

other Convention rights.⁹¹ OSCE participating States, and parties to the ECHR, are encouraged to ratify Protocol 12 (see below) which contains a general prohibition of discrimination.⁹² Additionally, Article 5 of the Convention on the Elimination of all forms of Racial Discrimination requires States Parties to prohibit and eliminate racial discrimination.

Article 26 ICCPR

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 5, Convention on the Elimination of all forms of Racial Discrimination

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

... (d) *Other civil rights, in particular:*

... (ix) *The right to freedom of peaceful assembly and association;*

Article 14 ECHR

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination 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.

Protocol 12 ECHR, Article 1 – General prohibition of discrimination

1. The enjoyment of any right set forth by law shall be secured without discrimination 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.

91. See for example, *Haas v. Netherlands* (2004) at para.41. In light of judgement of the European Court of Human Rights in *Thlimmenos v. Greece* (2000), Robert Wintemute argues that the interpretation of Article 14 ECHR should be broadened to include 'two access routes' so that not only the opportunity denied, but also the ground for its denial, could be deemed to fall 'within the ambit' of another Convention right and so engage Article 14. See Wintemute, R. "'Within the Ambit': How big is the 'gap' in Article 14 European Convention on Human Rights? Part 1" (2004) 4 *European Human Rights Law Review* 366-382.

92. See, for example, *Sejdić and Finci v. Bosnia and Herzegovina* (2009), the first case in which the European Court of Human Rights found a violation of Protocol 12, holding (at para.55) that '[n] otwithstanding the difference in scope between those provisions, the meaning of this term in Article 1 of Protocol No. 12 was intended to be identical to that in Article 14 (see the Explanatory Report to Protocol No. 12, para.18).'