

COOPERATION FOR EFFECTIVENESS: Local authorities and national specialised bodies combating racism and intolerance



ECRI's Study

Niall Crowley

**COOPERATION FOR EFFECTIVENESS:
LOCAL AUTHORITIES AND
NATIONAL SPECIALISED BODIES
COMBATING RACISM AND INTOLERANCE**

By Niall Crowley

The opinions expressed in this work are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

CONTENTS

FOREWORD.....	7
SECTION ONE: INTRODUCTION	9
SECTION TWO: THE PRINCIPAL ACTORS	9
SECTION THREE: RATIONALE FOR COOPERATION	12
SECTION FOUR: CHALLENGES TO COOPERATION	14
SECTION FIVE: FRAMEWORK FOR ANALYSING COOPERATION	18
SECTION SIX: PRACTICE OF COOPERATION	20
<i>A. Belgium</i>	20
<i>B. Croatia</i>	23
<i>C. France</i>	26
<i>D. Ireland</i>	29
<i>E. Italy</i>	32
<i>F. Netherlands</i>	35
<i>G. Sweden</i>	38
SECTION SEVEN: FUTURE PERSPECTIVES	41
SECTION EIGHT: CONCLUSION	49
BIBLIOGRAPHY	51

FOREWORD

The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as “race”, national/ethnic origin, colour, citizenship, religion and language (racial discrimination); it prepares reports and issues recommendations to all 47 Council of Europe member States.

ECRI is firmly convinced that combating racism and intolerance can only be effective if the anti-racist pro-tolerance message filters down from the European level to the national level reaching all sectors of society. It is therefore the national authorities which have a primary responsibility for doing this, while the European level should limit itself, in most circumstances, to supporting national efforts.

As a consequence, ECRI considers that specialised bodies — that is, independent authorities expressly entrusted with the fight against racism and intolerance — have a pivotal role as a partner for ECRI at the national level based on a common goal to ensure the full implementation of legislation and policies to combat racism and discrimination.

Already in 1997, ECRI’s General Policy Recommendation (GPR) No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level set out basic standards governing the mandate and functioning of these institutions. Other GPRs, such as GPR No. 7 on national legislation to combat racism and discrimination and GPR No. 14 on combating racism and racial discrimination in employment, have reiterated the important role of specialised bodies.

Moreover, in its country reports ECRI has always recommended the creation of such independent institutions or, where they existed already, their strengthening. In particular, ECRI has stressed the need to equip specialised bodies with adequate financial resources and expertise in order to ensure their effectiveness and independence.

ECRI itself benefits enormously from specialised bodies’ inputs and cooperation in the framework of its country monitoring and the organisation of national round tables following the publication of country reports.

Since 2002 ECRI has organised every year a “Seminar with national Specialised Bodies” in order to streamline its relationship with these independent bodies through exchange of information and experience on a number of subjects.

In 2014, this seminar focussed on “The role of national Specialised Bodies in supporting local authorities in the fight against racism and intolerance”. Specialised bodies have a big responsibility as a partner for ECRI not only at the national level but also at the local and regional level, in particular based on a common goal to boost local and regional authorities’ capacity to combat discrimination within the broad realm of their competences.

Throughout the seminar two key elements were considered key to an effective co-operation between specialised bodies and local authorities: the need for local authorities to establish networks in order to facilitate contacts and co-operation with specialised bodies, which have limited outreach capacities; and the requirement for specialised bodies to translate abstract equality and human rights principles into a language and a practice that can be understood and applied by local authorities to combat racism and intolerance in their daily activities.

During the seminar promising examples were presented of partnerships between specialised bodies and local authorities. However, these examples did not seem to be the result of specific policies or strategies but instead were ad hoc initiatives. It is clear that in the field of co-operation between specialised bodies and local authorities more can be done to exploit synergies in the current context of scarce resources.

Therefore, ECRI decided to follow-up on this seminar by commissioning a study to review existing good practices identified, establish the learning from these, and assess how they can be supported and applied in other local contexts.

ECRI hopes that the study's description of good practices and recommendations will be shared among all those interested and serve as an incentive for a more coherent and long term co-operation between specialised bodies and local authorities in order to achieve equality at local level.

ECRI takes good note of the recommendations addressed to it by the study and stands ready to further stimulate and support dialogue between specialised bodies and local authorities. Moreover, a number of suggestions contained in this study will be reflected in its country reports' findings and recommendations, whenever appropriate.

Finally, this study will be taken into consideration in the context of ECRI's work on updating its GPR No. 2 on specialised bodies and the relevant part of G P R No. 7.

SECTION ONE: INTRODUCTION

ECRI hosted a seminar on ‘The Role of National Specialised Bodies in Supporting Local Authorities in the Fight against Racism and Intolerance’ in May 2014.¹ The seminar conclusions included a commitment to review existing good practices identified in this field. This paper is the first step in fulfilling this commitment.

This study has been prepared on the basis of presentations made by National Specialised Bodies at this seminar on their good practices.² These good practices were explored through interviews with personnel from these institutions in Croatia, France, Italy, the Netherlands and Sweden. It also involved the identification and assessment of good practice involving two further National Specialised Bodies in Belgium and Ireland.

The choice of locations was dictated by where good practice in cooperation between local authorities and National Specialised Bodies was found. It reflects the limited range of such practice rather than any attempt at a geographical spread. The support of personnel from the institutions involved has been generous and is much appreciated.

The seminar conclusions stated, ‘*a critical success factor for achieving a tolerant and inclusive society at local level is an effective cooperation between Local and Regional Authorities, National Specialised Bodies and Non-Governmental Organisations*’. This is the starting point for the paper. It is a challenge to all these institutions to further develop and spread this cooperation. It is hoped that the publication of this study will assist in this.

SECTION TWO: THE PRINCIPAL ACTORS

The Actors

Cooperation between local authorities and National Specialised Bodies involves a range of actors. National authorities play valuable roles in creating the conditions for this cooperation. International organisations offer important supports for this cooperation. Non-governmental organisations contribute to the quality of this cooperation. Local authorities and National Specialised Bodies can be identified as the principal actors in this cooperation.

National Specialised Bodies

National Specialised Bodies are organisations established by statute to combat discrimination and to promote equality. There is a wide diversity of these bodies in terms of their history and tradition, resources and capacity, functions and powers, and mandate and grounds covered.

The mandate of some National Specialised Bodies is focused on a single ground, most often the ground of racial or ethnic origin or the ground of gender (for example in Belgium there is a body for the ground of gender and a body that covers a range of other grounds and in Italy there is a body for the ground of racial or ethnic origin). Increasingly the mandate of National Specialised Bodies encompasses a range of grounds (for example in Croatia, France, Ireland, the Netherlands and Sweden). This broad mandate challenges these bodies to work in an

¹ Seminar of the Council of Europe’s Anti-Racism Commission (ECRI) for national independent authorities combating racism, Strasbourg 22-23 May 2014. - http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/159-21_05_2014_NSBR2014_en.asp#TopOfPage.

² ‘National Specialised Bodies’ are 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.

integrated manner across all of these grounds. Most often the grounds covered by their mandate include racial or ethnic origin, religion or belief, sexual orientation, gender including gender identity, age and disability.

National Specialised Bodies implement a broad range of functions depending on their mandate and powers. ECRI has identified these functions as being to:

- Work towards the elimination of discrimination, promote equality of opportunity and good relations between persons belonging to all the different groups in society;
- Monitor the content and effect of legislation and executive acts;
- Advise legislative and executive authorities;
- Provide aid and assistance to victims to secure their rights;
- Have recourse to the courts or other judicial authorities;
- Hear and consider complaints and petitions concerning specific cases;
- Have powers to obtain evidence and information in pursuance of their functions;
- Provide information and advice to relevant bodies and institutions;
- Issue advice on standards of anti-discriminatory practice;
- Promote and contribute to the training of certain key groups;
- Promote the awareness of the general public of issues of discrimination;
- Support and encourage organisations with similar objectives;
- Take account of and reflect the concerns of such organisations.³

There are different types of National Specialised Bodies. There are predominantly promotional type bodies that spend the bulk of their time and resources on supporting good practice, raising awareness of rights, developing a knowledge base on equality and providing legal advice and assistance (including representation) to victims of discrimination (Belgium, France, Ireland, Italy, and Sweden for example).

There are predominantly tribunal type bodies that spend the bulk of their time and resources on hearing, investigating and deciding on individual instances of discrimination brought before them, while in some cases also performing a number of tasks identified for promotional type bodies (the Netherlands for example).⁴ There are combined promotion/tribunal type bodies (Croatia for example).⁵

National Specialised Bodies take a range of different institutional forms. ECRI has identified that they may *'take the form of, for example, national commissions for racial equality, ombudsmen against ethnic discrimination, Centres/Offices for combating racism and promoting equal opportunities, or other forms, including bodies with wider objectives in the field of human rights generally'*.⁶

³ ECRI General Policy Recommendation No. 2 on Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at a National Level, adopted on 13th June 1997, Council of Europe, Strasbourg, 1997. - http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n2/rec02en.pdf.

⁴ Ammer M., Crowley N., Liegl B., Holzleithner E., Wladasch K., & Yesilkagit K., Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, Human European Consultancy & Ludwig Boltzmann Institut für Menschenrechte (BIM), European Commission, 2010. - <http://ec.europa.eu/social/BlobServlet?docId=6454&langId=en>.

⁵ Institutional architecture for equality bodies, an Equinet Perspective, Equinet, forthcoming.

⁶ Principle 2, ECRI General Policy Recommendation Number 2 on Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at a National Level, adopted 13th June 1997, Council of Europe, Strasbourg, 1997. - http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n2/rec02en.pdf.

The equal treatment Directives of the European Union provide that these bodies '*may form part of agencies with responsibility at national level for the defence of human rights or the safeguard of individuals' rights*'⁷. The Netherlands Institute for Human Rights is an example of a body combining human rights and equality mandates and Ireland is following suit with the establishment of the Irish Human Rights and Equality Commission. The Office of the Ombudsman in Croatia is an example of a body combining Ombudsman, human rights and equality mandates.

National Specialised Bodies have the potential to contribute to necessary social change and to make an impact on the:

- Situation and experience of individuals who experience discrimination;
- Policies, procedures and practices of organisations that provide employment and services;
- Content of policy and legislation and the process of preparing policy and legislation;
- Wider framework of stakeholders that are working on issues of discrimination, under-reporting, and equality;
- Public attitudes towards compliance, rights and equality.

This has been recognised in a study published by the European Commission.⁸

Cooperation with local authorities is important in realising this potential of National Specialised Bodies. The wider framework of stakeholders to be supported by National Specialised Bodies includes local authorities. Partnership with local authorities is necessary in achieving impacts on policy making and on institutional practice. National Specialised Bodies need a local presence if the impacts on the situation and experience of individuals experiencing discrimination are to be achieved.⁹ A local presence ensures that people have a ready access to information on their rights and support to exercise these rights.

