government is cause for concern. Lifting your Government's blockage would also be an important step to protect older persons from discrimination, another commitment made in the coalition agreement (Überschrift Senioren: “Wir werden ältere Menschen vor Diskriminierung und vor finanzieller Ausbeutung– insb. durch Vorsorgevollmachten – schützen“).

This directive, which represents one step towards more equality, has not reached agreement in the Council for 14 years now. One major blocking stone of any negotiation between Member States has been the general reservation of Germany. In 2024, people living in the EU, especially those at the intersections of inequalities are still not equally protected by law when they experience discrimination in all spheres of life because of their age, gender/sex, belief or religion, sexual orientation, disability, race or ethnic origin. For the moment, across the EU, there is a patchwork of unequal protection, with negative consequences for individuals, businesses and Member States themselves. At a time when acts of racism, xenophobia, LGBTI-phobia and sexism are on the rise across the EU, this absence of legislative action towards more equality by EU Member States is highly problematic.

What is more, the results of the European elections on 9th June 2024, have shown quite clearly that in many EU Member States the far-right is on the rise and upcoming national elections might further shift the majorities in the Council. Laws and policies are too often the last line of defence for minorities in our societies. In a social and political context which is increasingly polarised and makes them particularly vulnerable this is further exacerbated. However, there still is a window of opportunity now to finally adopt the Equal Treatment Directive which might close very soon if the governments of more Member States shift to the right.

Amid a surge in far-right political parties gaining seats in the new European Parliament, with gains also at national level expected, the new compositions of the European Parliament and Council will have serious consequences on EU decision making. This is a critical time for the EU and its Member States to fulfil their obligations to ensure that better protection against discrimination in all areas of life is put down in law on EU level, adding to the protection of EU fundamental rights.

For over a decade now, people across the EU hear again and again that Germany could not lift its general reservation due to disagreements in the government. Your Government has clearly committed to furthering equality and non-discrimination in Germany, at the EU level and the United Nations. After the elections in Poland, the Polish Government has changed its position on the directive, and made a very clear statement in the EPSCO on the 20 June that they want to adopt the directive as soon as possible, as did many other Member States. In the final weeks of the Belgian Presidency, the German Government has a unique opportunity to put the commitment of its coalition agreement finally into action.

We therefore urge your Government to lift the general reservation as soon as possible.

Yours sincerely,

ILGA-Europe

European Network Against Racism

European Disability Forum Age Platform Europe