

Teaching Tomorrow: Cultivating Diversity & Inclusion in Schools

Online Reader: EU rights to equal treatment

This online reader was developed as part of teff's *Cultivating Diversity & Inclusion in Schools* series. It provides a basis for the online lecture about EU rights to equal treatment (15/10/2024, 5 pm) and online seminar (19/11/2024, 6 pm). Where possible, we invite participants to take 60-90 minutes to have a look at the materials beforehand.

The reader also offers the resources if you wish to practise case teaching about equality and non-discrimination in your classroom later on.

Happy reading!

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Abbreviations

Art.	Article
CFR	Charter of Fundamental Rights of the European Union
ECHR	European Convention on Human Rights
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights

1. Why an online reader?

This reader introduces you to EU rights to equal treatment. We recommend that you have a look at it before you join us for the online lecture and seminar, but it is not mandatory!

The reader will introduce you to the subject, refer to the objectives of learning about EU rights to equal treatment, describe the context, cite the foundational texts of EU rights to equal treatment, and provide you with general and specific sources for case teaching about equality. It includes a list of useful terms and points to further literature if you are interested.

2. How should you use the reader?

Before the lecture and seminar. The reader will help you get more out of the lecture and/or seminar that follows. It invites you to critically reflect on what you already know and on what you may want to explore further. It also helps you finetune your questions.

After the lecture and seminar. The materials may be useful for you to prepare for case teaching in your classroom and to construct your own lessons, adapted to the target group and time available. It gives information to anyone who wants to know more about equal treatment in the EU and cases brought before the Court of Justice of the EU.

3. Can I share feedback?

Of course! A link for your feedback will be shared during the lecture and the seminar. We welcome suggestions and are happy to include additional materials. Please get in touch with us for any question at kris.grimonprez@kuleuven.be.

4. Why learning about EU rights to equal treatment?

Learning about human rights to equal treatment corresponds to international agreed objectives of education. The Universal Declaration of Human Rights (1948) provides that 'Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups (...).'¹

In accordance with the Charter on Education for Democratic Citizenship and Human Rights Education of the Council of Europe (2010), the learning objective is to empower citizens to take up their rights and responsibility in society, to value diversity, and to participate in democratic life.

The overall aim is to strengthen citizenship competence in education and beyond. The EU Reference Framework on key competences defines citizenship competence as the ability to act as responsible citizens and to fully participate in civic and social life. This involves an understanding of the European common values, as expressed in Article 2 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union. It requires respect for human rights as a basis for democracy, and support for social and cultural diversity, gender equality and social cohesion.²

That starts in classrooms and in schools, cultivating diversity & inclusion, an important teff ambition!

¹ Art. 26.

² Council Recommendation of 22 May 2018 on key competences for lifelong learning (2018).

5. Rights to equal treatment



CLIP 'EU CITIZEN, DOES IT MATTER?'

As a start, it is recommended to watch the clip [European citizen, does it matter?](#) before attending the lecture (4 minutes).



This educational video is a teaser to raise your awareness as a European citizen, and challenges us to become active, informed and critically thinking citizens. It also points to our rights and responsibilities regarding equal treatment, diversity and inclusion. The video provides a background for this module by referring to the ground rules of play in European society and by highlighting essential knowledge, attitudes and values.

The clip is made at Leuven University and is available in 26 languages: [playlist](#)
www.youtube.com/@Case4EU Find here some Teff languages:

- [\(de\) EU-Bürger*in, spielt das eine Rolle?](#)
- [\(en\) European citizen, does it matter?](#)
- [\(es\) Ser ciudadano de la Unión Europea, ¿realmente importa?](#)
- [\(fi\) Onko EU:n kansalaisuudella merkitystä?](#)
- [\(fr\) Etre citoyen européen, est-ce que cela compte ?](#)
- [\(it\) Cittadino europeo, è importante?](#)
- [\(nl\) Europees burger, maakt het wat uit?](#)
- [\(sv\) EU medborgare, har det någon betydelse?](#)

Explanatory notes in all languages : [A living democracy needs a public space](#)



BASIC LEGAL PROVISIONS RELATING TO EQUAL TREATMENT

Our society is based on legal rules. These rules must be respected by everyone (public authorities, individuals, businesses...). That is the value of the rule of law.

