

Human rights protection and equality as key elements of inclusive societies in Europe

Claudia Lam,

Deputy to the Director ad interim,

Office of the Council of Europe Commissioner for Human Rights

I would like to thank the organisers for inviting me to take the floor in this thematic session on inequalities, social inclusion and rights, three topics that are at the heart of the work of the Council of Europe Commissioner for Human Rights.

This independent, impartial and non-judicial institution was established in 1999 by the Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member states.

The Commissioner makes recommendations to member states through country work and thematic approach and raises awareness on human rights.

The Commissioner is elected by the Parliamentary Assembly of the Council of Europe for a six-year mandate that is not renewable.

Dunja Mijatović, from Bosnia-and-Herzegovina, took up her position as CoE Commissioner for Human Rights six months ago, on 1 April 2018. She is the fourth Commissioner, succeeding Nils Muižnieks who was Commissioner from 2012 to 2018

Today, I would like to inform you about the main recommendations of the Commissioner that have a close link with the topics discussed in the UNECE Report. I will use for that purpose the recommendations made by Commissioner Mijatović since she has arrived but also the work of her predecessors in a number of fields.

Firstly, as concerns women's rights and gender equality

While progress has been achieved in Europe, we are also experiencing worrying stagnation and even retrogressive trends

As to **stagnation**, one could mention as examples gender discrimination in employment that has proven to be persistent and widespread. The gender pay gap is universal and has proven resistant to change.

While stagnation is the norm in some areas, in others, we have witnessed retrogressive trends.

In the field of violence against women

Ratification by 33 States now of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the so-called Istanbul Convention) constitute progress.

However, there have been resistance to change in this area in the reluctance of countries to ratify the Istanbul Convention or to rectify shortcomings in its implementation.

The most striking domain in which progress has stalled or is even being rolled back is in **women's sexual and reproductive health rights** and in particular access to comprehensive sexuality education, modern contraception, safe and legal abortion care and quality childbirth and maternity healthcare.

What needs to be done according to the Commissioner for Human Rights:

- To achieve full equality in the long-term requires a cultural change that can only come about through a **comprehensive set of measures**. For instance: adequate work-life balance and addressing the gender pay gap.
- Need to collectively deconstruct the misconceptions about the **Istanbul Convention**, overcome the unjustified resistance to it. States should ratify and fully implement it.
- States must ensure women's access to their **sexual and reproductive health and rights** in law and practice.
- **Women's rights defenders** should also be enabled to work in a conducive environment.

Beyond women's rights and gender equality, there are other human rights issues that are crucial for ensuring inclusive societies.

Inclusive education

Firstly, there will be no inclusive society without inclusive education.

Many groups remain vulnerable to school segregation in Council of Europe member states. These include children with disabilities, Roma children, children belonging to ethnic minorities, and migrant children.

What needs to be done to reach the goal of an inclusive education (among others):

- Ensuring a comprehensive legal provision of discrimination in education
- Adopting a school desegregation strategy
- Raising awareness of the importance of inclusive education
- Ensuring quality of education in all schools in line with the European Convention on human rights

The right to be included in the community is crucial for social cohesion

Institutionalisation in Europe still affect many children without parental care, persons with disabilities and elderly persons.

The Commissioner has called for a de-institutionalisation process accompanied by all the necessary measures to enable to live in the community.

In particular, the Commissioner defends the right of persons with disabilities to be included in the community in line with the standards of UN CRPD.

Recommendations made in this field include:

- The closing of large institutions
- In parallel, ensuring the provision of affordable community-based services to the people concerned

The need to address harmful stereotypes that affect women, LGBTI persons, Roma, migrants and others

Here we can see a persistence, and in some cases a recrudescence, of intolerant speech against a number of groups that endanger and even undermine their right to be free from discrimination and related violence.

Recommendations:

- Address these harmful stereotypes in line with Council of Europe and international human rights standards.
- Implement the Council of Europe Strategy for Gender Equality one of its objectives being the fight against sexism and
- Implement the recommendations made by the European Commission against Racism and Intolerance (ECRI), a monitoring mechanism of the Council of Europe.

There will be no inclusive society without full integration of migrants.

While current public debate focuses more on migration control, integration of migrants has been at the heart of the Commissioner's recent work on migration-related issues.

States must take measures to:

- Facilitate integration of migrants, with a focus on family reunification
- Ensure residence rights
- Provide language and integration courses, access to the labour market and quality education
- Guarantee protection from discrimination

Last but not least, to reach the goal of an inclusive society, it is important to **combat poverty and inequality**

In this context, negative impact of poverty and some austerity measures on human rights has been documented by the Commissioner (including in access to housing and health care)

In this respect, the Commissioner stressed that the economic crisis and austerity measures have highlighted the relevance of the 2030 Agenda for Sustainable Development to Europe.

Recommendations:

- In 2018, Commissioner's Mijatović stressed that fighting poverty and inequality should be at the heart of all state policies.
- According to the Commissioner, the 2030 Agenda offers a unique opportunity to promote development approaches which also improve the respect, protection and fulfillment of human rights.

- In 2015 the Commissioner's predecessor called on governments to fully implement the Agenda in Europe as well.
- As concerns legal standards, ratification and implementation of the revised European Social Charter along with its collective complaints mechanism , the most comprehensive legal instrument in Europe for the protection of social rights, is also crucial.

To conclude

The success of an inclusive and sustainable society relies on an human-right-based approach that requires the implementation by states of the above recommendations made the CoE Commissioners for Human Rights and many other human rights stakeholders.