



Doc. 15247

26 March 2021

The need to address discrimination on the basis of political opinion

Motion for a resolution

tabled by the Committee on Equality and Non-Discrimination

This motion has not been discussed in the Assembly and commits only those who have signed it

Article 14 of the European Convention on Human Rights prohibits discrimination in the enjoyment of the rights and freedoms set forth in the Convention on any ground such as “sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” Article 1 of Protocol No. 12 extends protection against discrimination on the same grounds to “any right set forth by law”, introducing a general prohibition of discrimination beyond the articles of the Convention.

The European Court of Human Rights has rarely dealt with discrimination on the grounds of political opinion, it has repeatedly emphasised that freedom of expression and in particular freedom of political debate, constitute the foundation of any democracy. It has also found that acts of violence committed by agents of the State to suppress or discourage political dissent or punish dissenting political opinions pose a threat to the ideals and values of society.

Under Article 18 of the Convention, case-law is developing to protect human rights defenders, politicians and journalists from persecution for “other reasons” than those legally established, but without reference to the non-discrimination provided in Article 14.

At national level, strong regulation at Constitutional level is required to secure non-discrimination on grounds of political opinion, translated into implementing legislation clearly listing grounds for protection against discrimination. In several member States, individual political opponents as well as whole political movements face sanctions, as well as judicial and other harassment, including imprisonment, for political reasons related solely to their position as representatives of political minorities.

The Parliamentary Assembly should examine the question of discrimination on the basis of political opinion, with a view to recommending good practices and guidelines to protect political minorities from discrimination for political reasons and avoid abuse of power by the State.