The following rules are foundational:

In the European Union (applicable in 27 EU Member States)

- 'The Union is founded on the values of respect for human dignity, freedom, democracy, **equality**, the rule of law and respect for human rights, including the rights of persons belonging to **minorities**. These values are common to the Member States in a society in which pluralism, **non-discrimination**, tolerance, justice, solidarity and equality between women and men prevail.' (article 2 Treaty on European Union)
- The Union '**shall combat social exclusion and discrimination, and shall promote social justice** and protection, equality between women and men...' (article 3,3 Treaty on European Union)

- 'In all its activities, the Union shall observe the principle of the equality of its citizens' (article 9 Treaty on European Union)
- Member States conferred on the EU the competence to 'take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation' (article 19 Treaty on the Functioning of the European Union)
For EU citizens: 'any discrimination on grounds of nationality shall be prohibited' (article 18 Treaty on the Functioning of the European Union).
- **'Human dignity is inviolable. It must be respected and protected.'** (article 1 Charter of Fundamental Rights of the EU)
- **'Everyone is equal before the law.'** (article 20 Charter of Fundamental Rights of the European Union)
- **'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 shall be prohibited.'** (article 21,1 Charter of Fundamental Rights of the EU)

In the Council of Europe (applicable in 46 States, including Norway and the UK)

- 'Prohibition of discrimination. 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.' (article 14 European Convention on Human Rights)

6. Theme: Equality (overview)

The following *Theme* document provides general knowledge about EU rights to equal treatment and allows to situate the cases in a broader systematic context.

The *Cases* are central to the method of case teaching. As a teacher, you can start from a story and build upon it to develop theoretical insight (the inductive method). The *Themes* document can then be used to deepen and broaden students' understanding. However, if you do want to start with the theoretical framework, you can first discuss the *Theme: Equality* with the students and then look at applications using the *Cases* (the deductive method).

- Kris Grimonprez and Roel De Meu, 'Theme: Equality and Non-Discrimination', in *Case4EU, Empowering EU citizens* (Leuven University 2024), retrieved from <https://ghum.kuleuven.be/case4eu/en/themes-1> (01/10/2024)
- Kris Grimonprez, 'Theme: Fundamental Rights of the EU', *ibidem*.

7. Cases about equality, diversity and inclusion

Concrete stories of citizens may help to cultivate openness to diversity and inclusion in schools. The cases are based on case law of the Court of Justice of the EU, and are presented in a way which is comprehensible for non-lawyers.

The cases mentioned during the lecture or discussed during the seminar (and other cases) can be retrieved at the Case4EU website: [Case4EU, Empowering EU citizens](#) (tab [Cases](#)).

The case studies consist of a section 'Presenting the case' (informative, objective knowledge) and 'Working with the case' (learning objectives and learning activities for classrooms, including questions for critical thinking (16 years+)).

8. Glossary – useful terms and concepts

Charter of Fundamental Rights of the EU (CFR)	the catalogue of fundamental rights of the EU, legally binding on EU institutions and EU Member States when implementing EU law. Together with the EU Treaties, the Charter is at the top of the pyramid of EU rules. All rules which are lower in the hierarchy must comply with it.
Council of Europe	an international organisation (not an EU institution) that is very different from the EU. It has 46 members, including the 27 EU Member States, but also, for example, Turkey and Azerbaijan. This international organisation works to promote democracy, the rule of law and human rights. Its best-known achievement is the European Convention on Human Rights (ECHR), protected by the European Court of Human Rights (Strasbourg). (the 'Council of Europe' cannot be confused with the 'Council' nor with the 'European Council', both of which are EU institutions)
Court of Justice of the European Union	this EU institution ensures that EU law is respected, and interpreted and applied in a uniform manner in all Member States. However, not all disputes about EU law come before the Court. The courts of the Member States also ensure compliance with EU law.
Directive	binding EU legislation that lays down a specific result (objective) which all EU Member States <i>must</i> achieve (it is therefore more than just a 'directive', it is an obligation). To this end, Member States transpose the directive into national law. In so doing, they are free to choose the form and methods for achieving the objective. In this sense, it is a 'directive'.
Discrimination	making a distinction between similar situations based on a prohibited ground (e.g. sex) when there is no justification for doing so. Equality and non-discrimination are part of the DNA of the EU. The principle of equal treatment generally requires that comparable situations should not be treated differently, and different situations should not be treated identically. The EU Treaties and the Charter of Fundamental Rights prohibit discrimination on grounds of <i>nationality</i> , but also discrimination based on <i>sex, racial or ethnic origin, religion, disability, age, sexual</i>

