

Panel debate on rights based governance

Abstract

Rights based governance is an abstract notion, entailing the equality and freedom necessary for everyone to live up to their full potential in a life free from fear. It demands the true political commitment of states, utilising strong legislation and action plans in order to ensure the full compliance of all stakeholders in a transparent manner, which is necessary to uphold human dignity, the foundation of fundamental rights. We, as European States, are currently failing to provide rights based governance to our citizens in the face of rising extremism and growing gaps in equality, resulting in a loss of public trust and confidence in European institutions. We must empower civil society, as civil society plays an imperative role in creating a space for critical dialogue regarding rights based governance. This is essential for reinstating public trust and confidence, and challenging the division of power. It is imperative that we increase the participation of vulnerable groups by working closely with civil society, in order to address our failings and create concrete action plans to reduce the gap between words and action. We are all Europeans, and we must work to transform the public mentality of "us, the people" vs "them, the institutions in Brussels" to a "we" mentality, thriving through cooperation and mutual respect.

Speakers:

1. Ulrike Lunacek, Vice-President, European Parliament
2. Valeriu Nicolae, Secretary of State, Ministry of Labour and Social Protection, Romania
3. Yuri Fedotov, UNODC, Director-General and Executive Director
4. Aleksander Stepkowski, Deputy Minister, Ministry of Foreign Affairs, Poland

What does rights-based government mean to the European Parliament?

It means you dare to doubt and ask questions that others tell you and this creates a space where democracy can function. In times like these, which are difficult, critical thinking is even more important. Democracy means that people have to have trust and feel included. A problem is that this trust and confidence is lost. This suggests we are not doing well. People don't trust parliamentarians anymore, and that is why it is so important to have these dialogues during the Forum.

We have situations where pushing forward for human rights is not working; therefore, we need civil society to push ahead. These rights and division of power in the governance system are necessary because they protect people. Rights based government are the rights many of us fought for. However, these rights are under threat because of the erosion of the rule of law in some Member States. We need to address these concerns to move ahead.

How have Member States performed at rights-based government?

First, we must acknowledge we failed. This is necessary to change. Not just member states, we all failed. We need to get out of this horrendous jargon where we invent words to define human rights in other ways and this is a mistake. Extremist use blunt and clear language to talk about basic things. I don't understand what rights based government is because it could mean so many things. What I am scared of is xenophobia and extremism.

In Romania, we have reports on spending lots of money on employment training for Roma. When asked for figures on those people who ended up employed, the result was 0.1%. Imagine any business with a success rate of 0.1%! There was hardly any impact at the grassroots level.

Romania has put together an anti-poverty plan based on a "Life Cycle Approach" to look at problems from the very moment you start life. How can we address the problem? For instance, many children do not have identity papers, which means they can't have help from the state. There is a huge dropout rate from schools so what are the triggers? Kids that do not go to kindergarten will drop out so going to kindergarten is now compulsory.

Looking at vague problems, you need to come up with concrete solutions. There is a need to reform the way European money is spent.

When we talk about rights based governance – what kind of progress has there been on the transnational level? Do we have any reason to be reassured that this is working?

The UNODC is the only agency dealing with transnational crime. The UN is criticised for talking too much. Yes, they are talking. But what is important about UNODC is that they are not only talking; they are also working and have excellent results. UNODC has 60+ offices in problematic countries working on: Promoting human rights standards, judicial reform, new prisons in line with international standards.

Human trafficking and smuggling is a clear violation of human rights. This migration crisis has shown that most of the people travelling to Europe are using organised smugglers that charge €1000 – €5000 for a seat. These trips are organised by smugglers and people need to pay a lot. Further, human trafficking is a distant crime...it is slavery of the 21st century.

Despite progress, UNODC's annual report states that the rate of convictions of criminals is too low for human trafficking. They believe that prosecution of human traffickers is too low and this is not a lack of goodwill. For example, human trafficking is a legal business that may somewhere down the road then becomes slavery. For these victims, UNODC provide moral and material support. Overall, they try to shorten the distance between words and action.

What should the EU aspire to when it comes to rights-based government and implementing fundamental rights?

When talking about inspiration from the EU, we should look to the past because Poland once it joined the EU, after the fall of Communism, was building a new order. This process was marked with a re-establishment with the principle of autonomy of will and freedom of contract. We have to still remember that when implementing certain policies and providing more equality and when seeking to providing more inclusion, economic inclusion, this is based on the freedom of contract.

We must excuse the limitations of the freedom of contract with rights and labels of equality. After 25 years since the fall of communism in Poland, considerable success was achieved at the expense of families. To stop the marginalisation of families the government must act. The advancement of economy and social participation of families is key to rights based government.

Is it a problem that rights-based governance is often more rhetorical than real for politicians facing election? Hence need for strong judicial independence?

We are trying to strengthen the justice system and ensure justice for everyone. We need to align what we are doing with the Universal Declaration of Human Rights because the UN entities must comply with this in everything they do. Compliance with the declaration then helps with training judges, police, prosecutors in order to help hold human rights standards and compliance with the law. This is a key Sustainable Development Goal. Rule of law, good governance and development are all inextricably linked.

There is so much focus on economic growth and security whilst ignoring the fact the human rights based approach is dissolving. This has led to a big dissolution of human rights from the last 70 years. We need to (re)focus on human rights because the equality gap is the biggest in the last century. The rich have the economic growth they need but the problem is with the poorest people. Justice is not really working for the poorest people, it is just a nice word. We cannot change that without supporting civil society and understanding that development is good but we need to look at these inequalities.

Was the European Parliament too soft on the humanitarian crisis?

No, this is not right. The European Parliament was the first a year ago to talk about a quota of refugees and demanded that all member states accept refugees before the Commission raised the proposal. The European Parliament is not the one to propose legislation, although they are co-legislators. They have improved some things, but they negotiate legislation

with Member States. The problem is when Parliament negotiates legislation we negotiate with 28 Member States.

Good proposals are then watered down and therefore made too soft. There is a need to deal with refugees in a rights-based way but this is not happening. The European Parliament is pushing for that.

What can the European Parliament do in practice with impact to the respect to the rise in extremism?

Laws are really important. We got a good law on data protection. Also politicians are important to speak out against extremism and say that hate starts in our hearts and minds so we need to deal with hate speech.

Following a bad anti-Roma event in Bucharest on National Roma day, Romania's response was immediate. Ministers washed all the hate messages, they publicly condemned the acts and police quickly arrested the individuals involved. This is because Roma were strongly included in the government. This shows that getting vulnerable groups really involved could change a lot at this moment.

What are the 3 pillars for rights-based government?

1. Right anthropology – social character of human nature.
2. Freedom – preservation of freedom in human relations.
3. Equality – equality between human beings.

1. Political commitment.
2. Strong legislation based on the universal declaration on human rights.
3. Need for all stakeholders to fully comply with legislation.

1. Anti-poverty strategy - concrete clear actions, linked to time targets and budgets.
2. Real involvement of the most vulnerable groups – giving people decision power to change the situation.
3. Using public money officially and transparent as possible.

1. Respect of law and the division of power: This is essential for democracy without authoritarian governments.

2. Respect for diversity: The richness of what we have on this continent. For instance, languages and how you do your family life and family life could be single parents, gay parents, etc. no one should be discriminated against.
3. Freedom from fear: With fear in your lives and not being protected, you are unable to live your life the way you want. We all need the opportunity to live to our full potential because that is what human dignity is.