Local Authorities

Local authorities are diverse. They can cover very different types of geographical areas, in particular urban and rural areas. They can have a variety of mandates, depending on the degree of decentralisation in the member state. Their functions vary and can be very extensive. Their functions can include employment services, housing, education, policing, social services, healthcare, business, investment promotion and/or supporting local culture.

A 2010 Resolution of the Congress of Local and Regional Authorities of the Council of Europe (Congress) notes, '*powers and responsibilities of local and regional authorities are increasingly varied and complex*'.¹⁰ It states, '*Local and regional authorities take one-off or more general*

⁷ See Article 13 of Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.

⁸ Ammer M., Crowley N., Liegl B., Holzleithner E., Wladasch K., & Yesilkagit K., Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, Human European Consultancy & Ludwig Boltzmann Institut für Menschenrechte (BIM), European Commission, 2010. - <http://ec.europa.eu/social/BlobServlet?docId=6454&langId=en>.

⁹ This concern is reflected in a number of ECRI country monitoring reports including, for example, Germany (<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Germany/DEU-CbC-V-2014-002-ENG.pdf>) and the Czech Republic (http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-IV-2009-030-ENG.pdf).

¹⁰ Role of local and regional authorities in the implementation of human rights, Resolution 296 (2010) Revised, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2010. -

decisions, relating in particular to education, housing, health, the environment and law and order, which are directly or indirectly connected with human rights and can affect their enjoyment of human rights by citizens’.

Local authorities are important actors in promoting equality and combating discrimination on all grounds, including those of racial or ethnic origin and sexual orientation. There is an imperative, in part legal, on them to fulfill this role. This is because they:

- Are a vital component of democracy and democratic decision-making;
- Provide services that are often key to the wellbeing and participation of all groups in society;
- Are employers with a significant number and diversity of staff;
- Purchase a wide range of goods and services from a significant number of suppliers;
- Set standards through regulation of different sectors or through funding and grant making to civil society organisations.

The 2010 Resolution stated, *‘because of the close relationship between citizens and their elected representatives at this level, local and regional bodies are best placed to analyse the human rights situation, identify the relevant problems which arise and take action to solve them’.*¹¹

SECTION THREE: RATIONALE FOR COOPERATION

Rationale for National Specialised Bodies

The case for National Specialised Bodies to engage with local authorities can be based enabling a local presence for their work, expanding the reach of their work, and extending the range of stakeholders involved in their work.

National Specialised Bodies have limited resources. They are often based in the capital city. They face challenges in the high levels of under-reporting of cases of discrimination. Cooperation with local authorities can enable a local presence for these bodies that enhances their accessibility and reduces under-reporting.

This was endorsed in the conclusions of the 2014 ECRI seminar stating that the *‘lack of resources (staff and budget) has a negative impact on the capacity of NSBs to work effectively at the local level. However, in certain countries co-operation with local authorities has enabled NSBs to overcome these constraints and thus be more accessible to victims of discrimination. Support by NSBs to local anti-discrimination bureaux has also encouraged vulnerable groups in reporting discrimination’.*¹²

The mandate of National Specialised Bodies reaches into a wide range of policy and practice areas stretching from employment to the provision of a wide range of essential public services. Local authorities hold responsibilities in many of these policy and practice areas. These are areas with much to contribute to a more equal society free from discrimination. Cooperation

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2550442&SecMode=1&DocId=1556570&Usage=2>.

¹¹ Role of local and regional authorities in the implementation of human rights, Resolution 296 (2010) Revised, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2010. – Ibidem.

¹² Seminar of the Council of Europe’s Anti-Racism Commission (ECRI) for national independent authorities combating racism, Strasbourg 22-23 May 2014. - http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/159-21_05_2014_NSB2014_en.asp#TopOfPage.

with local authorities can ensure that equality and non-discrimination are mainstreamed across these policy and practice areas. This expands the capacity of National Specialised Bodies to implement their mandate effectively.

Local authorities are a focal point for public organisations, private sector companies and non-governmental organisations within their jurisdiction. They can provide a leadership for these different sectors due to their role and mandate. Cooperation with local authorities can enable them to act as champions for equality and non-discrimination at local level. This allows National Specialised Bodies to extend the range of stakeholders committed to advancing equality and non-discrimination.

Rationale for Local Authorities

The case for local authorities to engage with National Specialised Bodies can be based on the imperative on local authorities to combat discrimination and promote equality as part of their remit. This can, in part at least, be a legal imperative. However it is underpinned by a moral argument for, the societal impact of, and the business benefit from effective action on discrimination and equality. Engagement with National Specialised Bodies will enhance the effectiveness of their response to this imperative.

The moral case reflects the value base of equality and non-discrimination that is central to democracy at local and national levels and that informs public service and public administration at these levels. This is a value base that suggests local authorities are committed to equality and non-discrimination first and foremost because it is the right thing to do. Cooperation with National Specialised Bodies can enable local authorities to give full and effective expression to this commitment.

Research has shown that more equal societies do better.¹³ This is the societal case. Greater equality is associated with higher levels of educational attainment, community trust, and longevity and with lower levels of violence, imprisonment and mental health issues, to name but a few of the benefits. More equal societies are more socially cohesive and inclusive.

Local authorities, as public bodies, have a responsibility to advance equality and prevent discrimination so as to contribute to these types of outcomes for society. They are also challenged to communicate this understanding and to contribute to a popular acceptance of this societal case for equality. National Specialised Bodies could be key partners in realising this ambition for a more equal society held by local authorities.

Equality and diversity systems have been proven to be good for business. This is the business case. Organisations that invest in equality and diversity systems reap benefits that can include greater workforce creativity, enhanced labour productivity, increased employee retention, more effective use of resources, enhanced impact on and outcomes for clients, and greater customer loyalty.¹⁴

ECRI, in its General Policy Recommendation No. 14, stressed *'the importance to successful businesses of creating workplace environments where workers are respected and their contribution valued regardless of their "race", colour, language, religion, nationality or national*

¹³ For example: Wilkinson R. & Pickett K., *The Spirit Level: Why more equal societies almost always do better*, Allen Lane, London, 2009.

¹⁴ For example: Monks K., *The Business Impact of Equality & Diversity – The international evidence*, NCPP & Equality Authority, Dublin, 2007. Flood P. et al, *New Models of High Performance Work Systems – The business case for Strategic HRM, Partnership and Diversity and Equality Systems*, NCPP & Equality Authority, Dublin, 2008.

or *ethnic origin*'.¹⁵ Effective equality and diversity systems within local authorities enhance their performance as employers and service providers. National Specialised Bodies can assist local authorities in realising these business benefits.

The 2010 Resolution of Congress invited '*local and regional authorities to set up appropriate bodies or procedures to effectively implement and review the human rights situation in their communities and for rectifying instances where fundamental rights are not fully respected, particularly in the provision of local public services*'.¹⁶ National Specialised Bodies offer a body of expertise and experience to enable local authorities to fulfill these responsibilities.

Congress, in the same Resolution, called on local and regional authorities to '*act with full regard for fundamental rights*'; '*take part in the drafting of national plans to secure and promote human rights*'; '*promote the establishment at local level of independent complaints mechanisms, such as, for example, an accessible and independent decentralised ombudsperson's office*'; '*foster human rights training for local elected representative and government officers*'; '*promote consultation processes, enabling all participants in local public life to exchange information on the human rights situation and to arrive at agreed responses to problems that arise*'; '*guarantee equal access to public services for all citizens and non-citizens, without discrimination*'; and to '*examine local government budgets from a human rights perspectives*'. National Specialised Bodies are a valuable partner for local authorities in undertaking any or all of these tasks.

SECTION FOUR: CHALLENGES TO COOPERATION

There is a challenge to spread and strengthen a practice of cooperation between local authorities and National Specialised Bodies in order to benefit the work of both sets of entities and in order to more effectively promote equality and combat discrimination. The conclusions of the 2014 ECRI seminar state, '*promising examples have been identified of partnerships between National Specialised Bodies and Local and Regional Authorities*' but that '*these examples are not numerous and do not seem to be the result of specific policies but instead are ad hoc initiatives*'.¹⁷ They go on to conclude, '*more has to be done to mainstream such practices and keep them functioning in the long term*'.

National Specialised Bodies

Independence and resources are key enabling factors for National Specialised Bodies to engage in cooperation with local authorities. When independence and effectiveness are under threat, the potential for cooperation is diminished.

The conclusions of a 2012 ECRI seminar noted that '*equality and human rights bodies are under threat at the very time when they need to be most effective*' and suggested that '*there is a need to develop new international standards for such bodies in terms of their mandates and*

¹⁵ ECRI General Policy Recommendation No. 14 on Eliminating Racism and Racial Discrimination in Employment, adopted on 22nd June 2012, Council of Europe, Strasbourg, 2012. - http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n14/e-GPR%2014%20-%20A4.pdf.

¹⁶ Role of local and regional authorities in the implementation of human rights, Resolution 296 (2010) Revised, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2010. - <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2550442&SecMode=1&DocId=1556570&Usage=2>.

¹⁷ 'The Role of National Specialised Bodies in Supporting Local Authorities in the Fight against Racism and Intolerance', Seminar of the Council of Europe's Anti-Racism Commission (ECRI) for national independent authorities combating racism, Strasbourg 22-23 May 2014. - http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/159-21_05_2014_NSBR2014_en.asp#TopOfPage.

*the need to entrench their independence, and also the need for adequate human and financial resources to enable them to do their job’.*¹⁸

The issue of inadequate resources was identified in an Opinion of the Commissioner for Human Rights of the Council of Europe that recommended that the assessment of sufficient resources should be evidence based and take account of a range of factors including: *‘Population size and economic circumstances; The nature and levels of reported and estimated un-reported discrimination; The range and roles of other stakeholders involved in promoting equality and combating discrimination; The resources required to enable the body to implement all of its functions in a strategic manner and to a scale and standard to make an impact’.*¹⁹

Equinet research on the current challenges facing National Specialised Bodies in effectively fulfilling their potential identifies the lack of human and financial resources, limitations in their independence, inadequate powers and functions, and geographical inaccessibility among these challenges.²⁰

Equinet concluded that *‘the core issue to emerge from this survey is that of resources and ultimately the effectiveness of the equality bodies. Twelve of them reported a significant reduction in their resources. Five of these identified the reductions they experienced as being disproportionate when compared to the wider public sector’.* Equinet noted that *‘the independence of equality bodies is currently under the spotlight in a number of jurisdictions. This principally relates to changes in the legal structure of these equality bodies in the context of economic and financial crisis. The core changes relate to mergers with other human rights mandated bodies’.*

Previous work by Equinet has highlighted the potential in such mergers. This includes *‘enabling the equality mandate to benefit from the protection of international standards that have been developed for national human rights instruments and institutions; Moving beyond the limitations of equality legislation with its defined grounds and its requirement for a comparator to prove discrimination; Strengthening the voice and influence of the body due to the dual mandate held; Enabling situations that involve an interaction of both discrimination and human rights violations to be effectively addressed; Achieving cost reductions and enabling cost effectiveness; Securing a simplicity from a citizen perspective once there is only a single institution to be approached’.*²¹

This Equinet report also set out steps required to ensure such potential is achieved including *‘An adequacy of resources such that equality bodies and national human rights institutions, whether together or separate, can implement all of the powers they are accorded to full effect, and can deploy adequate and competent staff in each area of work’* and *‘An appropriate provision and balancing of resources such that parity can be achieved between resourcing work*

¹⁸ Anti Discrimination Bodies: Recent Trends and Challenges, Seminar of the Council of Europe’s Anti-Racism Committee (ECRI) with National Specialised Bodies to Combat Racism and Racial Discrimination, 31 May-1 June 2012. - http://www.coe.int/t/dghl/monitoring/ecri/activities/43-Seminar_national_specialised_bodies_2012/ecri12-49%20-%20Report%20on%20seminar%20with%20NSB%202012%20final.pdf.

