Glossary of summaries

NON-DISCRIMINATION (THE PRINCIPLE OF)
The aim of non-discrimination law is to allow all individuals an equal and fair prospect to access opportunities available in a society. This principle essentially means that individuals who are in similar situations should receive similar treatment and not be treated less favourably simply because of a particular ‘protected’ characteristic that they possess.

The Treaty on the Functioning of the European Union prohibits (TFEU) discrimination on grounds of nationality. It also enables the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Discrimination on the ground of nationality has always been forbidden by the EU treaties (as well as discrimination on the basis of sex in the context of employment). The other grounds of discrimination were mentioned for the first time in the Amsterdam Treaty.

In 2000, two directives were adopted: the employment equality directive, which prohibits discrimination on the basis of sexual orientation, religious belief, age and disability in the area of employment; and the racial equality directive, which prohibits discrimination on the basis of race or ethnicity, again in the context of employment, but also in accessing the welfare system and social security, and goods and services.

In 2009, the Lisbon Treaty introduced a horizontal clause with a view to integrating the fight against discrimination into all EU policies and actions (Article 10 TFEU). In this area of the fight against discrimination, a special legislative procedure is to be used: The Council must act unanimously and after obtaining the European Parliament’s consent.

EU citizens may exercise their right to judicial recourse in cases of direct or indirect discrimination, specifically in cases where they are being treated differently in comparable situations or when a disadvantage cannot be justified by a legitimate and proportional objective.

SEE ALSO
- Charter on Fundamental Rights
- European Convention on human rights
- Equal opportunities
- Equality between men and women
- Human rights
- European Union Agency for Fundamental Rights website
- Tackling discrimination on the European Commission’s website
- Discrimination legislation on the European Commission’s website