

CONFERENCE
2007 - THE EUROPEAN YEAR OF EQUAL OPPORTUNITIES FOR ALL:
SOCIALISTS ACTING FOR A JUST AND PEACEFUL SOCIETY

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1. Equality as an organic Socialist value

The concept of equal opportunities intrinsically corresponds to basic Socialist values: freedom, justice, solidarity.

The traditional liberal values are aimed at ensuring freedom for the strong, and stress negative obligations of the state: it should not excessively restrict the opportunities of those people who have sufficient capacities to build their lives to do so.

Obligations of those strong to share part of their wealth with those socially weaker is the next stage. Here the state undertakes already certain positive obligations, i.e. to re-distribute wealth so that to protect socially vulnerable groups.

However, today this re-distributive function of the state is not enough. The modern aim is to **help weak become strong**. This is the key to the concept of equal opportunities we are talking about today. No doubt that European Socialist play and ought to play the leading role in achieving this goal.

2. Equality as a universal concept

Another feature of the modern interpretation of the concept of equality is its universal nature. In the past, efforts were concentrated on protection and promotion of the rights of certain particular vulnerable groups or parts of the society. In different periods of time and in different parts of the world focus was made on women, national minorities, racial groups, sexual minorities, etc. Today we speak about universal equality, without links to any particular characteristic. This is definitely the higher level of humanity in comparison with the previous particularistic approach.

3. Inclusiveness and equality

Growing diversity of Europe is the major challenge for all of us, and in the meantime – the source of our richness. We cannot but accept the fact that Europe will never be again completely “white”, Christian and male dominated as it used to be for centuries. In this view, it is important to realize that **equal participation** is the cornerstone for ensuring equal opportunities. Vulnerable groups should not be seen as merely an object for protection but rather as full-fledged participants in decision-making. Empowering vulnerable groups is the key issue.

4. Multiple identity

Growing multiple identity is one more essential feature of the modern European societies to be taken into account. Different dimensions of diversity are overlapping and interacting with each other, and we are facing risk of forcibly ascribing certain characteristics to certain groups and individuals. This is one more reason why inclusive and participatory approach to handling diversity is so important. Each individual possesses the entire array of various identities, such as gender, racial, cultural, linguistic, religious, sexual, etc. In different social situations this or that dimension may become essential, and it is only up to this individual to decide on this.

5. Aspects of ensuring equal opportunities

Ensuring equal opportunities in practice is a complex task which includes several aspects. To mention just some of them:

5.1. Standard-setting:

- EU non-discrimination directives: 2000/43, 2000/75
- CoE
 - o 12th Protocol to ECHR
 - o Framework Convention for the Protection of National Minorities
- UN
 - o CERD
 - o ICCPR

5.2. Case law, litigation

- EctHR
- European Court of Justice
- Forthcoming litigation on non-discrimination directives: 2000/43, 2000/75

5.3. Cooperation and synergy between different IGOs

5.4. Role of civil society

6. Minority rights and equal opportunities

Minority rights used to be considered outside of the general framework of equality and non-discrimination and were treated as a kind of “special rights”. However, this situation has fundamentally changed in recent decades.

The specificity of the system of minority rights, as defined of the FCNM in comparison with the previous concepts and approaches, can be summarized as follows.

1. Minority rights are an integral part of fundamental human rights, and not some “special” privileges that state might bestow to some groups. As such, they must be implemented without any unjustified or arbitrary distinction.

2. The concept of minority rights is closely linked to the fundamental principle of non-discrimination. The ultimate goal of minority protection is to ensure full and effective equality. Formally equal treatment is not always sufficient to ensure such equality and may even appear discriminatory (ECtHR judgement on Thlimmenos case). Different treatment envisaged by the provisions of FCNM is needed to provide substantive equality.

3. Minority rights are understood as individual rights which often may be enjoyed in community with other individuals. Minority rights are not, in nature, group rights, this is why territorial arrangements are not always sufficient to ensure equality in modern Europe.

4. International standards offer only basic principles of minority protection which may be implemented using different practices in different situations. Compliance of states' legislation and practice with these standards is examined through monitoring procedure - which is legal but not judicial.