¹⁹ Opinion of the Commissioner for Human Rights on National Mechanisms for Promoting Equality, Council of Europe, Strasbourg, 2011. - <https://wcd.coe.int/ViewDoc.jsp?id=1761031>.

²⁰ Equality Bodies: Current Challenges, Equinet, Brussels, 2012. - <http://www.equineteurope.org/Equinet-perspective-on-Equality>.

²¹ Equality Bodies and National Human Rights Institutions – Making Links to Maximise Impact, Equinet, Brussels, 2010. - http://www.equineteurope.org/IMG/pdf/EN_Equality_Bodies_and_National_Human_Rights_Institutions.pdf.

on equality and work on human rights, particularly within a single body with a mandate for both these areas’.

The conclusions of an earlier ECRI seminar in 2013 highlighted a range of issues for the effectiveness and independence of National Specialised Bodies including ‘concern at the present threat to equality and human rights bodies due to budget cutbacks and enforced mergers’.²² The 2012 ECRI seminar noted specific problems ‘that many of the proposals to merge institutions or expand their mandate were mainly driven by financial concerns and the Government’s concerns to cut costs’ and identified fears that merging National Specialised Bodies ‘into larger entities with a broader mandate with the same or less resources could make them lose their specific focus and expertise’.²³

Local Authorities

The full and effective engagement of local authorities with equality and non-discrimination issues is a prerequisite for cooperation with National Specialised Bodies. This challenge to strengthen this engagement is evident from the ECRI country monitoring reports. The reports have included recommendations to member states to put in place measures, including binding measures, to ensure that local authorities take on such responsibilities (Czech Republic²⁴, Germany²⁵, Slovak Republic²⁶, Sweden²⁷, Albania²⁸, Greece²⁹, Ireland³⁰ and Hungary³¹ for example). Congress has also issued recommendations that have emphasised the need for local authorities to engage in combating racism and for support and initiatives to enable this work.³²

The 2011 Equality Summit hosted by the European Commission and the Polish Presidency of the Council of the European Union focused on ‘Implementation of Equality Policies at Local and Regional Level’. The conclusions of the Equality Summit acknowledged ‘the ongoing challenge to establish equality as a national standard of governance and to secure a local/regional implementation of this standard’. The conclusions noted ‘an implementation gap

²² Challenges faced in the current institutional and budgetary environment, Seminar of the Council of Europe’s Anti-Racism Commission (ECRI) national independent authorities combating racism and intolerance, 30-31 May 2013. - http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/135-24_05_2013_NSB2013_en.asp#TopOfPage.

²³ Anti Discrimination Bodies: Recent Trends and Challenges, Seminar of the Council of Europe’s Anti-Racism Committee (ECRI) with National Specialised Bodies to Combat Racism and Racial Discrimination, 31 May-1 June 2012. - http://www.coe.int/t/dghl/monitoring/ecri/activities/43-Seminar_national_specialised_bodies_2012/ecri12-49%20-%20Report%20on%20seminar%20with%20NSB%202012%20final.pdf.

²⁴ See: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-IV-2009-030-ENG.pdf.

²⁵ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Germany/DEU-CbC-V-2014-002-ENG.pdf>.

²⁶ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-V-2014-037-ENG.pdf>.

²⁷ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Sweden/SWE-CbC-IV-2012-046-ENG.pdf>.

²⁸ See: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_04/04_CbC_eng/ALB-CbC-IV-2010-001-ENG.pdf.

²⁹ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

³⁰ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ireland/IRL-CbC-IV-2013-001-ENG.pdf>.

³¹ See: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>.

³² Social approach to the fight against racism at local and regional level, Recommendation 246 (2008), Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2008 - <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2553157&SecMode=1&DocId=1250246&Usage=2> & Social approach to the fight against racism at local and regional level, Resolution 264 (2008), Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2008 - <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2552557&SecMode=1&DocId=1250516&Usage=2>.

due to many local and regional authorities demonstrating limited commitment to equality and inadequate capacity to implement equality strategies'. These issues impact on the capacity of local authorities to effectively cooperate with National Specialised Bodies.

Local authorities can also lack human and financial resources, especially in the current period of economic crisis. This can diminish cooperation with National Specialised Bodies. However, equality and non-discrimination needs to be a concern in the use of whatever financial and human resources are available to the local authority and cooperation to progress this aspect can be implemented without significant cost to the local authority.

The European Commission study on National Specialised Bodies posed a challenge to local authorities in recommending, *'national and local authorities should demonstrate leadership in equality by developing protocols for cooperation with equality bodies. These protocols would commit public-sector organisations to engaging with equality bodies to develop good practice in employment and service provision and to promote knowledge about and respect for equal treatment legislation among their employees, the public they serve and those organisations to whom they contract work to'*.³³

The 2010 Congress Resolution came out of concerns about the lack of awareness of human rights issues among local and regional authorities and identified that *'there is no standard blueprint for implementing human rights at local and regional level'*.³⁴ It went on to note that, *'Congress could, as a first step, record the methods available which could be adapted to local circumstances'*.

ECRI, in its General Policy Recommendation No. 14, identified another useful tool to underpin cooperation between local authorities and National Specialised Bodies. This is the enactment of a positive duty on public bodies to have due regard to equality and non-discrimination in carrying out their functions. ECRI recommended that member states should *'enact legislation requiring public authorities when carrying out their functions, including their employment functions, to promote equality and prevent and eliminate racism, racial discrimination and harassment on the enumerated grounds'*.³⁵

³³ Ammer M., Crowley N., Liegl B., Holzleithner E., Wladasch K., & Yesilkagit K., Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, Human European Consultancy & Ludwig Boltzmann Institut für Menschenrechte (BIM), European Commission, 2010. - <http://ec.europa.eu/social/BlobServlet?docId=6454&langId=en>.

³⁴ Role of local and regional authorities in the implementation of human rights, Resolution 296 (2010) Revised, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2010. - <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2550442&SecMode=1&DocId=1556570&Usage=2>.

³⁵ ECRI General Policy Recommendation No. 14 on Eliminating Racism and Racial Discrimination in Employment, Council of Europe, Strasbourg, 2012. - http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n14/e-GPR%2014%20-%20A4.pdf.

SECTION FIVE: FRAMEWORK FOR ANALYSING COOPERATION

The cooperation developed between local authorities and National Specialised Bodies can be analysed through a framework that includes three strands of ambition. The three strands reflect different areas of action where cooperation can add value to the work of both sides on issues of equality and non-discrimination.

Seven case studies of good practice in building cooperation between National Specialised Bodies and local authorities are explored and analysed within this framework. These are drawn from experiences in Croatia, Belgium, France, Ireland, Italy, the Netherlands, and Sweden. The case studies are not confined to any one strand in the framework but can combine two or three strands to achieve the impact pursued by both parties to the cooperation.

Local presence

The first strand is concerned with enhancing the implementation of equal treatment or anti-discrimination legislation and is based on creating a local presence for the National Specialised Body. This strand often provides the starting point for more ambitious forms of cooperation.

This cooperation involves creating a local institutional presence to promote the legislation and to receive complaints of discrimination under the legislation with a view to reducing under-reporting of discrimination. This can be done by means of a local presence for the National Specialised Body established on its own initiative or with support from the local authority. It can be done through the funding or creation of an entity by the local authority to play this role with support from the National Specialised Body. Non-governmental organisations can play key roles in providing or enabling this local presence for the National Specialised Body or for the local authority.

The Croatian and French case studies involve a local presence for the National Specialised Body on its own initiative. The Belgian, Italian, Netherlands and Swedish case studies involve a local entity funded or established by the local authority and/or national authority, with some support being provided by the National Specialised Body.

Institutional change

The second strand is concerned with the operations of local authorities and is focused on enabling institutional change within local authorities to better promote equality, adjust for diversity, and combat discrimination as policy makers, employers, service providers and in their procurement practices. This strand is essentially internally focused on policies, procedures, practices and perceptions within the local authority.

This cooperation is focused on enhancing the equality competence of local authorities. Equality competence has been defined as *'the ability or capacity of an institution to effectively pursue equality objectives. Equality objectives encompass...access to resources including jobs or education, accommodation or health provision; access to decision making; access to a valuing and an accommodation of difference; and access to relationships of love, care and solidarity'*.³⁶ Equality competent institutions are planned and systematic in their approach to addressing and preventing discrimination, valuing and adjusting for diversity, and proactively pursuing the achievement of full equality in practice.

³⁶ Crowley N., *An Ambition for Equality*, Irish Academic Press, Dublin, 2006.

This cooperation is based on a partnership between the National Specialised Body and the local authority. The National Specialised Body deploys its expertise in providing guidance and practical support to local authorities. Local authorities deploy their commitment and expertise in using these materials to devise and implement equality and diversity systems. These systems ensure they can be planned, systematic and effective in mainstreaming equality and non-discrimination in policy making, employment, service provision and procurement.

Non-Governmental Organisations, that represent communities experiencing inequality and discrimination, can play valuable roles in this cooperation. They can facilitate a bottom-up channel for change and provide access to the voice and perspective of groups experiencing inequality to shape new policies, procedures, practices and perceptions. They can mobilise a demand for change and contribute to a political will in support of this change. They can be challenged in terms of their representivity and the channels of accountability they operate back into the communities they represent.

This cooperation can also develop through creating a ripple effect from discrimination cases taken or heard by National Specialised Bodies that involve local authorities. This ripple effect ensures that the impact of the case goes beyond the individual incident to influence the wider practice of the local authority.

