

# COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

## **Resolution Res(2002)8 on the statute of the European Commission against Racism and Intolerance**

*(Adopted by the Committee of Ministers on 13 June 2002  
at the 799th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 15. a and 16 of the Statute of the Council of Europe,

Having regard to the Declaration and the Plan of Action adopted on 9 October 1993 in Vienna by the first Summit of Heads of state and government of the member states of the Council of Europe, creating the European Commission against Racism and Intolerance (hereinafter referred to as "ECRI");

Having regard to the Declaration and Action Plan adopted on 11 October 1997 in Strasbourg by the second Summit of Heads of State and Government of the member states of the Council of Europe, deciding to intensify the activities of the European Commission against Racism and Intolerance;

Having regard to the Political Declaration adopted by Ministers of Council of Europe member states on 13 October 2000 at the concluding session of the European Conference against Racism, by which the governments of member states commit themselves to consider how best to reinforce ECRI;

Taking also into account the General Conclusions of the European Conference against racism which call upon participating states to consider how best to reinforce the action of ECRI;

Having consulted ECRI on ways to reinforce its action;

Having regard to Resolution II adopted by the European Ministerial Conference on Human Rights, in Rome on 4 November 2000;

Taking into account Recommendation 1438 (2000) of the Parliamentary Assembly, asking the Committee of Ministers to fully support the work of ECRI and ensure that member states give a concrete follow-up to its recommendations;

Deeply convinced of the need to take firm and sustained action at European level to combat the phenomena of racism, xenophobia, antisemitism and intolerance, and welcoming ECRI's contribution to this fight;

Noting that, since its creation by the first Summit, ECRI has developed its activities in a step-by-step fashion, giving priority to achieving concrete results;

Considering that the strengthening of ECRI should take as its starting point the work already done, and should consolidate and develop this work,

Decides to adopt the statute of ECRI as appended hereto:

### **Appendix to Resolution (2002)8 Statute of the European Commission against Racism and Intolerance (ECRI)**

#### *Article 1*

ECRI shall be a body of the Council of Europe entrusted with the task of combating racism, racial discrimination, xenophobia, antisemitism and intolerance in greater Europe from the perspective of the protection of human rights, in the light of the European Convention on Human Rights, its additional protocols and related case-law. It shall pursue the following objectives:

- to review member states' legislation, policies and other measures to combat racism, xenophobia, antisemitism and intolerance, and their effectiveness;
- to propose further action at local, national and European level;
- to formulate general policy recommendations to member states;
- to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

#### *Article 2*

1. One member of ECRI shall be appointed for each member state of the Council of Europe;

2. The members of ECRI shall have high moral authority and recognised expertise in dealing with racism, racial discrimination, xenophobia, antisemitism and intolerance;

3. The members of ECRI shall serve in their individual capacity, shall be independent and impartial in fulfilling their mandate. They shall not receive any instructions from their government.

#### *Article 3*

1. The members of ECRI shall be appointed by their governments in accordance with the provisions contained in paragraphs 2 and 3 of Article 2 above.

2. Each government shall notify the appointment of the member of ECRI in respect of its country to the Secretary General of the Council of Europe, who shall inform the Committee of Ministers thereof.

3. In the case where the Committee of Ministers considers that the appointment of one or more members of ECRI would not be in conformity with the provisions of paragraphs 2 and 3 of Article 2, it may ask the member state(s) concerned to proceed to another appointment.

4. The provisions of the preceding paragraph apply *mutatis mutandis* where, as a result of a change in a member's situation, his/her continued membership of ECRI would not be in conformity with the provisions of paragraphs 2 and 3 of Article 2.

5. The members of ECRI shall be appointed for a term of office of five years, which may be renewed. During their term of office, they may only be replaced if they have tendered their resignation, or are no longer able to exercise their functions, or in cases referred to in paragraph 4 above.

#### *Article 4*

1. If the government so wishes, a deputy to the ECRI member may be appointed. The provisions of articles 2 and 3 above shall also apply to the appointment of deputy members except that their mandate shall in all cases expire at the same time as that of the ECRI member.

2. The conditions concerning the participation of deputy ECRI members shall be set down in ECRI's internal rules of procedure.

#### *Article 5<sup>1</sup>*

The Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of Europe, the Holy See and the Management Board of the European Monitoring Centre on Racism and Xenophobia shall be invited to be represented in ECRI without the right to vote.

#### *Article 6*

1. ECRI may seek the assistance of rapporteurs or of consultants.

2. ECRI may organise consultations with interested parties.

3. ECRI may set up working parties on specific topics.

4. ECRI may be seized directly by non-governmental organisations on any questions covered by its terms of reference.

5. ECRI may seek the opinions and contributions of Council of Europe bodies concerned with its work.

6. ECRI shall periodically inform the Committee of Ministers on the results of its work.

#### *Article 7*

ECRI shall draw up an annual activity report which shall be submitted to the Committee of Ministers and made public.

#### *Article 8*

1. Meetings shall be held *in camera* unless ECRI decides otherwise. The quorum of ECRI shall be the majority of its appointed members.

2. ECRI shall draw up its own rules of procedure.

#### *Article 9*

The Secretariat of ECRI shall consist of an Executive Secretary and other staff members of the Directorate General of Human Rights.

#### *Article 10*

1. ECRI shall adopt its programme, which shall include, *inter alia*, three aspects:

- country-by-country approach
- work on general themes
- relations with civil society

2. ECRI shall, as appropriate, integrate a gender perspective into its programme.

3. ECRI may, as necessary and within the limits of its terms of reference, introduce modifications or additions to its programme.

#### *Article 11*

1. In the framework of its country-by-country approach, ECRI shall monitor phenomena of racism, racial discrimination, xenophobia, antisemitism and intolerance, by closely examining the situation in each of the member states of the Council of Europe. ECRI shall draw up reports containing its factual analyses as well as suggestions and proposals as to how each country might deal with any problems identified.

2. In the framework of its country-by-country monitoring, ECRI shall conduct, in cooperation with the national authorities, contact visits in the countries concerned. It shall subsequently engage in a confidential dialogue with the said authorities in the course of which the latter may comment on the findings of ECRI.

3. ECRI's country reports are published following their transmission to the national authorities, unless the latter expressly oppose such publication. These reports shall include appendices containing the viewpoints of the national authorities, where the latter deem it necessary.

#### *Article 12*

ECRI's work on general themes shall generally consist of the adoption of general policy recommendations addressed to governments of member states and of the collection and dissemination of examples of "good practices" in combating racism, racial discrimination, xenophobia, antisemitism and intolerance.

#### *Article 13*

ECRI shall develop relations with civil society, shall have activities aimed at promoting dialogue and mutual respect among the general public and shall organise awareness-raising and information activities.

#### *Article 14*

1. The Committee of Ministers may adopt amendments to this Statute by the majority foreseen at Article 20.d of the Statute of the Council of Europe, after consulting ECRI.

2. ECRI may propose amendments to this Statute to the Committee of Ministers, which shall decide by the above-mentioned majority.