

Investing in Equality

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“Making a commitment to equality: what does it mean in today’s context?”

Statement by

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Dear Colleagues and Friends,

It is an honour to be with you today. First of all, I would like to thank Equinet for the smooth and wonderful cooperation in co-organising both yesterday evening’s and today’s event.

The topic of this conference is investing in equality. I would like us to stop for a moment to think about what making a commitment to equality means in today’s context. There are different ways in which we can manifest our commitment to equality. I would like to distinguish between the systemic level, the cultural or behavioural level, and the institutional level. At the systemic level, two things come to my mind, namely strengthening legislation against discrimination – we talked about that yesterday – and directing funding towards the closing human rights gaps – a nice way of saying “put your money where your mouth is.” But we also need to counter prejudice and stereotyping through formal or informal human rights education – in order to effect cultural and behavioural change. At the institutional level, we can commit to equality by strengthening national protection systems like the judiciary, national human rights institutions and equality bodies.

The law is a good place to start this discussion. When safeguards are embedded in both national and European law, States send a clear signal that they are committed to equality. My vision for a future Europe that truly values equality is one in which all people, regardless of race, gender, age, ethnic origin, religion, or any other status, are provided the same opportunities to benefit from those things today’s society values the most: adequate housing, education, health care, the right to express an opinion, to vote, or to access justice. A truly equal Europe is one that makes a choice to rectify past discrimination, so that no person or group is left behind. This vision is at the heart of the Universal Declaration of Human Rights. The international human rights treaties have transposed this vision into legal obligations that are binding on States.

The Sustainable Development Agenda, which was adopted by all States in 2015 and sets out 17 goals and 169 targets to be reached by 2030, has created a new momentum. The Sustainable Development Goals, or SDGs, as they are commonly called, offer a new opportunity point to bridge the divide between human rights and development. They

should be and hopefully will be an important framework for national policy-making from now until 2030. The central principle of the SDGs is to “leave no one behind and start with the one most behind first.” This means that progress is not measured in an aggregate manner and that everyone must benefit from development. This goes to the heart of the United Nations’ mandate, as enshrined in the UN Charter’s commitment to equal rights, better standards of life and the economic and social advancement of all peoples.

Values become tangible when they are matched by concrete action – meaning putting in place measures to level the playing field by reaching the ones left behind. The principle of equality is enshrined in the very core of the European Union. Over the past 20 years, EU powers to combat discrimination have expanded dramatically. The social dimension of European integration is something that is happening slowly – some might say too slowly – but is happening nonetheless. The EU has established an advanced legal framework on non-discrimination on six grounds – sex, race, disability, age, religion and sexual orientation. Comprehensive directives address discrimination on grounds of sex and on grounds of race. However, a significant legislative gap remains at the European level as discrimination on the other four grounds, namely age, disability, religion or belief, and sexual orientation, is prohibited at European level only in relation to employment and vocational training and not in relation to the key areas of social protection, health care, education, and access to goods and services, including housing.

Therefore, at EU level, investing in equality means adopting the missing piece of the legislative puzzle – the so-called horizontal directive – stuck at the level of the Council. The adoption of the horizontal directive is an important way in which we can move things forward. The adoption would extend the protection against discrimination to millions of people living in Europe. Ten years after its initial launch, I feel there is both goodwill and popular support. It is up to all of us to persuade national governments to support the adoption of this directive.

But investing in equality does not stop there. In addition to a comprehensive legal framework against discrimination, we need a human rights compliance framework to make sure that EU funding helps States to close human rights gaps in Europe and, at the very least, does not negatively impact the enjoyment of human rights. National human rights institutions and independent equality bodies can play a key role in this, as I will explain later on.

As you know, the European Union has started preparations for the Multi-Annual Financial Framework Post 2020, also known as MFF. The MFF will set out the parameters for the EU budget, where priorities will lie and how EU funding will be used. Because even if the EU and its member states have made a strong commitment to anti-discrimination, this has to be reflected in the way money is spent to have any effect in practice - the money has to follow the values. This is what the UN and the taxpayers expect. We therefore advocate for a marriage between the European values and the funding.

Currently, there is insufficient scrutiny of the compliance of funding allocations with human rights. While there are strong mechanisms to monitor corruption and malfeasance,

there is no equivalent, at regional nor at national level, to monitor to what extent the projects and programmes that are funded by the EU respect the human rights obligations of member States.

What we are calling for here is the setting up of a monitoring and evaluation mechanism at the level of the EU that allows for human rights compliance checks, in order to enhance accountability by funding beneficiaries.

But this is not just about the EU; States also have an enabling role to play. There rests a positive obligation on every single EU member State to actively prevent discrimination in all areas and to create conditions for substantive equality. This means that States should invest in equality, by promoting desegregation and deinstitutionalisation initiatives for example. Inclusiveness is a key concept in the promotion of equality and, as we heard yesterday, the cost of exclusion is estimated much higher than the cost of inclusion. Inclusion, let's not forget, benefits not only the excluded but also the mainstream because together one always stands taller than on your own.