All seven case studies involve cooperation between National Specialised Bodies and local authorities in pursuit of this form of institutional change. In most cases this starts from the casework of the National Specialised Body. It can build on this casework to provide guidance materials and training to enhance policy and practice.

Local champions

The third strand is concerned with the leadership that can be exercised by local authorities with other locally based entities in the public sector, private sector and civil society sector. It is focused on local authorities as local champions for equality. This strand is essentially externally focused. It enables local authorities to communicate their good practice in the field of equality and non-discrimination with a view to other entities implementing these practices.

This cooperation is focused on enabling leadership by local authorities on equality, diversity and non-discrimination within their jurisdiction. It involves the National Specialised Body in providing support to local authorities to develop plans and initiatives that can stimulate and support a wider range of actors at local level to contribute to promoting equality and combating discrimination.

This strand of ambition is least developed. The case study from Ireland provides an example of this with local authorities taking the lead, supported by the national Specialised Body, in mainstreaming equality into County wide plans coordinating the various local agencies contributing to social and economic development in the County. The case studies from Belgium, Italy, and the Netherlands offer a particular angle to this strand. The legal requirement on local authorities to establish or fund a local entity with a role to promote the equal treatment legislation and to receive complaints of discrimination is seen as placing these local authorities as key actors in promoting non-discrimination at local and regional levels.

Non-Governmental Organisations can play valuable roles in this cooperation. They can provide access to the voice and perspective of groups experiencing inequality to shape the equality agenda championed by the local authority. They can mobilise a demand for change and contribute to a political will in championing this change.

SECTION SIX: PRACTICE OF COOPERATION

A. Belgium

The Interfederal Centre for Equal Opportunities (the Centre) (legal basis in an Agreement of 2013 between the federal authority and the different federated authorities) was formerly the Centre for Equal Opportunities and Opposition to Racism (CEEOR) (legal basis in an Act of Parliament of 1993).³⁷

The CEEOR was established to support victims of racial discrimination. Its mandate was extended to other grounds and it became competent for issues related to migration, human trafficking, poverty, non-racial discrimination, and denial of the Holocaust through further Acts of Parliament. The CEEOR was a federal public service but was “interfederalised” in 2014. It became a Federal Migration Centre, that took over the CEEOR’s competencies on migration, and the Interfederal Centre for Equal Opportunities for the three regions and the three communities of the country.

Purpose

The Centre seeks to position itself as a partner to the local authorities. It works to inform them about the anti-discrimination legislation and about good practice in equality and diversity. It seeks to prevent discrimination and promote diversity through cooperation at a local level.

Description

Casework

The Centre only deals with small numbers of cases involving local authorities.

Local authorities in the Flemish Region have established thirteen equal opportunity reporting desks on foot of a 2008 Decree establishing the Flemish Equal Opportunities and Equal Treatment Framework. These reporting desks provide assistance to victims of discrimination that have filed a complaint, undertake campaigns to prevent discrimination and organise educational activities, and perform a local networking function in building cooperation with other local actors to develop initiatives at local level. The focus depends on the particular local area but employment and housing are key issues.

These equal opportunity reporting desks refer complaints to the Centre. The Centre provides expertise and support to the reporting desks. The Centre links the reporting desks with its central registration system (Metis) where all Belgian discrimination complaints are filed. An annual Agreement is signed with each local authority in relation to supporting their reporting desk. It is hoped to extend the length of the term of these Agreements.

³⁷ For more information on the Interfederal Centre and local contact/antidiscrimination points see the 5th ECRI monitoring report on Belgium paragraphs 29 and seq. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Belgium/BEL-CbC-V-2014-001-ENG.pdf>.

These reporting desks functioned originally under the auspices of both the Flemish Government and the city administration. Since the establishment of the Centre the reporting desks are integrated under this National Specialised Body. This is enshrined in the Cooperation Agreement between the Federal Government, Regions and the Communities.

In the Walloon Region the federal authorities have established reporting desks. These deal with issues of discrimination alongside all types of issues brought forward by the public. They refer cases of discrimination directly to the Centre. It is hoped to expand the work in Walloon Region along the directions already developed in Flemish Region on foot of the Cooperation Agreement between the Federal Government, Regions and Communities.

Good Practice

The Agreements with local authorities and the reporting desks in the Flemish Region offer valuable opportunities for the Centre to bring its work to a local authority level. It enables the Centre to develop actions to raise local awareness about the equal treatment legislation, to provide policy advice to local authorities and to offer support to local authorities for good practice. These interventions have been reactive in response to demand from the local authorities. There is now the possibility to build commitments from local authorities and the Centre to these interventions within the annual Agreement in a more proactive approach.

The Centre provides, to a limited extent, guidance for public policy at local level. This has included a focus on issues such as the inclusion of people with disabilities, the management of public housing, and practice in relation to religious symbols in formal education. This is expected to grow through the reporting desks and the annual Agreements.

The Centre gives advice on internal operations to local authorities. This includes a focus on diversity management implemented by Human Resource management staff of the local authorities. It also includes a focus on housing and other services. The reporting desks have enabled local authorities to become more aware of the services provided by the Centre and there is evidence that a demand for such services is now growing.

Key tools used

- Local reporting centres;
- Annual Agreement signed between the Centre and individual Local Authorities;
- E-learning tools on equal treatment and anti-discrimination legislation.

Enabling factors

- Local reporting centres (10 in the Walloon Region and 13 in the Flemish Region);
- Skilled staff at local level working on the reporting desks with a capacity to intervene in a range of different ways and on a broad range of issues;
- Interventions developed on the basis of partnership, cross-sectoral initiative and multi-disciplinary capacity.

Barriers

- Significant time is required to build partnership with local authorities, create local networks, and develop local collaboration;
- There can be barriers due to complex political circumstances or lack of political will. It is important to build trust and develop partnership in such circumstances.

Impact

The activities of the Centre at local level have reinforced the capacity of the Centre to prevent discrimination. It has led to new means of collaboration and action at local level. The number of invitations to participate in local debates, contribute to study days and seminars, and develop projects for equality and diversity at local level has increased. This work enhances the visibility of the Centre at local level.

The reporting desks have been able to link discriminatory practices detected by people with the local stakeholders who can remedy these. The reporting desks lower the levels of under-reporting of discrimination, as they are easily accessible. However, limited resources have restricted the capacity of the reporting desks to invest in publicity campaigns and education initiatives.

Website

Further information the Centre at: <http://www.diversitybelgium.be/>

B. Croatia

The Office of the Ombudsman was given the mandate of a National Specialised Body under the Anti-Discrimination Act of 2009. The legislation prohibits discrimination in employment and in the provision of goods and services on a wide range of grounds.³⁸

Purpose

In working with local authorities the Office of the Ombudsman seeks to achieve a recognition by local authorities of the Anti-Discrimination Act, of the Office of the Ombudsman and of their obligations under the Act. The focus for the work is compliance with the Act.

Description

Casework

The Office of the Ombudsman engages with the local authorities most frequently in relation to handling complaints alleging discrimination by local authorities. The majority of these complaints relate to hiring and promotion in employment. Allegations of discrimination also relate to service provision including areas such as health and housing. In some instances the Office of the Ombudswoman has also taken cases against local authorities on its own initiative.

The Office of the Ombudsman seeks a ripple effect from cases such that they have an impact beyond the individual complainant and incident. The Ombudsman, the deputy Ombudsman and staff members meet with local Mayors and senior management personnel in local authorities. The agenda for these meetings include discussion of cases of discrimination that have arisen in relation to the local authorities being visited. This allows a focus on action to prevent discrimination by the local authorities.

Recommendations made by the Office of the Ombudsman can also extend beyond the individual incident. Instructions can be given to seek action to prevent discrimination by the local authority.

Under-reporting of discrimination is acknowledged as a barrier to this work and the use of casework as a lever for change in local authorities. Awareness campaigns have been run in local media as part of projects organised by the Office of the Ombudsman. Staff members have conducted regional visits to enable a local presence and to gather any complaints of discrimination. However, the visits did not stimulate significant demand from people experiencing or alleging discrimination.

³⁸ For more information on the Office of the Ombudsman see the 4th ECRI monitoring report on Croatia paragraphs 45 et seq. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Croatia/HRV-CbC-IV-2012-045-ENG.pdf>.

A more significant level of response by complainants emerged when the Office of the Ombudsman worked in partnership with local NGOs. The local NGO worked to encourage and enable people to come forward with complaints when the staff members were visiting the area. However, the analysis developed was that an intermittent and even rare local presence was not effective in dealing with under-reporting. A continuous local presence was deemed essential.

The Office of the Ombudsman has now established regional offices in Rijeka and Osijek. A third regional office is planned for Split in 2015. Staff in these offices handle complaints, liaise with NGOs, do media work, and are involved in and present at relevant local events. The staff will also liaise with local authorities.

Good Practice Support

Training events were held for civil servants and employees of regional and local self-government units. A standing course for civil servants and employees of regional and local self-government units has been organised on discrimination issues through the States School of Public Administration in Zagreb since 2014. The focus for the day-long training is the provisions of the Anti-Discrimination Act. Currently the Office of the Ombudsman delivers this training with the Office for Human Rights and the Rights of National Minorities. In the longer term it is hoped that the training would become integral to the provision of the School of Public Administration.

The Anti-Discrimination Act includes a provision that obliges people to report discrimination where they have a suspicion that it is occurring. This provision offers a particularly valuable point of entry for the work of the Office of the Ombudsman with local authorities. Personnel in local authorities can become partners in detecting and eliminating discrimination.

Guidelines for detecting cases of discrimination were produced by the Office of the Ombudsman. These specifically targeted civil servants and employees of regional and local self-government units. One chapter specifically focuses on the obligation to report discrimination and to provide information.

The Office of the Ombudsman has supported good practice by private sector employers. This has yet to extend to the public sector and local authorities.

Key tools used

- Obligations under equal treatment legislation;
- Training courses;
- Guidance materials.

Enabling factors

It is important to tailor the guidance materials specifically for employees of regional and local self-government units.

Barriers

- There is a need for local examples of best practice that could be pointed to and that would serve to instill ambition in local authorities;
- It has been difficult to secure the participation of employees of regional and local self-government units in the training;
- The level of resources available to the Office of the Ombudsman sets limits on the scale and ambition of the work with local authorities.

Impact

The impact of this work varies from local authority to local authority. Substantial progress is evident in some local authorities in their recognition of the Anti-Discrimination Act and their obligations and in a practice that reflects this.

Website

Further information on the Office of the Ombudsman at: www.ombudsman.hr

C. France

The Défenseur des Droits was established in 2011. It incorporated the mandate and personnel of the Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE), the former National Specialised Body. The anti-discrimination legislation prohibits discrimination in employment and in the provision of goods and services on a range of grounds.³⁹

Purpose

The purpose of engagement by the Défenseur des Droits with local authorities is to ensure non-discrimination in the fields of competence that fall within the mandate of local authorities, in particular as employers and as providers of goods and services. The goal is to motivate local authorities to develop initiatives to prevent discrimination and to provide them with the means to progress these initiatives.