5. The standards as such do not determine the scope of application of minority rights, and states have margin of appreciation in this respect. However, any decision defining beneficiaries of minority rights, cannot be arbitrary nor discriminatory and is, too, subject to monitoring by competent bodies.

6. Effective participation of minorities in the decision-making is the key. Minority rights, unlike other fundamental human rights, cannot be automatically imposed, every person belonging to minorities has the right to decide whether to be treated or not to be treated as such. States must ensure that this choice is indeed free, not made under pressure of any kind. In other words, minority rights represent a response to concrete demand in concrete situations.

7. Role of the EU: the case of Roma

The division of labour in the field of minority protection between the major European organizations, the OSCE, EU and the Council of Europe, has been de facto established in early 90s of the last century. Conflicts related to the status and treatment of minorities in the countries of former communist block were then perceived as the major threat to peace and stability in Europe. Indeed, a number of violent conflicts have erupted, thus proving that the concerns have been well-reasoned. Adoption of the OSCE Copenhagen document in 1990 was quite timely.

Today one has good reasons to claim that the tasks of the three major organizations are mutually complementary.

The OSCE gets engaged when minority related controversies can become a threat to security, but not in every case when minority rights are violated. It is up to the OSCE High Commissioner on National Minorities (HCNM) to distinguish between the former and the latter cases.

Somewhat simplistically, one can say that the OSCE operates in the context of security, while the Council of Europe's main field of competence lies with the legal approach, setting legal standards for minority protection. In turn, EU has normative framework for equality and considerable resources for elaboration of policies.

While making more and more clear emphasis on equality and non-discrimination, EU still tries to avoid mentioning national minorities explicitly.

In the meantime, EU has substantial resources to maintain and promote cultural and linguistic diversity in Europe, and – what is probably even more important – strong framework for ensuring equality and combating discrimination, including indirect discrimination.

The question is whether the EC itself has sufficient capacities to evaluate a substantive impact of EU support for civil society activities aimed at strengthening equality and non-discrimination?

I would like to conclude with one particular example showing that problems do exist in this respect. This is related to by far the most problem in the field, the Roma minority in Europe.

I refer to two analyses issued by the leading INGO in the field of minority protection, London-based Minority Rights Group International. In 2006, MRGI published, in particular, the briefing paper titled “Substantive Equality, Positive Action and Roma Rights in the European Union”, as well as analysis titled “EU-funded Roma programmes: Lessons from Hungary, Slovakia and the Czech Republic”.

I would like to quote some excerpts from these publications.

“The [EU-funded] project all sought to address genuine needs of impoverished and excluded Roma... However, none of the projects was able to tackle or meet these needs effectively.

The fundamental problem was that this size of project, in terms of budget, time and expertise, was too limited for the scale of the problems being addressed by them.

The level of funding was too low, or too widely spread, to be effective.

Projects were not funded for a long enough period to take root, or to find alternative sources of financing by which the initiatives could be sustained.

Insufficient time and resources were available to ensure the quality of planning required for a full consideration of the multiple factors which needed to be taken into account if projects were to be implemented successfully.

Inadequate preparation reflected the failure of the PHARE programme to allow for the limited capacity of local authorities and Roma communities...

Better monitoring and evaluation, including greater access to information and more involvement of Roma, including beneficiaries, would still have been frustrated by poor initial planning.

The ultimate responsibility for these limitations lies with the PHARE programme, which was not well constructed to address the kinds of problems which the projects sought to tackle. In particular, there was a lack of expertise and commitment at the highest level to evaluate proposals properly to ensure the effective allocation of resources.

The PHARE programme contained a fundamental structural problem of a lack of accountability at every level, including local communities, local and national authorities, and also the EU. This severely reduced the incentive of decision-makers to ensure that allocated money were used efficiently and effectively.

Comrades,

Talking about equality is important. However, practical and procedural aspects of ensuring equality become more and more essential. This is why we, socialists, must do our best not only to achieve recognition of the legitimacy of this task, but also to make sure that the EU resources allocated for this purpose are used in the most effective way.