

9. European national policies to promote the social inclusion of disadvantaged groups

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This chapter examines the policies of European states to promote the social inclusion of disadvantaged groups and draws lessons for Latin America and the Caribbean. This chapter complements the previous chapter by Tony Atkinson, which provides the European Union framework to promote social inclusion among its regional member states. This chapter identifies and assesses European national approaches to overcome discrimination and address social exclusion. It discusses such state policy interventions as legal enforcement of antidiscrimination laws; preferential, group-targeted, and affirmative action programs; and comprehensive spatially targeted interventions. Several models of state policy are discussed, and lessons are drawn for Latin America. Emphasis is given in this analysis to social inclusion of gender, racial, and ethnic groups.

No attempt is made to deal comprehensively with all excluded groups. Europe and Latin America have many other disadvantaged groups, most importantly, the sick and disabled, whose need for social inclusion is perhaps more urgent than that of these other groups. Indeed, the “disabled” suffer from this very label, as they are often able to work and participate in public life if they are “enabled,” given access, and treated with dignity (Burden and Hamm 2000). Societies single out many groups as policy targets because of their vulnerability to poverty and exclusion. The UK’s Social Exclusion Unit deals with “deviant” groups, such as teenage mothers, truants, internal migrants, the homeless, ex-offenders, and substance abusers. However, since every target group is the subject of different policies and strategies that vary across countries, it is not possible to cover each in its full specificity here. Nor do the remarks in this chapter apply to many of the groups just enumerated.

Nevertheless, this chapter makes clear that the social inclusion of groups is often a far different challenge than antipoverty policy. Social and cultural sources of exclusion—low estimation of worth, stigma, discrimination, denial of citizenship, if not common humanity—are often rooted

in informal social relations and cultural practices as well as official institutions. These noneconomic dimensions of exclusion have received much less attention from both scholars and the policymakers who can do something about them. But there are probably limits to what laws and policies can do to eliminate cultural exclusion, and for that reason, a more sociological analysis is necessary as well.

Key Concepts

The inclusion of groups is a somewhat different goal than the social inclusion of materially deprived people. Poverty, even when broadly defined as exclusion from the means necessary for full participation in the normal activities of society, is largely a question of access to resources and services. Exclusion of groups, and of individuals because of their group membership, is foremost a denial of respect, recognition, and rights. Group exclusion is “horizontal” in that it may affect even affluent and privileged members of excluded groups. Exclusion or differential treatment of individuals because of their group membership is discrimination, whether motivated by prejudice or by statistical reasoning.

The social inclusion of groups is not simply symbolic. It has economic implications. On the micro level group membership affects individual outcomes through peer group, role model, selective information, and externality effects (Durlauf 2001). Networks and norms influence life chances. Discrimination impedes efficient market functioning on the macro level, just as poverty reduces effective demand needed for economic growth. Exclusion of groups from the labor market wastes or misallocates productive human resources. Segregation allows insiders to earn monopoly rents at the expense of the excluded. Stigmatization, marginalization, and humiliation also deny people’s essential humanity, making it difficult for them to be fully productive citizens. Discrimination is thus construed as a violation of human rights.

International, regional, national, and local level legal systems outlaw discrimination. Thus, Europe and Latin America share basic conceptions of discrimination as international organizations define the term. The Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the International

Convention on the Elimination of All Forms of Racial Discrimination, and the United Nations Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights all recognize the universal right to equality before the law and protection against discrimination.

Regional institutions also monitor state performance on discrimination. The Inter-American Commission on Human Rights has a long history of protecting Latin Americans from nondemocratic governments, and the European Convention for the Protection of Human Rights and Fundamental Freedoms plays a similar role.

Direct and indirect discrimination and social inclusion

Most policies to combat discrimination take a “rights” approach. Yet because the ability to make rights real varies with national institutions, there are limits to a rights approach to social inclusion. The European Union defines two types of discrimination:

- Direct discrimination, where one person is treated less favorably than another in a comparable situation on grounds of racial or ethnic origin.
- Indirect discrimination, where an apparently neutral provision, criterion, or practice would put people of a particular racial or ethnic origin at a disadvantage compared with other people, unless that provision, criterion, or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

While direct discrimination violates the principle of formal equality between an individual and the reference group to whom treatment is compared, indirect discrimination refers to substantive equality with respect to the reference norm and rules of treatment, or “full equality in practice.”