Description

Casework

The Défenseur des Droits receives and deals with many complaints alleging discrimination by local authorities. These complaints relate mainly to employment issues and deal with the ground of disability and pregnancy related discrimination in particular.

There are a significant number of recommendations of the Défenseur des Droits directed at local authorities in cases of discrimination. These recommendations aim firstly to solve the issue for the complainant. Some recommendations are designed to improve the practice of local authorities beyond the individual complainant. The Défenseur des Droits implements follow-up action to try and ensure the required steps are taken by the local authority found to have discriminated. The Défenseur des Droits can also provide observations in Court when a complainant decides to submit a plea to the Court.

The Défenseur des Droits has a network of 390 voluntary delegates at local authority level (Departments and Municipalities). This is a significant investment in that delegates are identified, supported and trained by the Défenseur des Droits. Delegates are volunteers with necessary expertise. In most local authority areas there is a steady stream of applicants, in some the Défenseur des Droits needs to be more proactive in seeking volunteers.

The delegates provide a key local presence for the Défenseur des Droits. They work at a local level to provide information to the public, receive complaints, mediate complaints and refer complaints to the central office. About 80% of the complaints to the Défenseur des Droits come through these delegates. Some delegates advise local authorities on good practice in preventing discrimination. They play a role with local authorities that lies between teaching through supporting good practice and persuading through out-of-Court settlements.

³⁹ For more information on the Défenseur des Droits see '2013 ECRI Conclusions on the implementation of the recommendations in respect of France subject to interim follow-up' pages 5 et seq. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/France/FRA-IFU-IV-2013-022-ENG.pdf>.

Good Practice Support

The Défenseur des Droits has provided staff training for local authorities. This is done with some three or four local authorities each year. It is provided to local authorities that have shown some interest in this field of non-discrimination.

Guidance materials have been developed to enable a better understanding of obligations and to support good practice by local authorities. A guidebook on non-discrimination in employment has been prepared. This provides a template for local authorities to assess their current employment policies and practices and to take steps to improve policy and practice where necessary to prevent or deal with discrimination.

A guidebook on making buildings accessible for people with disabilities has also been developed for local authorities. Examples of local authorities engaged in good practice are given as part of this guidance. It is hoped in the future to develop guidance on the provision of goods and services by local authorities.

Partnerships have been developed with a small number of local authorities. These can be around specific issues where the local authority requires access to expertise or they can involve local authorities that wish to be exemplars in the field of non-discrimination. These are pilot initiatives taken on foot of a request for support from specific local authorities. It is hoped that these local authorities would act as exemplars for other local authorities and that other local authorities could be directed to and learn from them.

Key tools used

- Casework and follow-up to casework decisions;
- Mediation and mediation outcomes in cases of discrimination;
- Guidance materials;
- Training;
- Partnership agreements.

Enabling factors

The local presence and work of locally based delegates is key.

Barriers

- The lack of political will is a significant barrier to advancing this work. Administrative staff can be interested but the work cannot progress in the absence of a committed political leadership;
- Some local authorities do not recognise the local delegates or acknowledge their role or authority. In this instance the delegates just refer cases to the head office;
- Scale is another barrier with the large number of local authorities in France. The National Specialised Body has limited resources and this constrains what is possible at this local level.

Impact

The impact of this work can vary from local authority to local authority, largely depending on their interest in and commitment to non-discrimination and equality. Progress is slow and not easy.

Local delegates have increased the reporting of incidents of discrimination. Efforts are made to ensure that key local stakeholders know the delegates and that the delegates have a visibility in the local media.

Website

Further information on the Défenseur des Droits at: <http://www.defenseurdesdroits.fr>

D. Ireland

The Irish Human Rights and Equality Commission was established in 2014 with the merger of the Equality Authority and the Irish Human Rights Commission. The Equality Authority brought a mandate to promote equality and combat discrimination on a range of grounds in employment and in the provision of goods and services into this merged entity.

Purpose

The Equality Authority promoted equality mainstreaming as a means of inserting a concern for equality, diversity, and non-discrimination into development plans coordinated by local authorities with other local statutory agencies.

The Equality Authority identified a ground specific approach to local authorities as holding potential for securing good practice in managing the diversity of service users in local authority services.

Description

Mainstreaming Equality

The Equality Authority supported City and County Development Boards in all local authority areas to mainstream equality in their plans. These Boards were established in each local authority area to coordinate the various agencies contributing to social and economic development. They were convened by the local authority and prepared a ten year strategy plan for the development of their local authority area. They were dissolved in 2014.

A template was developed by the Equality Authority to support equality proofing in the preparation of the ten year strategy plans. This defined equality proofing as placing equality at the heart of decision-making. The local Directors of Community and Enterprise who were leading the planning process were partners in developing the template. Support was provided to promote and implement the template. A review of the strategy plans was commissioned and this provided a compendium of commitments made in each local authority area on foot of this equality mainstreaming.

A further template was prepared to support City and County Development Boards to conduct an equality impact assessment of actions they were taking under the strategy plans they had developed. This defined an equality impact assessment as an ex-ante exercise carried out on the proposed design and delivery of an action to assess its potential to accommodate diversity.

Good Practice Support

The Equality Authority developed two pilot initiatives with selected local authorities, one in County Cavan and one in County Kildare. The first pilot initiative was focused on the ground of disability and the second was focused on the ground of racial or ethnic origin addressing migrants in one local authority area and migrants and Travellers in the other.

The Equality Authority developed guidance on the requirements in equal treatment legislation to make reasonable accommodation for employees and service providers with disabilities. Two local authorities were supported to develop good practice in their service provision to people

with disabilities. Management staff from key service areas were trained on disability issues, supported to develop action plans for their service area, and mentored in implementing these plans. A seminar was hosted and a report was published on the work done and its impact as a resource to other local authorities.

The Equality Authority worked with the same two local authorities to support good practice in service provision to migrants and to migrants and Travellers. Each local authority identified a senior management group to lead the project. Training was provided to these groups. They were supported to devise and implement initiatives to improve their service provision to these communities. These improvements included action to get to know the communities and their issues, to gather baseline data in relation to service delivery to these communities, to better target identified services, and to enhance communication with these communities. Learning events were organised for staff.

The Equality Authority developed equal Status Policy guidelines for implementation by all local authorities. Equal Status Policies are identified as a key foundation for a planned and systematic approach to equality by local authorities in their provision of services. These were prepared in partnership with the Local Government Management Services Board, the statutory body supporting the work of local authorities. They were piloted in a number of local authorities in range of service provision areas.

Key tools used

- Guidance material on reasonable accommodation of people with disabilities;⁴⁰
- Training;
- Mentoring;
- Reports of achievements in good practice made by local authorities;
- Equality proofing template and equality impact assessment template.

Enabling factors

- Working in partnership with local authorities enabled these initiatives to maximise their impact;
- The committed leadership from senior managers in the local authorities selected was key to the success of the initiatives on the specific grounds;
- Communication with and involvement of the targeted communities was identified as important.

Barriers

- It proved difficult to move beyond the pilot local authority areas with the work on good practice for services users;
- The Equality Authority worked under significant resource constraints, particularly in the latter period of this work.

⁴⁰ For more information on this see Supporting Good Practice on Making Reasonable Accommodation for People with Disabilities by Employers and Service Providers, a Good Practice Guide, Equinet Brussels 2013, pages 9-15 http://www.equineteurope.org/IMG/pdf/final_guide.pdf

Impact

The commitments to equality, diversity and non-discrimination in the ten year strategy plans for the City and County Development Boards offered a strong platform of initiatives for greater equality at local level.

The two local authorities that worked on the ground specific initiatives identified practical improvements in service provision, greater confidence and expertise in dealing with diversity, and enhanced relationships with groups experiencing inequality as positive outcomes.

Website

Further information on the Equality Authority at: <http://www.equality.ie>

E. Italy

The National Office against Racial Discrimination (UNAR) was established in 2003 to prevent, combat and eliminate discrimination on the ground of racial or ethnic origin in employment and in the provision of goods and services. This was by legislative decree 215 of 9th July 2003. UNAR has extended its work to address further grounds, although the ground of racial and ethnic origin is the only ground formally recognised in law. UNAR is a centralised authority under the Department for Equal Opportunities of the Presidency of the Council of Ministers of the Prime Minister's Office, based in Rome.⁴¹

Purpose

The core purpose for the work of UNAR with local authorities is to extend the possibility for claims of discrimination to be made at this local level. A network of regional centres developed in partnership with local authorities at regional, provincial and local level better enable people to raise claims of discrimination. The connection between these regional centres and the toll free contact number for UNAR's contact centre improves data collection by UNAR on the extent and experience of discrimination.

Description

Local authorities at regional level are required under equal treatment legislation to establish regional anti-discrimination centres. National guidelines for these regional centres were established with the regional governments by Decree of 2011.

A programme of institutional dialogue with the system of local authorities (regions, provinces and municipalities) was progressed by UNAR with a view to enabling the establishment of a network of regional anti-discrimination centres. UNAR works through the equal opportunity offices in the local authorities to progress this work.

UNAR signed agreements with the local authorities to develop regional centres, to link the toll free contact number to the regional centres and to involve the regional centres in UNAR awareness campaigns (National Week Against Racism). Working groups were established in the region on foot of signing the agreement to progress this work.

Specific agreements were put in place by 2014 with 12 regions, 36 provinces, and five municipalities to establish regional anti-discrimination centres. On foot of signing the agreement, officers from the regional centres get training from UNAR on non-discrimination and diversity issues. At the end of the training process the centres can be connected to the UNAR Contact Centre computer system, thus creating a single database. UNAR is now starting to work with all remaining regional administrations to establish further regional anti-discrimination centres.

The regional centres can be established in different ways depending on the strategy of the local authority. The local authority can open its own centre at whatever level; regional,

⁴¹ For more information on UNAR see 4th ECRI monitoring report on Italy paragraphs 38 et seq. - <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-CbC-IV-2012-002-ENG.pdf>. 2015 ECRI Conclusions on the implementation of the recommendations subject of interim follow-up, pages 5 and 6 - <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-IFU-IV-2015-004-ENG.pdf> .

provincial or local. It could put in place a contract with non-governmental organisations to establish and run a regional centre. The centres can be funded by the local authorities themselves, by funding lines made available through UNAR, or by the local authorities directly accessing EU funds. This means that there is a diversity of approaches and priorities among the regional centres.

The core work of the regional centres is collecting complaints and supporting complainants to pursue their complaints. UNAR can support regional centres if they decide to take cases of discrimination to Court. The regional centres have also developed awareness raising work. This can be linked to national campaigns developed by UNAR and can bring these campaigns to regional, provincial and local levels. This directly expands the impact of UNAR's initiatives. Sometimes, but rarely, the regional centres have evolved to a point where they are promoting and supporting good practice by local institutions.

