



Preamble

GPR from 1997 +experience +good practices +other

standards

Extent of inequality, racism and intolerance further investment

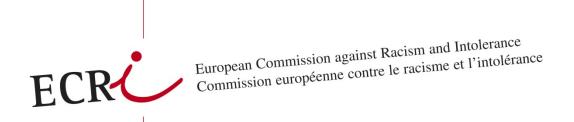
Prominance of equality and fight against racism and intolerance

REVISED GPR No.2

Difficulties and pressures – need to be independent and effective ECRI country monitoring equality bodies play an essential role

Institutional form and activities of bodies vary + change, adapt and evolve







I. Establishment of Equality Bodies (EBs)

- one or more bodies
- established by constitutional provision or by a law passed by parliament

Equality mandate

Mandate

Private and public sectors

Whole territory







II. Institutional Architecture

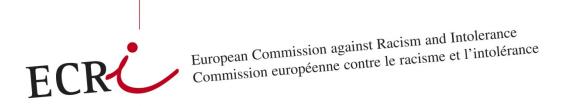
Equality bodies may take different forms

Equality bodies can cover a single ground or multiple grounds

Equality bodies can be stand-alone or form an equal part of multi-mandate institutions

Where different equality bodies exist - levelling up + co-ordination







III. Functions

Promotion and prevention

Support and litigation

and may also be assigned:

Decision making

The decision-making function can be shared between equality bodies and the judiciary or be assigned entirely to the judiciary







IV. Promotion and prevention competences

General competence

Promote and achieve equality

Prevent & eliminate discrimination and intolerance

Promote diversity & good relations between groups

Dialogue, inquiries and research

Awareness-raising, information and training

Specific competences

New and existing legislation and policy

Monitoring implementation of recommendations

Promote, support and co-operate







V. Support and litigation competences

Receive complaints and provide support and assistance to victims to secure their rights

Have recourse to conciliation procedures

Represent victims before institutions, adjudicatory bodies and the courts + bring cases in own name

Intervene as amicus curiae, third part or expert

Monitor execution of decisions

Take up cases for strategic litigation and have right to choose cases for this purpose







VI. Decision-making competences

Receive complaints

Examine, hear and conciliate complaints

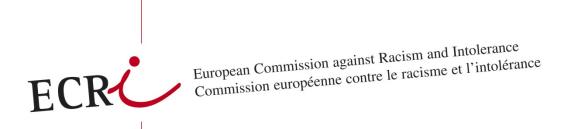
Take decisions on complaints

- Binding decisions imposing sanctions
- Effective, proportionate and dissuasive sanctions
- Ensure execution and implementation of decisions
- Right to appeal decisions of EBs before courts
- Non-binding recommendations
 - Ensure implementation of recommendations

The equality body should preferably have the competence to take legally binding decisions.

Furthermore, it should preferably have the additional competence to impose effective, proportionate and dissuasive sanctions.







VII. Powers to obtain evidence and information

Require production of files, documents and other material

Conduct on-site inspections

Question persons

Power to apply for an enforceable court order or to impose fines if anyone does not comply







VIII. Independence and effectiveness

The body

Should be fully independent at institutional and operational level

Function without interference from the State, political parties or other actors

Not be given instructions

The leadership

Leaders selected through transparent, competency based and participatory procedures

Responsibilities, remuneration, appropriate time period

Be protected against threats, coercion and arbitrary dismissal

Management and Communication

Independent decisions on internal structure, management of budget, recruitment and appointment of staff

EBs should be entitled to make statements, publish reaserch and reports independently







VIII. Independence and effectiveness

provided with sufficient staff and funds to implement all functions with real impact

develop a strategy for their action and update it regularly

involve stakeholders in their activities

if mandate expanded consisent + additional funding

annual reports + sustained dialogue

serve as a model with regard to diversity and gender balance





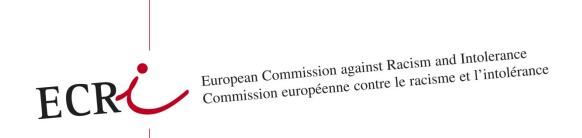




IX. Accessibility of Equality Bodies









X. Monitoring

Monitoring of implementation of GPR part of country monitoring and constructive dialogue between ECRI and CoE MS

