



Resolution 1844 (2011)¹

Final version

The Declaration of Principles on Equality and activities of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly reiterates the crucial importance of the principles of equality and non-discrimination, as an essential part of the international protection of human rights, already enshrined in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights.
2. On several occasions, the Assembly has taken a firm stance on combating all forms of inequality and discrimination of different persons and groups, including vulnerable groups such as national minorities or persons with disabilities. In particular, in its Resolution 1547 (2007) on the state of human rights and democracy in Europe, it has called upon all member states of the Council of Europe to combat effectively all forms of discrimination based on racial, ethnic or religious origin, gender or sexual orientation, and to better protect the rights of persons belonging to national and other minorities.
3. The Assembly recalls that Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) entered into force on 1 April 2005, enlarging the scope of the non-discrimination principle laid down in Article 14 of the European Convention on Human Rights (ETS No. 5, "the Convention"). Protocol No. 12 lays down a general prohibition of discrimination in the "enjoyment of any right set forth by law".
4. However, only 18 of the 47 member states of the Council of Europe have ratified this instrument so far. Nineteen other member states have signed, but not yet ratified it. The Assembly stresses that the ratification of Protocol No. 12 by all States Parties to the Convention is necessary to ensure the full respect of the principle of non-discrimination throughout Europe and to align the Council of Europe standards on non-discrimination with the existing universal norms on human rights protection.
5. The Assembly therefore reiterates its call on the States Parties to the Convention which have not yet done so to sign and/or ratify Protocol No. 12, without reservations or restrictive declarations.
6. The Assembly considers that the full realisation of the principle of equality requires not only legislative measures, but also the adoption and implementation of policies aimed at erasing and preventing *de facto* inequalities and protecting vulnerable groups (such as national minorities, persons with disabilities or immigrants) from discriminatory practices.
7. The Assembly welcomes the efforts of international non-governmental organisations (NGOs) and experts aimed at strengthening the idea of equality and non-discrimination, in particular the Declaration of Principles on Equality, published in October 2008. Signed initially by 128 prominent legal practitioners, academics and human rights activists from 44 countries, including the Council of Europe Commissioner for Human Rights, it has subsequently been endorsed by hundreds of signatories (individuals and organisations).

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2011 (see [Doc. 12778](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Cilevics; and [Doc. 12785rev](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Err). See also Recommendation 1986 (2011).



8. The Assembly notes that the declaration defines equality and the principle of non-discrimination as basic and free-standing human rights and therefore considers it as a benchmark for progressive equality norms and policies in the 21st century.
9. Consequently, the Assembly calls on the Council of Europe member states to:
 - 9.1. identify and abolish outdated legislation generating or permitting discrimination towards persons belonging to disadvantaged groups;
 - 9.2. adopt effective equality legislation aimed at eradicating discrimination and promoting equality. Such legislation should, in particular:
 - 9.2.1. identify discriminatory conduct and, as appropriate, penalise breaches;
 - 9.2.2. set out effective remedies available to alleged victims of discrimination;
 - 9.2.3. cover all relevant grounds of discrimination, as well as its multiple and compound forms;
 - 9.2.4. establish strong independent bodies to combat discrimination and to promote equality;
 - 9.3. promote and develop effective equality policies, in particular through the application of positive measures in favour of disadvantaged persons, when applicable, for a limited period of time;
 - 9.4. implement and develop anti-discrimination measures in close dialogue and co-operation with civil society.
10. The Assembly calls on member states to take into account the principles contained in the declaration when adopting equality and non-discrimination legislation and policies.