Through this strategy, local authorities become key actors in promoting non-discrimination at regional, provincial and local level. They act in partnership with UNAR in pursuing this goal. UNAR plays a driving and an enabling role.

UNAR is committed to expanding this national network of regional centres, developing a regional articulation with these regional centres, making effective connections between action at national level and action at local level, and integrating this work within the national programming for the European Social Fund in Italy.

One important safeguard in this strategy relates to complaints of discrimination against local authorities. It would be difficult for these to come through the regional centres given that they are the creation of local authorities. UNAR deals with these complaints centrally and have engaged the local authorities to resolve such issues that arise. UNAR cannot take cases to Court as that falls outside its mandate. Complaints of discrimination are mainly brought by Non-Governmental Organisations and trade unions. Associations, which meet certain criteria, are entitled to bring legal proceedings, either on behalf or in support of a victim of discrimination, against a natural or legal person. These associations are also entitled to bring cases concerning collective discrimination. The register of these associations in 2014 comprised around 600 Non-Governmental Organisations and trade unions.

UNAR supports networks of local and regional authorities, such as the RE.A.DY network, a network of local public administrations that deals with antidiscrimination issues regarding sexual orientation and gender identity.⁴²

Key tools used

- Partnership agreements with local authorities at regional, provincial and local levels;
- Enabling access to funding sources for regional anti-discrimination centres;
- Managing a national register of Non-Governmental Organisations and trade unions entitled to bring legal proceedings in cases of discrimination.

Enabling factors

- Equal treatment legislation provisions that require regional authorities to establish regional anti-discrimination centres;
- European Social Fund funding.

⁴² For further information: http://www.comune.torino.it/politichedigenere/lgbt/lgbt_reti/lgbt_ready/.

Barriers

The most serious barrier to developing this regional, provincial and local based anti-discrimination work through local authorities is the lack of funds.

Impact

The most obvious impact of this work is the number of local authorities that have signed agreements with UNAR and that have established regional anti-discrimination centres.

The data gathered at central level by UNAR has shown a year on year increase in complaints of discrimination being lodged on foot of the establishment of these regional centres.

Website

Further information on UNAR at: <http://www.unar.it>

F. Netherlands

The Netherlands Institute for Human Rights (the Institute) is a national human rights institution. It protects, advances, monitors and sheds light on human rights. It conducts research, produces an annual report on the situation of human rights in the Netherlands, and provides advice on draft legislation and policy that will have an impact on human rights.

The Institute promotes and monitors compliance with the equal treatment laws and assesses whether discrimination has taken place in relation to school, the workplace, sport and recreational activities, accommodation or as a consumer in individual cases, based on a range of grounds. This was previously the remit of the Equal Treatment Commission that has been incorporated into the recently established Institute.⁴³

Purpose

The Institute seeks to build an awareness of human rights obligations among municipalities and to support them to live up to human rights standards. The work seeks to go beyond awareness raising to actually influence how they protect human rights. The human rights framework developed by the Institute encompasses non-discrimination and making accommodations for diversity.

Description

Casework

As the quasi-judicial body for discrimination cases the Institute deals with cases of discrimination by municipalities. Cases concern municipalities acting as employers and can cover all discrimination grounds. The Institute has no jurisdiction when a municipality acts as a governmental body performing specific governmental tasks. There is one exception to this, when the case concerns social security and race is the ground on which the complaint is based the Institute does have jurisdiction. There are several cases against municipalities but not a large number. The National Ombudsman deals with issues in relation to discrimination by municipalities thus ensuring it is possible to file a complaint against a municipality.⁴⁴

The Institute has a strong practice of follow-up on cases such that successful cases do have an impact on the practice of organisations.

Every municipality is required by law to have an anti-discrimination service. This service registers complaints of discrimination and offers further assistance as necessary. The case can be mediated at local level or referred for hearing to the Institute. Some of the larger anti-discrimination services have also engaged in providing good practice advice to municipalities.

⁴³ For more information on the Institute and local antidiscrimination bureaus see 4th ECRI monitoring report on the Netherlands paragraphs 43 et seq. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Netherlands/NLD-CbC-IV-2013-039-ENG.pdf>.

⁴⁴ Further information: <https://www.nationaleombudsman.nl/node/31098>.

The Institute cooperates with the anti-discrimination services through information exchange, an annual training event and the provision of a help desk. Within this work the Institute must have regard to maintaining its own independence.

Good Practice Support

The Institute has developed a human rights framework for municipalities. The framework offers practical advice to municipalities on how best to protect human rights in providing services. This has been done in the context of a significant decentralisation of social services to municipalities and of a low level of knowledge about human rights within municipalities. This framework was disseminated and a local capacity to implement it supported by means of a conference organised in cooperation with the Human Rights at a Local Level network, composed of the Institute, the Association of Dutch Municipalities, the City of Utrecht, the Roosevelt Academy and Amnesty International.

The human rights framework has been developed on economic, social and cultural rights. It is focused on four key criteria, all of which encompass non-discrimination and adjusting for diversity. The four criteria are: availability of services for all groups: acceptability of services to all groups: adaptability of services to changing circumstances: and accessibility of services to all groups.

The Institute provides training for employers on stereotyping and how stereotyping can influence discriminatory decision-making. This training is also provided to municipalities as employers.

The policy and advice work of the Institute is largely confined to national Government. However, this might change with the increased decentralisation of social services and new levels of interest from municipalities.

‘Human Rights at a Local Level’ is a network that involves municipalities and civil society organisations concerned with human rights. It was set up in 2011. Its members are the municipality of Utrecht, the Roosevelt Academy, Amnesty International, the Association of Netherlands Municipalities, and the Netherlands Institute for Human Rights. The network promotes human rights at local level, exchanges knowledge and experience, and enables cooperation on these issues. An annual ‘inspirational’ event is organised by the network and the numbers attending are growing each year. The network has also developed a website.⁴⁵

The Institute organised a roundtable with ECRI in 2014 on, among other issues, the role of local authorities preventing racism and intolerance.⁴⁶

Key tools used

- The development of a human rights framework for municipalities;
- Conferences and ‘inspirational’ events;
- Training events;
- Networks of civil society and local authority organisations.

⁴⁵ www.mensenrechtenlokaal.nl/

⁴⁶ For further information see: http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/164-23_06_2014_RT_Netherlands_en.asp#TopOfPage.

Enabling factors

- The requirement in law on municipalities to establish an anti-discrimination service;
- The translation of the language of human rights into the language of the municipality.

Barriers

A survey carried out by Amnesty International and the Association of Netherlands Municipalities found that 71% of municipalities indicated that human rights were important for their work. 62% sought guidance on good practice and 39% indicated that they needed more knowledge about human rights.

Impact

The impact of this work is seen in growing levels of awareness about and interest in human rights among municipalities. More cities are taking action on these issues. The Institute is receiving increasing numbers of requests for support and invitations to provide advice. The publication of the human rights framework marks another important milestone in this progress.

The combination of human rights and non-discrimination in the mandate of the Institute is seen as having added weight to its influence and potential to make an impact.

Website

Further information on the work of the Institute at: www.humanrightsinstitute.nl

G. Sweden

The Equality Ombudsman is the National Specialised Body charged under the Discrimination Act to combat discrimination and promote equality on a range of grounds in employment, in the provision of goods and services and other fields in society. It was formed in 2009 out of the merger of four single ground ombudsman offices.⁴⁷

Purpose

The work of the Equality Ombudsman is inspired by a concern to promote equality and combat discrimination including structural and institutional discrimination. It can represent claimants in legal proceedings. In relation to local authorities there is a focus on the roles of local authorities as democratic institutions, employers, services providers, public procurement agents, and rule-makers.

Description

Casework

Many of the discrimination complaints dealt with by the Equality Ombudsman are against local authorities. These cases cover employment, health and care provision, social services, and education issues. There is no breakdown by sector of the casework relating to local authorities. However, the general pattern in the casework of the Equality Ombudsman is that cases in relation to discrimination in employment predominate. Under-reporting means that this is not necessarily an accurate measure of the reality of discrimination as experienced.

Where the Equality Ombudsman takes a case to Court on behalf of the person experiencing discrimination, a finding in favour of the complainant can result in a payment of compensation to the complainant. While only a few cases go to Court these cases can have a dissuasive effect and contribute to a culture of compliance among local authorities.

In many instances the Equality Ombudsman can bring the case to a settlement. The settlements are public and, in effect, constitute an admission of discrimination. They have a capacity to have a ripple effect beyond the individual complainant. They can be more far-reaching in requiring a course of action within the local authority to prevent further discrimination. Follow-up by the Equality Ombudsman can be important in ensuring this is effective.

Anti-Discrimination Offices are civil society organisations at local authority level, often established by a coalition of local NGOs. They are resourced from a central government fund. They work to prevent and combat discrimination and to promote diversity and equality. They often refer cases to the Equality Ombudsman.

The Equality Ombudsman has encouraged local authority support for the Anti-Discrimination Offices, supported their ongoing development including through the provision of training, and

⁴⁷ For more information on the Equality Ombudsman of Sweden see 4th ECRI monitoring report on Sweden

Paragraphs 62 et seq. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Sweden/SWE-CbC-IV-2012-046-ENG.pdf>.

has encouraged a focus on local authority policy-making and practice by the Anti-Discrimination Offices.

Good Practice Support

The Equality Ombudsman has pursued cooperation with cities that have been to the forefront of developing equality measures. It has encouraged a broad equality focus in these measures that embraces all the discrimination grounds. It has supported systemic approaches with the development of anti-discrimination policies by local authorities in relation to employment and service provision and with anti-discrimination clauses in public sector contracts.

The Ombudsman against Ethnic Discrimination, one of the bodies incorporated into the Equality Ombudsman, had, through its participation in the European Coalition of Cities Against Racism, assisted in the establishment of Swedish Cities against Racism. The Swedish Association of Local Authorities and Regions (SALAR) has led and coordinated this initiative.

The starting point and foundation for the work of the Swedish Cities Against Racism is the ten-point action programme for cities developed by European Coalition of Cities Against Racism⁴⁸. The ten-point action plan includes a focus on the city as an active supporter of equal opportunity practice and the city as an equal opportunity employer. The Equality Ombudsman continues to act in an advisory role with regard to this network.

The Equality Ombudsman is publishing a handbook of good practice examples as an inspiration for cities. This will cover good practice in the areas of employment, service provision, practice as a democratic institution, and agent of public procurement. The target group for this publication is policy-makers and public servants in the local authorities.

Key tools used

- Casework in relation to local authorities and settlements that have a ripple effect;
- Interventions that empower and enable local actors to critically engage with local authorities on equality, diversity and non-discrimination issues;
- Partnership with local authorities including through building a working relationship with the Swedish Association of Local Authorities and Regions (SALAR).

