

Anti-discrimination

I. In brief

The Council of Europe (CoE) is a widely recognised standard-setting Organisation in the field of human rights in Europe. Over decades of its existence, the CoE has developed an important set of *acquis* as regards the multiple substantive and practical aspects and implications of the protection of human rights. The aim of the CoE's interventions is to promote the acceptance of European standards and practices in its member states.

With regards to the area of human rights and antidiscrimination, the CoE works to promote measures in combating discrimination and prejudice against persons or groups of persons on grounds of race, colour, language, religion, nationality, national/ ethnic origin or sexual orientation in the greater Europe from the perspective of the protection of human rights and in the light of the European Convention on Human Rights (ECHR).

II. Comparative advantages and added value

The CoE approach to co-operation and assistance programmes in anti-discrimination field is based on the "triangle" of standard-setting, monitoring and co-operation.

The Council of Europe standards in the field of anti-discrimination are enshrined in treaty-law (Article 14 of ECHR, Protocol No. 12 to ECHR, the relevant case-law of the European Court of Human Rights (ECtHR), Framework Convention for the Protection of National Minorities (FCMN) and the European Social Charter (ESC)).

Compliance with these standards is scrutinised by the CoE through work of the ECtHR, the CoE Commissioner for Human Rights, the European Commission against Racism and Intolerance

(ECRI), the Advisory Committee on the Framework Convention for the Protection of National Minorities as well as well as the European Committee of Social Rights.

The Commissioner for Human Rights is an independent, non-judicial institution of the Council of Europe, mandated to promote awareness of, and respect for, human rights in the CoE member States. Anti-discrimination is high on the Commissioner's agenda both within the framework of his country-specific and thematic monitoring.

The European Commission against Racism and Intolerance (ECRI) is a specialised monitoring body of the CoE, composed of independent experts, which monitors problems of racism, discrimination on grounds of ethnic origin, citizenship, colour, religion and language, as well as xenophobia, antisemitism and intolerance, prepares reports and issues recommendations to member States.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is a convention-based monitoring mechanism, composed of independent experts, entrusted with the task to evaluate the implementation of the Framework Convention in State Parties. Upon examination of all relevant information (State reports, NGOs contributions, other relevant sources, information gather during missions on the spot), the Advisory Committee issues detailed country-specific opinions the conclusions of which are adopted by the Committee of Ministers as Resolutions.

The European Social Charter sets out rights and freedoms that concern all individuals in their daily lives - Housing, Health, Education, Employment, Legal and social protection, Free movement of persons, Non-discrimination - and establishes a supervisory mechanism guaranteeing their respect by the States Parties: *the European Committee of Social Rights*. Non-discrimination as guaranteed by the charter

includes: the right of women and men to equal treatment and equal opportunities in employment; a guarantee to all nationals and foreigners legally resident and/or working that all the rights set out in the Charter apply regardless of race, sex, age, colour, language, religion, opinions, national origin, social background, state of health or association with a national minority; prohibition of discrimination on the basis of family responsibilities ; right of persons with disabilities to social integration and participation in the life of the community. The Committee determines whether or not national law and practice in the States Parties are in conformity with the Charter through a monitoring procedure based on national reports and a collective complaints procedure (under the Additional Protocol of 1995 providing for a system of collective complaints, which came into force in 1998).

The CoE approach to co-operation in anti-discrimination field draws directly on the expertise and tools of the CoE monitoring bodies by establishing a direct link between legally-binding standards, the monitoring processes and the implementation of co-operation activities.

Several co-operation programmes addressing different aspects of discrimination are currently under-way:

- Regional Joint EU-CoE Programme “Promoting Human Rights and Minority Protection in South East Europe;
- Joint EU/CoE Programme “Enhancing Human Rights Protection in Kosovo* “;
- Cross-regional project “Combating discrimination on grounds of sexual orientation and gender identity”

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

For the implementation of the above, the CoE will makes full use of its intensive working relations with the existing networks of equality bodies and national human rights structures (ombudsmen and national human rights institutions – “Peer-to-Peer Network”), of the expertise of its anti-discrimination monitoring bodies (ECtHR, ECRI, European Committee for Social Rights) and their secretariats and of its close working relations with other relevant international actors, such as the EU Fundamental Rights Agency or the UN Office of the High Commissioner for Human Rights.

III. Contacts

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