

ECRI's seminar with national Specialised Bodies¹ The role of national Specialised Bodies in advising legislative and executive authorities and other stakeholders

Strasbourg, Agora Building, Room G01 – 26-27 May 2016

Background note

Introduction

The functions and responsibilities of national Specialised Bodies set out in ECRI General Policy Recommendation (GPR) No. 2 include the provision of advice to legislative and executive authorities and to other stakeholders.²

These functions include: monitoring “the content and effect of legislation and executive acts” in order to propose modifications; providing advice to legislative and executive authorities with a view to improving “regulations and practice” in the field of combating racism, xenophobia, antisemitism and intolerance; and providing advice to other stakeholders such as employers’ associations and trade unions in issuing “standards of anti-discriminatory practice in specific areas” and NGOs in supporting “organisations with similar objectives to those of the specialised body”.

This role of national Specialised Bodies of providing advice is reinforced in ECRI GPR No. 7³, which specifies a range of competences for national Specialised Bodies that include: “monitoring legislation and advice to legislative and executive authorities” and “promotion of policies and practices to ensure equal treatment”.

Purpose

During the first day this event will examine the functions of national Specialised Bodies in:

1. Advising legislative and executive authorities in seeking policy and legislative change.
2. Advising businesses and trade unions in seeking practice change.
3. Advising NGOs in stimulating and supporting a wider infrastructure to promote equality and non-discrimination.

The purpose of the event is to provide an opportunity for national Specialised Bodies to:

- Share and reflect on their work of providing advice to legislative and executive authorities and to other stakeholders, including the private sector.
- Learn from the experience of others to develop further and expand this advisory function.
- Identify the support needed to improve further their advisory work and enhance its impact.

Rationale

National Specialised Bodies have the potential to achieve policy change. For example, the Council of Europe Commissioner for Human Rights notes their potential to: “Enhance the reach and effectiveness of public policy making by assisting policy makers to include an equality dimension into all policies and programmes and by

¹ Independent authorities expressly entrusted with the fight against racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as ethnic origin, colour, citizenship, religion and language (racial discrimination), at national level.

² ECRI General Policy Recommendation No. 2 on National Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism, and Intolerance at National Level, ECRI, Strasbourg, 13 June 1997 -

http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n2/rec02en.pdf

³ ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination, ECRI, Strasbourg, 13 December 2002 - http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n7/ecri03-8%20recommendation%20nr%207.pdf

gathering information to underpin policy making".⁴ Equinet has published a good practice guide on the work done by equality bodies providing advice to legislative and executive authorities.⁵

This potential is realised in providing advice to legislative and executive authorities. The legal opinions, casework recommendations, research and guidance-work of national Specialised Bodies have been deployed to this end.

National Specialised Bodies can effect institutional change in organisations that employ people and/or provide services. The Council of Europe Commissioner for Human Rights notes their potential to: "Enhance the overall performance of organisations, in the public and private sectors, by supporting them to be competent in promoting equality, adjusting for diversity and eliminating discrimination".⁶ Equinet has published a good practice guide on the work done by equality bodies with duty bearers.⁷ ECRI organised a seminar and then published a study on "the role of national Specialised Bodies in supporting local authorities in the fight against racism and intolerance". The study⁸ shows examples of good practices of national Specialised Bodies advising Local Authorities on how to enhance equality in their daily work.

This potential is also realised in providing advice to business and trade unions. The guidance and support services, survey work, and the casework recommendations of national Specialised Bodies have been important in this.

National Specialised Bodies have the potential to enhance the wider institutional infrastructure promoting equality and combating discrimination. The Council of Europe Commissioner for Human Rights notes their potential to: "Achieve a multiplier effect from the resources they hold by supporting a range of stakeholder organisations to play roles in promoting equality and combating discrimination".⁹

This potential is realised through engaging with and advising NGOs working on issues of non-discrimination and equality. Partnership initiatives with NGOs and activities that link NGOs with other stakeholders have been pursued by national Specialised Bodies to this end.

This work of providing advice to different stakeholders faces barriers. It has suffered due to lack of resources and limited stakeholder interest. In some instances, it has been impeded by the mandate of the national specialised body. It can at times receive lesser attention due to the pressures of responding to individuals seeking support by reason of discrimination.

There is a challenge to identify these barriers, to establish how to address them and to find the support needed for this work. There is a need to explore the goals, strategies, tools and actions that could be pursued by national Specialised Bodies in carrying out their advisory functions to establish how they can maximise the impact of this work.

Presentation of two new ECRI GPRs

The last session of the seminar will focus on two new ECRI General Policy Recommendations on themes relevant to the advisory role of national Specialised Bodies: a) combating hate speech and b) safeguarding irregularly present migrants from discrimination.

Practical information

The event will take place in Strasbourg in Room G01 of the Agora Building of the Council of Europe. It will begin on Thursday 26 May 2016 at 9.30 am and finish on Friday 27 May 2016 at 12.30 pm. Simultaneous interpretation will be provided in English, French and Russian. The Council of Europe will cover only the participation costs of Heads of Institutions (one from each national Specialised Body) or a person designated by him/her. The participation of a second person per Institution at his/her own cost will depend on the number of remaining seats after the confirmation deadline.

⁴ Opinion of the Commissioner for Human Rights on National Mechanisms to Promote Equality, Council of Europe, Strasbourg, 21 March 2011 - <https://wcd.coe.int/ViewDoc.jsp?id=1761031>

⁵ Advancing Equality by Making Recommendations to Policy Makers, Equinet, Brussels, 2014 - <http://www.equineteurope.org/Advancing-Equality-by-Making>

⁶ Ibid

⁷ Joint Responsibility for Equal Treatment: How Equality Bodies Work with Duty Bearers, Equinet, Brussels, 2013 - <http://www.equineteurope.org/Joint-responsibility-for-equal>

⁸ http://www.coe.int/t/dghl/monitoring/ecri/activities/48-Seminar_national_specialised_bodies_2014/Study%20-%20Niall%20Crowley%20-%20with%20cover%20page.pdf

⁹ Ibid