Enabling factors

- Local authorities need to see that it is in their own interest to take proactive measures for equality and non-discrimination;
- The Equality Ombudsman has a focus on empowering civil society. Civil society can encourage cities to adopt measures on non-discrimination and equality.

Barriers

All too often potentially effective anti-discrimination tools are transformed into feel-good measures. They sound good and policy makers feel good, but at the same time the practice has little impact.

⁴⁸ For further information: <http://unesdoc.unesco.org/images/0014/001453/145364e.pdf>

Impact

The Equality Ombudsman sees an increasing influence on local authorities in its work. The role it plays is one of critical support as the Equality Ombudsman is a source of support while at the same time it can take cases against local authorities.

A confidence has slowly been developed among local authorities in the ability of the Equality Ombudsman as a support to promote equality and prevent discrimination. The cooperation with the Swedish Association of Local Authorities and Regions (SALAR) is one factor in this, while there has also been cooperation with individual cities on specific equality initiatives.

Website

Further information on the work of the Equality Ombudsman at: <http://www.do.se/en/>

SECTION SEVEN: FUTURE PERSPECTIVES

Valuable outcomes are identified in these good practice case studies. A greater presence and visibility for National Specialised Bodies was secured at local level. Under-reporting was reduced in areas where this cooperation has been developed and, in particular, where it involved a local presence for the National Specialised Body or an anti-discrimination office supported by the local authority. Improvements in the practice of local authorities as employers and service providers are cited as another impact. Local authorities have given leadership for equality and non-discrimination and provided exemplars of good practice at local level on foot of this cooperation. The case studies make a strong case for cooperation between National Specialised Bodies and local authorities.

The case studies provide learning in relation to good practice in cooperation between local authorities and National Specialised Bodies. A number of challenges that need to be met in further progressing such cooperation can also be identified from the case studies. Finally, a series of proposals for future action to build on the learning and meet these challenges can be established from this body of work.

Learning from Existing Cooperation

Creating the Conditions

It is important that attention is given to creating the conditions for effective cooperation.

Local authorities that serve as exemplars of good practice are important in stimulating a wider engagement by other local authorities on equality and non-discrimination issues. National Specialised Bodies have demonstrated some skill in identifying those local authorities where the commitment to make progress on these issues and in developing a cooperation that serves to enable these local authorities to emerge as exemplars. National Specialised Bodies in France, Ireland, and Sweden demonstrated this approach.

National Specialised Bodies have emphasised the importance of tailoring their support materials and services into the language and situation of local authorities. This can only be done in cooperation with local authorities. This ensures support materials and services are relevant to the local authority needs and are comprehensible within a local authority setting. National Specialised Bodies in Sweden and Croatia have made particular efforts in this regard.

Funding is not a pre-requisite for cooperation or for effective cooperation. However it can be used to encourage cooperation and it can serve to deepen cooperation. In Italy the integration of this cooperation within the European Social Fund programming has been important.

Political and Administrative Leadership

Leadership from, and within, local authorities is key to enabling successful cooperation with National Specialised Bodies. This leadership needs to be both political and administrative, though at times one can act independently of the other in progressing an equality and non-discrimination agenda. A particular example of such committed administrative leadership is evident from the two local authorities involved in cooperation with the National Specialised Body in Ireland.

It is important to nurture and encourage this leadership. International and national associations of local authorities have played this role in some instances. National Specialised

Bodies have also supported the emergence of this leadership. A local presence for National Specialised Bodies with skilled staff can provide a solid foundation for this work.

The Importance of Casework

Casework by National Specialised Bodies that involves cases against local authorities has been a key tool in developing a relationship with local authorities. This relationship has not been purely adversarial but can be a starting point for a fruitful and mutually supportive engagement. Casework has been particularly important where a ripple effect is achieved from the individual complainant and incident. The National Specialised Bodies in Croatia, France the Netherlands, and Sweden have emphasised this.

In these instances, the impact of the case goes beyond the individual person and incident to have a wider impact on the local authority and, even further, on all local authorities. There can, however, be an over-reliance on this as the only tool to underpin the relationship between the local authority and the National Specialised Bodies. It can also involve limited cooperation, in particular where a ripple effect is not actively pursued.

The Value of Partnership

Partnership agreements between local authorities and National Specialised Bodies have been an important tool in this cooperation in Belgium and Italy. In other instances, such as in France, Ireland and Sweden a partnership has been developed based on the good will and commitment of the leadership within local authorities and within National Specialised Bodies. Relationships with national associations of local authorities have provided a valuable channel for the engagement of National Specialised Bodies with local authorities in a partnership relationship, particularly in Sweden.

A wide range of guidance materials has been developed with and for local authorities by National Specialised Bodies. Training and mentoring for local authorities have also been provided by National Specialised Bodies. These materials and services can be most effectively disseminated and implemented through partnership relationships with local authorities.

The Importance of the Law

Legislative obligations on local authorities are identified as an important tool for building cooperation by National Specialised Bodies. These obligations include requirements to establish local anti-discrimination offices in Belgium, Italy, and the Netherlands and obligations to report discrimination in Croatia. In Ireland new legislative obligations now require local authorities to have due regard to non-discrimination, equality and human rights in carrying out their functions.

Even light touch duties in equal treatment legislation can serve to put equality more firmly on the agenda of local authorities. They need to be designed and introduced in a manner that takes account of barriers of capacity and resources. This can be vital in stimulating an initial commitment from local authorities already tasked with broad and complex policy agendas. They can empower advocates for equality within local authorities to progress equality and non-discrimination agendas within their institutions. They can serve to establish the initial links between National Specialised Bodies and local authorities as the bodies provide support for meeting obligations under the duty.

Challenges Evident from Existing Cooperation

Extent of Cooperation

The extent of cooperation between local authorities and National Specialised Bodies is limited. This local level appears to be a largely underdeveloped area in work on equality and non-discrimination. Cooperation between National Specialised Bodies and local authorities could stimulate and support the emergence of a critical mass of exemplar local authorities that would serve to rectify this deficit.

The lack of human and financial resources available to National Specialised Bodies is evidently a barrier, particularly in member states with a large number of local authorities where extensive work is required to develop cooperation with local authorities. Limitations in the skills on and knowledge about equality and non-discrimination available to local authorities emerge as barriers to good practice. The lack of political will is another barrier that is identified in a number of instances.

Ambition for Cooperation

The level of ambition evident in the cooperation reported in these case studies is important but must also be seen as limited. The emphasis is largely on compliance with equal treatment legislation as a key purpose for cooperation. This needs to be allied with an emphasis on goals of making adjustments to accommodate diversity and taking action to achieve full equality in practice. The strand of ambition most evident relates to a local presence of National Specialised Bodies. This needs to evolve further into the strands of ambition that include institutional change within local authorities and local authorities as champions for equality. There is a challenge to deepen the ambition for this cooperation.

This evolution is evident in the case studies. Good practice by local authorities has been supported in their role as employers and service providers by some of the National Specialised Bodies such as in Belgium, France, Ireland and Sweden. Mainstreaming equality in local authority policy-making, planning and programmes such that local authorities become champions for equality has only been a focus in few instances such as Ireland.

Civil Society Involvement

The cases studies in Croatia and Sweden reference the involvement of Non-Governmental Organisations in the cooperation between local authorities and National Specialised Bodies. This involvement is largely limited to enabling a local presence for the National Specialised Body or serving as a local centre for receiving complaints and, in some instances, promoting equality.

The National Specialised Body in Ireland encouraged the involvement of non-governmental organisations with local authorities in implementing the mainstreaming and good practice initiatives that were supported through its cooperation with local authorities.

UNAR, in Italy, maintains a register of Non-Governmental Organisations and trade unions that are entitled to bring legal proceedings in cases of discrimination.

The Swedish case study has a particular focus on interventions that empower and enable civil society organisations. This is based on the rationale that these organisations are in a position to critically engage with local authorities and can encourage them to adopt measures for equality and non-discrimination.

There is a challenge to deepen the involvement of non-governmental organisations in the cooperation between local authorities and National Specialised Bodies. This will stimulate further ambition within this cooperation through the demands made on local authorities from empowered and enabled non-governmental organisations. It will enhance the quality of interventions that result from this cooperation with the voice and perspective of groups experiencing inequality and discrimination brought into the design and implementation of interventions.

Multi-Level Action on the Grounds

The mandate of the National Specialised Bodies in these case studies covers multiple grounds, except for Italy with its single ground mandate (although the National Specialised Body actually works on more than one ground in practice). A horizontal approach that encompasses all grounds covered is evident in these case studies. Work on individual grounds is limited. Case studies in Ireland, Italy and Sweden do include some focus on the ground of racial or ethnic origin. The case study in Italy includes some focus on the ground of sexual orientation. Case studies in Belgium, France and Ireland include some focus on the ground of disability.

There is a challenge to ensure a visibility for specific grounds in the horizontal approach to a multi-ground agenda. The bulk of action taken under a horizontal approach will inevitably focus on all grounds in an integrated manner. However, a level of work focused on individual grounds needs to accompany this integrated level. Work on individual grounds can address needs and issues specific to that ground or it can seize opportunities that arise to make progress on equality and non-discrimination on that ground. A further level also needs consideration to address the needs and issues of people and groups at the intersections between the different grounds.

Human rights and Equality Mandates

The case study from the Netherlands and the 2010 Congress Resolution on local authorities and human rights raise the challenge of combining a focus on equality and human rights. Previous work on merging equality and human rights mandates by Equinet has identified the potential in this combination.⁴⁹ It has also identified the fears in such a situation of a takeover of the agenda by one or the other of equality or human rights.

There can be assumptions that equality is just one part of the human rights agenda. However, these limit the ambition for equality to equal treatment or non-discrimination. They also run the risk of losing the focus on the groups within society that experience inequality with an over emphasis on the human rights of the individual.

It is important to acknowledge that human rights and equality are related but that they have evolved as two distinct traditions of work and have each been conceptualised in their own way. The challenge is to devise strategies that integrate equality and human rights. This integration needs to be based on establishing objectives for change and a set of values for this integrated agenda that reflect and build on both traditions.

⁴⁹ Equality Bodies and National Human Rights Institutions – Making Links to Maximise Impact, Equinet, Brussels, 2010. - http://www.equineteurope.org/IMG/pdf/EN_Equality_Bodies_and_National_Human_Rights_Institutions.pdf.

The Way Forward

The further development of cooperation between local authorities and National Specialised Bodies will require an increased commitment and engagement from both entities just as it will need the further engagement and intervention of institutions at European, national and local levels.