As we mark the 70th anniversary of the Universal Declaration of Human Rights, a collective consciousness about equality, inclusion and other human rights principles needs to re-ignited and maybe this is the most challenging part. I know that talking about education as one of the principle ways to move things forward in human rights is a huge cliché. But there is a reason for this, and a good one. Clichés can only be clichés if they work. People can only claim their rights if they know them. If you familiarise people with human rights early on, if you teach them that they are the norm, the standard, what they can and should expect, then they will actually expect it from their governments, from their leaders and from their countries. This has the potential of advancing equality in ways not seen before. But it requires prioritising human rights education in schools and in the workplace. Inequality, intolerance and hate undermine inclusive development. Unless prejudice and stereotypes are tackled in people's hearts and minds, persons with disabilities, migrants, refugees, older persons, religious minorities, gay women and men - all will continue to be denied equal access. So, we need to advance legislation, funding and human rights education simultaneously. Where does that leave you?

When you read treaty body concluding observations, outcomes of the Universal Periodic Review, recommendations from the Special Procedures of the Human Rights Council, you find that while there are differences, sometimes significant, among European countries, there are also common trends and concerns. We have tried to map some of these in the position paper we issued earlier this year on the MFF. As I already mentioned, if we want to use EU funding to close the existing human rights gaps in Europe, we need a human rights compliance framework at the European level to make sure that EU funding helps States to close human rights gaps in Europe and, at the very least, does not have a negative impact on the enjoyment of human rights. But we also need greater scrutiny and involvement by national human rights actors, whether national human rights institutions, independent equality bodies or civil society. As we are at a conference of equality bodies today, I would like to express the hope that equality bodies will assume a greater role in

the preparation, monitoring, review and assessment of programmes and projects benefiting from EU funding.

This brings me to the need for standards for equality bodies that guarantee complete, formal independence, effectiveness, sufficient powers and adequate resources for equality bodies. The UN Human Rights Office very much supports the elaboration and adoption of such standards to strengthen the ability of equality bodies to be the driving agents of change that they can potentially be.

Without independence, it is difficult for equality bodies to stand up for human rights. Formal independence is the result of an open, competitive, transparent and non-political nomination and election process. It also refers to the ability for the equality body to identify its own priorities and take positions on and respond to issues one deems appropriate; to communicate an understanding of equality and non-discrimination that is informed by an independent analysis; and to choose how resources are managed and deployed without executive interference. An independent equality body is pluralistic, and free from direct or indirect external pressure.

We welcome the recent adoption by the European Commission against Racism and Intolerance of the Council of Europe of a general policy recommendation to strengthen the independence, effectiveness, functions and powers of equality bodies. We hope the EU will do the same. As the general policy recommendation calls for the granting of comprehensive mandates to equality bodies, I would like to seize this platform to make the case for greater attention to socio-economic inequality, as one of the potent drivers of populism in Europe today.

Equality bodies could monitor and report on socio-economic status as a ground of discrimination, including through case-work where their mandate permits, and some already do. Economic inequality can no longer be treated as an afterthought. National equality bodies should be able to take action on discrimination based on socio-economic status. They should make human rights violations such as homelessness visible in their work. They should engage in a dialogue with anti-poverty non-governmental organizations since they are an important source of information. And, they should develop capacity to encompass poverty-based discrimination in their work.

Equality is something we know, something we strive for and something we see as just and right in our day to day life. The EU is based on values and equality is one of them.

But how can we act on our values?

How can we advance standards for equality in Europe?

How can we win back momentum to develop our equality?

How can we motivate people to stand up for what they intrinsically believe is just?

We must push for principles and values to prevail over cynicism and pragmatism. This exact spirit mirrors the Universal Declaration of Human Rights and what the 70th anniversary celebrations are all about.

In conclusion, we have come a long way in our struggle for equality but – at the same time – we know the road ahead is long and bumpy as well. Sometimes we hear people say that no further mobilisation is needed, due to the enormous achievements in human rights in general and equality in particular in Europe; that there isn't much left to be done; that in Europe, things aren't too bad, especially when compared it to other parts of the world.

But it is precisely due to the significant achievements in the area of equality that we have an even greater responsibility and capacity to address – and even foresee and prevent – growing social inequalities. Changes have to be made to legislation in order to better protect those left behind – starting with the ones furthest left behind. Changes also have to be made to the funding – both at EU and at national level – in order to actually make a difference in practice and not just on paper. The importance of human rights education cannot be overestimated. If equality is the norm, people will expect it, which will lead to the advancement of everyone's situation. Lastly, it is important to give equality bodies a central role.

I hope this conference will give all of you attending a renewed hope that equality is a – if not the most – important goal the reach in the future. The time to act is now. Thank you.