	<i>orientation ...</i> EU legislation further develops these prohibitions (e.g. the Racial Equality Directive; the Employment Equality Directive). However, different treatment may be justified <i>under certain conditions</i> .
EU citizen	everyone who holds the nationality of an EU Member State. EU citizenship does not replace national citizenship but is additional to it.
EU legislation	regulations, directives and decisions adopted by the EU institutions. The Commission makes a legislative proposal, after which the European Parliament and the Council discuss and adopt the legislation together (the ordinary legislative procedure).
EU principles	founding principles (systemic principles) which underpin the EU construction and are the basis for EU cooperation, e.g., respect for fundamental rights, democratic principles, and the principle of equal treatment. They are part of the DNA of the EU.
EU rules	the law of the European Union. It consists primarily of <ul style="list-style-type: none"> - the EU Treaties: the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) - the Charter of Fundamental Rights of the EU (CFR) - EU legislation
EU values	the values on which the EU is founded, as stated in Article 2 TEU: 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. The second sentence of Article 2 TEU adds: 'pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men'. They are part of the DNA of the EU.
Foreigner	in everyday language: someone who does not have the nationality of your country. In Belgium, for instance, this is how we distinguish between Belgians and 'non-Belgians' (foreigners). EU law makes another basic distinction, namely between 'EU citizens' and 'third country nationals'. They have very different rights. EU citizens are not actually foreigners because they belong to the EU.
Fundamental rights	very important rights, also called 'human rights', which, among other things, guarantee citizens' personal freedoms, protect them from unlawful action by the state or grant them social rights. See the list in the Charter of Fundamental Rights of the EU. Fundamental rights can be invoked against any public authority (vertically) and sometimes between individuals (horizontally). Respect for human rights is an EU value.

Judgment	a decision by a court in a particular case. In the context of EU law, it is a decision by judges of the Court of Justice of the European Union.
Migrant	a person who leaves the country in which s/he normally resides.
Positive action	specific advantages in favour of an under-represented group which may justify a derogation from the principle of equality under certain conditions (e.g. for certain vacancies: additional advertising to encourage women to apply).
Preliminary question	a question to the Court of Justice of the EU from a national court which has doubts about the interpretation or validity of an EU rule. The national court then decides the case based on the Court's answer (the preliminary ruling).
Refugee	person to whom refugee (asylum) status has been granted in accordance with the Geneva Convention on Refugees. This is a third-country national who, owing to a well-founded fear of <i>personal</i> persecution because of race, religion, nationality, political opinion, or membership of a particular social group, cannot reside in the country of his/her nationality.
Third country	country that is not a member of the EU. Your 'first country' is the Member State of which you are a national. 'Second countries' may be said to be the Member States that belong to your community, the EU. 'Third countries' are then all the other countries in the world that are not members of the EU.
Third-country national	someone who is not an EU citizen, i.e. a national of a third country (e.g. a Canadian, a Norwegian, a British national).

9. Want to learn more? Suggestions for further reading

ABOUT EQUALITY

- European Commission, 'Combating discrimination'³
- European Commission, 'The Union of Equality'⁴
- SOLVIT, 'Discrimination'⁵
- Court of Justice of the EU, Video 'The Court of Justice: guaranteeing equal treatment and protecting minority rights'⁶

³ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination_en

⁴ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/union-equality_en

⁵ https://ec.europa.eu/solvit/problems-solved/discrimination/index_en.htm

⁶ <https://www.youtube.com/watch?v=vpSnHFsG5hI>

ABOUT FUNDAMENTAL RIGHTS (HUMAN RIGHTS) IN GENERAL

- European Commission, 'EU Charter of Fundamental Rights'⁷
- European Union Agency for Fundamental Rights (FRA), 'Promoting and protecting your fundamental rights across the EU'⁸
- Universal Declaration of Human Rights⁹, Illustrated edition¹⁰. See in particular: 'Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.' (art. 26,2)
- Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education¹¹
- Compass: Manual for Human Rights Education with Young People (Council of Europe)¹²

10. Future orientation

Now you are equipped to attend the online lecture (15/10/2024, 5 pm) and seminar (19/11/2024, 6 pm), or to teach yourself about EU rights to equal treatment.

Case teaching about EU rights to equal treatment can be linked to the teff information on teaching controversial issues.

The teff learning module will be available online by June 2025.

Do not forget to provide us with your feedback: the survey is available [here](#) (or contact: kris.grimonprez@kuleuven.be). That helps us to improve our materials.

Your help? We would be grateful if you could help to disseminate the clip about EU citizenship and EU values in your networks [in your language](#) (info higher, page 3). It matters! Together we are responsible for democracy, peace and well-being in Europe.

Thank you!

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⁷ https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

⁸ <https://fra.europa.eu/en> ; EUR-Lex Summary, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:l14169>

⁹ <https://www.ohchr.org/en/universal-declaration-of-human-rights>

¹⁰ School friendly edition: <https://acrobat.adobe.com/id/urn:aaid:sc:EU:1b1d0b86-edb9-4b57-a0a5-51132f531ab0>

¹¹ <https://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education>

¹² <https://www.coe.int/en/web/compass>