European Level

ECRI

ECRI has initiated this valuable focus on the cooperation between local authorities and National Specialised Bodies with the 2014 seminar on this topic. Dialogue and thinking in relation to this topic will be further stimulated by the publication and dissemination of this paper on good practice. However, given the scale and nature of the challenges to develop this work, it will be important to build further on these initiatives.

ECRI should continue to stimulate and support a dialogue between local authorities and National Specialised Bodies on good practice in cooperating for achieving equality, addressing diversity and eliminating discrimination. This could take a particular focus on the barriers to this cooperation and how these barriers might best be removed.

ECRI should deepen the focus on National Specialised Bodies in its country reports and specifically explore cooperation between local authorities and National Specialised Bodies with a view to identifying barriers to this cooperation and promoting resolutions to these. These reports could identify and promote ways of strengthening such cooperation.

The four topics agreed for the fifth monitoring cycle of these country reports are legislation, hate speech, hate crime, and integration. The focus on National Specialised Bodies and their establishment is best explored under the legislation topic. The focus on cooperation between National Specialised Bodies and local authorities is best explored under the integration topic.

Congress of Local and Regional Authorities of the Council of Europe

The Congress of Local and Regional Authorities of the Council of Europe⁵⁰ is a key actor in this dialogue about cooperation between local authorities and National Specialised Bodies. The Congress has taken valuable positions in relation to local authorities and work in the field of human rights. These initiatives could usefully integrate a focus on equality and non-discrimination that reflects the specificity of these issues and that reaps the potential from an effective integration of equality and human rights.

The Congress could usefully provide guidance to local authorities on cooperating with National Specialised Bodies. This could take the form of a Resolution of Congress setting out a standard for this cooperation. The standard would make the case for local authorities to address issues of equality, diversity and non-discrimination and how these issues interact with human rights concerns. It would identify the fields of practice of local authorities that should reflect this concern and the steps local authorities could take to give effect to this concern. It could set out the need for cooperation with National Specialised Bodies in this work and the approaches that could be taken to realise this cooperation.

⁵⁰ More information: <http://www.coe.int/t/Congress>

European Networks of Local Authorities

Local authorities have developed European level networks specifically around issues of equality, diversity and non-discrimination. These include

- Rainbow Cities: a network of European cities cooperating on LGBT policies;⁵¹
- The European Alliance of Cities and Regions for Roma Inclusion: an alliance to promote exchange of good practice on Roma inclusion and to provide a platform for advocating on issues of Roma inclusion;⁵²
- The European Coalition of Cities Against Racism: a network to share experiences to improve policies against racism, discrimination, and xenophobia.⁵³
- Intercultural Cities: This Council of Europe programme supports cities in reviewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and realise the diversity advantage.⁵⁴

These European networks of local authorities could usefully highlight the value of local authorities cooperating with National Specialised Bodies. They could make links with National Specialised Bodies in their activities and facilitate contact between local authorities and National Specialised Bodies.

Equinet

Equinet⁵⁵ is the forum for National Specialised Bodies at a European level. It has done important work in supporting and informing peer learning between National Specialised Bodies. It has produced valuable material on the work of National Specialised Bodies and the learning from this work in the series of 'Perspectives' it has published. Equinet could give some further attention to this issue of cooperation between National Specialised Bodies and local authorities.

Equinet could usefully publish a 'Perspective' on the work of National Specialised Bodies with local authorities, the activities developed through this work, and the forms of cooperation developed between them. This would deepen an understanding of current practice and ambition across a broader spectrum of National Specialised Bodies in relating to local authorities. It would develop further learning from the work of National Specialised Bodies at this local level. Importantly, it would provide a tool for ongoing peer learning between National Specialised Bodies on effective cooperation with local authorities.

National Level

National Authorities

National authorities have responsibility for the establishment of National Specialised Bodies and for creating the conditions for their effectiveness and independence. National authorities legislate for the functions carried out by local authorities. They are key actors in driving a focus on achieving equality, adjusting for diversity and combating discrimination at local level and

⁵¹ More information: <https://www.movisie.com/european-cities-start-rainbow-cities-network>.

⁵² More information: <http://www.roma-alliance.org/en/page/33-about-us.html>.

⁵³ More information: <http://www.eccar.info/welcome-eccar>.

⁵⁴ More information: http://www.coe.int/t/dg4/cultureheritage/culture/Cities/about_en.asp.

⁵⁵ More information : <http://www.equineteurope.org/>

for creating the conditions for an effective cooperation between National Specialised Bodies and local authorities.

National authorities could usefully put in place legal obligations on local authorities to address issues of equality and non-discrimination. These could take the form of a duty to have due regard to equality and non-discrimination in carrying out their functions as has been done in Ireland and the United Kingdom, including in Northern Ireland. They could also take the additional form of requiring local authorities to establish or fund local anti-discrimination offices to receive complaints of discrimination and to provide support to complainants to progress these as has been done in Belgium and the Netherlands.

National authorities could identify standards for the effectiveness and independence of National Specialised Bodies. They could review the current situation of their National Specialised Body in relation to such a standard and could take steps to ensure the effectiveness and independence of these bodies.

National Specialised Bodies

National Specialised Bodies are independent bodies that decide their own priorities and strategies for achieving these. It is clear from the case studies that some of these bodies see cooperation with local authorities as valuable in implementing their mandates. National Specialised Bodies are often hampered in their ambitions by lack of resources in particular but also by lack of independence or powers.

National Specialised Bodies could usefully identify local authorities as key partners in their work and valued stakeholders in the work of achieving full equality in practice, taking account of diversity and combating discrimination. They could usefully build relationships with national associations of local authorities and work with them to develop general guidance for local authorities on how they might best make their contribution to equality and non-discrimination at local level. They could work with a small number of local authorities to support a piloting of the implementation of this guidance. These pilot sites could then be highlighted to other local authorities as exemplars.

National Associations of Local Authorities

National associations of local authorities offer an important forum for local authorities to exchange experiences and examine shared concerns and priorities.

National associations of local authorities could usefully stimulate and support local authorities to exchange experiences and practices in promoting equality, taking account of diversity and combating discrimination in their work and at local level more broadly. National associations could build relationships at national level with other key stakeholders in the field of equality and non-discrimination, including National Specialised Bodies. They could make use of these relationships to develop effective supports for local authorities to take up issues of equality, diversity and discrimination effectively.

Local Level

Local Authorities

Local authorities are complex and busy institutions. It is clear that their operational performance is enhanced where effective equality and diversity systems are in place and implemented. There is always a challenge for busy and complex institutions to create the time and space to consider, devise and implement such systems.

Local authorities could usefully establish formal agreements with National Specialised Bodies that would secure their support and expertise to enable the local authority to establish and implement effective equality and diversity systems that encompass their roles as employer, service provider, and procurer of goods and services.

Local authorities could usefully take on the issue of under-reporting of discrimination and the difficulties for National Specialised Bodies in establishing a local presence by working with these bodies to establish local anti-discrimination offices to receive complaints of discrimination and to provide supports in relation to resolving these.

Civil Society

Non-governmental organisations are important stakeholders for equality, diversity and non-discrimination. They make important demands on local authorities to include the needs and interests of groups experiencing inequality in the policies and programmes of local authorities. They are a valuable source of information and knowledge for local authorities seeking to enhance the impact of their policies and programmes on groups that experience inequality.

Non-governmental organisations could usefully support cooperation between local authorities and National Specialised Bodies and engage with the design and implementation of the initiatives that result from such cooperation.

Non-governmental organisations are valuable advocates for the effective implementation of equal treatment legislation at local level. They could usefully support an awareness of this legislation among groups experiencing inequality, build knowledge and confidence among these groups in exercising their rights, and offer a bridge to enable access to National Specialised Bodies.

SECTION EIGHT: CONCLUSION

Cooperation between local authorities and National Specialised Bodies offers mutual benefit for both sets of institutions. National Specialised Bodies can enhance their presence, visibility and engagement at a local level. Local authorities can enhance their compliance with equal treatment legislation, their practice in promoting equality and combating discrimination, and the impact of their policies and programmes on groups covered by equal treatment legislation. Under-reporting of discrimination under equal treatment and anti-discrimination legislation can be reduced through such cooperation. However, to date, this cooperation remains limited in scope and ambition.

There are barriers of resources for both sets of institutions. There are barriers of skill and knowledge in equality and human rights for local authorities. Equally, however, there is a body of good practice where these institutions have managed such barriers. This body of good practice can serve as a stimulus and a support for greater cooperation.

Leadership is required at a European level to promote and support this cooperation. ECRI and the Congress of Local and Regional Authorities of the Council of Europe have a central contribution to make in this regard. European networks of local authorities and Equinet, the European network of National Specialised Bodies also have a contribution to make.

BIBLIOGRAPHY

- Ammer M., Crowley N., Liegl B., Holzleithner E., Wladasch K., & Yesilkagit K., Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, Human European Consultancy & Ludwig Boltzmann Institut fur Menschenrechte (BIM), European Commission, 2010.
- Crowley N., An Ambition for Equality, Irish Academic Press, Dublin, 2006.
- Institutional Architecture for Equality Bodies, an Equinet Perspective, Equinet, December 2014.
- ECRI General Policy Recommendation No. 2 on Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at a National Level, adopted on 13 June 1997, Council of Europe, Strasbourg, 1997.
- ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination, adopted on 13 December 2002, Council of Europe, Strasbourg, 2002.
- ECRI General Policy Recommendation No. 14 on Eliminating Racism and Racial Discrimination in Employment, adopted on 22 June 2012, Council of Europe, Strasbourg, 2012.
- Equality Bodies: Current Challenges, Equinet, Brussels, 2012.
- Equality Bodies and National Human Rights Institutions – Making Links to Maximise Impact, Equinet, Brussels, 2010
- Flood P. et al, New Models of High Performance Work Systems – The business case for Strategic HRM, Partnership and Diversity and Equality Systems, NCPP & Equality Authority, Dublin, 2008.
- Monks K., The Business Impact of Equality & Diversity – The international evidence, NCPP & Equality Authority, Dublin, 2007.
- Opinion of the Commissioner for Human Rights on National Mechanisms for Promoting Equality, Council of Europe, Strasbourg, 2011.
- Role of local and regional authorities in the implementation of human rights, Resolution 296 (2010) Revised, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2010.
- Social approach to the fight against racism at local and regional level, Recommendation 246 (2008), Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2008.
- Social approach to the fight against racism at local and regional level, Resolution 264 (2008), Congress of Local and Regional Authorities, Council of Europe, Strasbourg, 2008.
- Wilkinson R. & Pickett K., The Spirit Level: Why more equal societies almost always do better, Allen Lane, London, 2009.

ECRI Secretariat
Directorate General of Democracy
Council of Europe
Tel.: +33 (0) 3 90 21 46 62
Fax: +33 (0) 3 88 41 39 87
E-mail: ecri@coe.int

www.coe.int/ecri

ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language (racial discrimination); it prepares reports and issues recommendations to member States.