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Excellencies, dear Ladies and Gentlemen,

First of all let me express my pleasure that we got the opportunity to implement this important project together with our Croatian partners who we partly know from a previous project regarding the fight against trafficking of human beings and in which we had an excellent cooperation.

Let me say some words about the basic frame in which the project is embedded: Non-discrimination and equality of human beings are essential parts of human dignity. Not to be recognized and respected in having the same values, freedoms and rights like others, not being perceived as equitable parts of society, deeply violates people in their feelings and, therefore, in their dignity.

This relationship is shown up in preambles of international human rights conventions as well as of national constitutions, since non-discrimination and equality of human beings are quite often mentioned in the same breath as the principle of human dignity.

Equality of human beings and prohibition of discrimination are indispensable parts of the EU *acquis* which is clearly shown by the EU Charter of Fundamental Rights which was set into force as primary law by Article 6 of the Lisbon Treaty:

Article 20 of the Charter states that everyone is equal before the law, and Article 21 guarantees that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation as well as within the scope of the application of the Treaty on the European Union also on grounds of nationality shall be prohibited. And according to Article 23 equality between men and women must be ensured in all areas, including employment, work and pay. Special provisions of the Charter refer also to the special worthiness of protection and rights of children, elderly people and persons with disabilities.

The Lisbon Treaty itself demands in its Article 3 from the Union that it shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall also respect Europe's rich cultural and linguistic diversity which is of crucial importance for national minorities.

Since the Charter refers also to the standards of the ECHR as well as to the interpretation of its rights and freedoms in the case-law of the Strasbourg ECtHR Article 14 ECHR should be mentioned.

According to this provision the enjoyment of the rights and freedoms set forth in the 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. The importance of the ECHR for the Union and – in our context – in particular of these Articles will increase tremendously when the EU will accede to the Convention which is laid down in the new composed Article 6 of the Lisbon Treaty. That means that in the future all EU law and national laws implementing EU law can and will be reviewed by the ECtHR which will, therefore, become respectively remain the highest human rights authority in Europe.

Should the Union also accede to the 12<sup>th</sup> Additional Protocol to the Convention the ECtHR, the ECtHR would be authorized to review whether EU law and implementing national laws are in conformity with the general prohibition of discrimination of this Additional Protocol which is going beyond the special provision of Article 14 ECHR which is prohibiting discrimination on any ground only with regard to the rights and freedoms set forth in the Convention.

At this point it should be highlighted that Croatia belongs exemplary to the first Member States of the Council of Europe which signed and ratified the 12<sup>th</sup> Additional Protocol which came into force on 1<sup>st</sup> April 2005.

Now, let's come to the *EU acquis* which is relevant for our Twinning project. The project aims at supporting our Croatian partners in the further implementation of the Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin of 29 June 2000, the Directive establishing a general framework for equal treatment in employment and occupation of 27 November 2000 and the Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services of 13 December 2004.

Comparing the two Directives of the year 2000, I would like to mention a very serious problem which was prevented by Croatia: The Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin protecting individuals against discrimination covers a broader range of thematic areas than the Directive establishing a general framework for equal treatment in employment and occupation (namely social protection, social advantages, education and access to and supply of goods and services which are available to the public, including housing). Therefore, persons who are discriminated on the grounds of religion, belief, disability, age or sexual orientation (who are protected by the Employment Directive) seem for me to be treated not in accordance with the principle of equality because I cannot identify any convincing justification for such an unequal treatment. I congratulate Croatia that it did not follow this approach and is guaranteeing in principle equal and comprehensive treatment for all protected groups.

We hope very much that Croatia can gain from the implementation of these Directives into the Austrian legal order and practice. From a general point of view let me say that in particular Austria has set into force various instruments and procedures in order to facilitate access to justice for victims of discrimination and to combat discrimination in a comprehensive manner. Thus, the *Austrian Ombudsman Board* is independently monitoring the entire public administration (since 1977) which follows up citizens' complaints, checks the legality of decisions by authorities and examines possible cases of maladministration.

The *Austrian Ombud for Equal Treatment* was established in 1991 to promote the equal treatment of women and men in regard to employment issues and to support victims of gender discrimination in their access to justice. Its mandate was extended to cover additionally discrimination on the grounds of race, ethnic origin, religion or belief, age and sexual orientation in employment and occupation (since as well as racial or ethnic discrimination in other areas (since 2004), and discrimination between women and men in goods and services (since 2008).

The *Equal Treatment Commission*, which was established in 1979, is composed of representatives of social partner organisations and the chancellery/federal ministries. It has to carry out informal proceedings as alternative to a court suit and has to deliver expert opinions on questions concerning a discriminatory phenomenon and decisions on specific cases *ex officio* or when requested. Its

decisions are not legally binding, but taking a case to the Commission extends the time-limit for taking a case to court and the decisions taken by the Commission provide expert opinions which have to be taken into consideration by the courts.

Beside the courts – which have to take legally binding decisions based in particular on the *Equal Treatment Act* and the *Federal Equal Treatment Act* – there are also other similar institutions and proceedings at the level of the provinces, special institutions based on the *Disability Acts*. Several federal provinces have created equal treatment commissioners with different mandates and different scopes. What seems to be for me of additional crucial importance is that the Ombud for Equal Treatment initiated *formal and informal dialogues* amongst the institutions in order to bring together and to interlink the various stakeholders in the field including NGOs, to exchange experiences and to find a kind of work-sharing (for example identification of discrimination in ‘first contact points’, first advice, forwarding cases to the competent organs, etc). Furthermore, various forms of awareness-raising were developed and implemented in the public as well as in the private sector, and information about successful cases of discrimination is spread in the media.

Excellencies, Ladies and Gentlemen, we are very much looking forward to implementing this project together with our Croatian partners. And I am very happy that we already had a very good start of the project at the end of last year – thanks to very committed and open-minded colleagues from Croatia and Austria and a perfect working atmosphere. Thank you very much!