

# ECRI annual seminar with Equality Bodies

## Enhancing independence and effectiveness



27 October 2023  
Strasbourg & hybrid format

# Enhancing independence and effectiveness

## Concept note

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Back in 1997, the European Commission against Racism and Intolerance (ECRI) adopted its General Policy Recommendation (GPR) No. 2, which aimed at providing key elements for establishing Equality Bodies,<sup>1</sup> securing their independence<sup>2</sup> and ensuring their effectiveness in advancing equality and combating racism and intolerance at national level. Twenty years later, ECRI adopted an [updated version of GPR No. 2](#) to make this instrument more pertinent and provide more detailed guidance. Since 2019, within the framework of its sixth country monitoring cycle, ECRI has carefully examined various matters relating to the prerogatives and capacities of Equality Bodies. The 2023 edition of its Annual Seminar with Equality Bodies provides an opportunity to review and explore ways of enhancing independence and effectiveness, with the help of various stakeholders in the shape of practitioners, experts and parliamentarians.

The precise mandates of Equality Bodies (EBs) in the Council of Europe member states differ. At the same time, EBs work at different levels. There is the level of particular cases, at which the EBs help individuals facing racism, discrimination and intolerance in very concrete situations. Such assistance may take different forms depending on the precise mandate of each body. However, it may inter alia include advice to the victim, contacts with specific authorities to address a particular situation, representing a victim in court, or acting as a quasi-judicial body if the EB has an adjudicatory function. The objective is to achieve equality and seek justice in individual situations by using what one could describe as tactical means.

On the structural level, by contrast, EBs work to promote equality by actions aimed at setting or changing the framework, including by commenting on draft legislation or recommending changes in existing legislation,<sup>3</sup> regulation or administrative practices. Another way for EBs to act on the structural level is to address structural inequalities and discrimination in their annual reports addressed to governments and parliaments.<sup>4</sup> One could refer to this work as strategic.

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<sup>1</sup> See § 1 of GPR No. 2.

<sup>2</sup> See § 2 and Chapter VIII of GPR No. 2.

<sup>3</sup> See § 35 and 36 of GPR No. 2, as well as paragraph 113 in its Explanatory Memorandum.

<sup>4</sup> See § 35 of GPR No. 2.

At the European level, some EBs have contributed to address inequalities by making third party interventions at the European Court of Human Rights.<sup>5</sup> Co-operation between Equality Bodies and ECRI and with other Council of Europe bodies, including through the European Network of Equality Bodies (Equinet), also constitutes a way in which EBs can promote equality on an international level more effectively.

Despite many victories in tactical battles for equality and tireless work at the strategic level, there is still room for improvement in the overall effectiveness of many EBs in Europe. In numerous European countries, the effectiveness of EB work is still undermined by limitations in their mandates, by insufficient human and financial resources or by different kinds of political pressures aimed at curbing the impact of EB work.

Agreeing on financial resources to be allocated to the proper functioning of Equality Bodies may constitute a challenge almost every year. When speaking of human resources, the effectiveness of EBs is not only dependent on quantitatively sufficient staff, but also on the quality and training of staff, for which reason it is essential that EBs have the right to make their own recruitment decisions. Partly as a result of technological advances, EB work is putting increasingly high demands on the qualifications of staff, who may be obliged to look into complex matters of discrimination, racism and intolerance as a result of, for example, the use of algorithms.<sup>6</sup>

To take a snapshot of the contemporary national frameworks in which EBs work, including particular contemporary challenges, the 2023 annual seminar will be preceded by a short survey addressed to all EBs in the Council of Europe area, in which they will be asked about the main remaining structural challenges to their work, but also about success stories. The survey will further address questions of co-operation between EBs and governments, parliaments and civil society organisations. The outcome of this short survey will be presented at the annual seminar and will also be used as a foundation for more in-depth discussions.

Clearly some structural causes of inequalities and discrimination require changes in legislation, and in this context, well-functioning institutional links between EBs and parliaments are vital. The annual seminar will aim at providing some inspiring examples in this regard. On the European level, the Parliamentary Assembly of the Council of Europe regularly co-operates with EBs and with Equinet.

While discussing institutional frameworks, it is important to underline that EBs have been created to ultimately provide help and support to individual victims of discrimination, with at times positive outcomes that are life-changing for the victims concerned. Testimonies of both such positive outcomes on an individual level, as well as descriptions of cases in which EBs were not able to remedy a situation which appeared to be an obvious case of discrimination, due to structural limitations of its work, are foreseen to be included in the programme of the annual seminar.

Among the invited guests and speakers will, apart from representatives of EBs, be members of national parliaments and civil society, as well as senior representatives of the Council of Europe and of the Commission of the European Union. This will also provide an opportunity to learn about the latest developments in the adoption of new EU legislation aimed at strengthening equality bodies.

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5 GPR. 2 foresees third party or amicus curiae interventions by EBs in front of national courts, and by extension, in front of the European Court of Human Rights.

6 See ECRI's annual report for the year 2020 and the 2020 [Human Rights Comment](#) of the Commissioner for Human Rights on Tapping the full potential of Equality Bodies for a fairer Europe.

The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe.

ECRI was set up by the first Summit of Heads of State and Government of the member states of the Council of Europe in 1993 and became operational in 1994. As ECRI marks almost 30 years of combating racism and intolerance, current trends show that these are still persistent problems in European societies that require renewed efforts to be overcome.

ECRI is composed of 46 members appointed on the basis of their independence, impartiality, moral authority and expertise in dealing with issues of racism, discrimination, xenophobia, antisemitism and intolerance. Each Council of Europe member state appoints one person to serve as a member of ECRI.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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