

ILGA-Europe's response to the EC's request for input regarding the implementation of Article 9 of Council Directive 2000/78/EC

[Policy Paper](#), [Inclusion and Equality](#), [Employment](#), [European Commission](#), [European Union](#)

This submission, collated by ILGA-Europe, includes various concerns regarding the implementation of Article 9 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. It also elaborates how the absence of class action and the NGO's inability to pursue test cases without the identification of a victim limits the impact of the Directive.

In preparation towards this paper, ILGA-Europe launched a call to its EU-based member organisations to collect fresh evidence of inadequate implementation and we received responses from Austria, Germany, the Netherlands, Poland, Spain, Sweden and the United Kingdom with a varying level of detail. However, in spite of our best intentions, we were not in a position to prepare a paper which provides an exhaustive list of concerns and implementation breaches. This is due to many reasons, including the fact that in several countries NGOs are unable to represent victims of discrimination due to legal, administrative or other barriers, and also the fact that not all organisations have the required resources to represent cases adequately.

In view of this, we call on the European Commission to treat this paper as yet another source of evidence which is to be taken in conjunction with the various reports prepared by the EU Fundamental Rights Agency, reports prepared by the European Network of Legal Experts in the Non-Discrimination Field, the reports by the Council of Europe's Commissioner for Human Rights, and the expected results from the EU Fundamental Rights Agency's LGBT survey which will be launched in May of this year.

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