Direct discrimination is a concept squarely within liberal, neoclassical economic thinking. In direct discrimination formal equality dictates the Aristotelian adage that “like shall be treated alike.” It compares individual productivities in supposedly competitive free markets. Since employers must pay majority workers a premium to exercise their “taste” for discrimination, inequality ought to erode over time. Disadvantaged individuals will work for less, encouraging

nondiscriminatory competitors to hire them and forcing prejudiced employers out of business. (Marxist theories also predict an erosion of group inequalities over time, as class consciousness ultimately overcomes capitalist divide and rule strategies.)

In contrast, institutional theories of labor market segmentation and efficiency wages identify those “apparently neutral provisions, criteria, or practices” that help to explain why social exclusion persists. Barriers to access and equal opportunity are often embedded in social, legal, and political institutions, requiring structural change, outside intervention, or affirmative action to promote the social inclusion of disadvantaged groups. The prohibition against indirect discrimination is very circumscribed, but aims to address institutional racism and sexism in which discriminatory intent is not at issue. One way to remedy indirect discrimination when the practical application of apparently neutral rules harms a protected group is to take “positive action” (the European term for affirmative action) that intentionally favors that group.

In practice, indirect discrimination has been easier to prove when nationality (Article 12 EC Treaty of Rome) and free movement of workers (Article 119, now 141 EC) rather than gender discrimination is involved. Indirect discrimination cases appeal to the proportionality principle and require statistical evidence that differential treatment by a specific employer is systematic and structural, not random or occasional. Many states and enterprises do not collect this information. For this reason, international organizations like the International Labor Organization (ILO) are calling for the collection of group-disaggregated and “gender-sensitized” statistics. Even when excluded groups are granted token participation in biased institutions, they usually have no real influence in decision-making. This has led to demands for “empowerment” as well as inclusion.

Discrimination against women is the form of discrimination that Latin America and Europe most commonly share. In fact, some scholars believe that gender inequality is ubiquitous. Antidiscrimination laws covered women before many other groups and served as the prototype for subsequent legislation.

History of antidiscrimination policies

European-wide antidiscrimination laws originated in efforts during the 1950s to eliminate barriers to the creation of a common market. Thus, the first treaty articles against discrimination concerned nationality and freedom of movement. These considerations also motivated the original prohibitions against gender discrimination. The most important of these, Article 119 of the 1957 Treaty of Rome, dictates “equal pay for equal work.” It was included at the insistence of France, whose equal pay statutes raised the cost of female labor in textiles relative to comparable workers in the Netherlands, giving Dutch companies a competitive advantage. After passage, the clause was rarely invoked because immigrants soon took the place of women in textiles during the 1960s. The equal pay clause was not really binding until the second *DeFrenne v. Sabena* decision (1976), in the case of a female Sabena flight attendant forced to retire at age 40, unlike her male counterparts.

The initial approach to discrimination emphasized equal treatment, and the burden of proof in equal pay complaints fell on the plaintiff. Laws guaranteeing equal rights to access or opportunity are often insufficient, for they place most of the onus of enforcement on the victim. However, Article 119 ultimately became the basis of more far-reaching laws against gender discrimination. In *Finanzamt Koln-Altstadt v. Schumacher* (1995) the European Court of Justice ruled that discrimination refers to “the application of different rules to comparable situations or the application of the same rule to different situations” (Ellis 1998, p. 110). Thus, the court allowed flexible affirmative action policies for women to correct for earlier discrimination. Through Article 119 antidiscrimination law gradually extended into such institutional areas as decisionmaking, political parity, and family obligations that influence employment and occupation.

Philosophically speaking, European approaches to gender ran up against the tension between the principle of equal treatment in the law and the recognition that gender difference has long been a legal category. Antidiscrimination law can become a “liberal straightjacket” because it declares that gender does not justify differential treatment (Numhauser-Henning 2001). Whereas gender equality in EU law was initially motivated by market considerations and then fell under the “social dimension” and hence the Directorate-General for Social Affairs, it has slowly moved

under the rubric of “human rights.” The Amsterdam Treaty transformed nondiscrimination against nationality into a basic rights issue of many different groups through the Charter of Fundamental Rights of the European Union (Maier and Klausen 2001).

National efforts to transcend equal treatment and promote gender equality through “positive action” nevertheless met opposition in the European Court of Justice. Early German and Swedish positive action programs were struck down. In the 1995 *Kalanke* case the European Court of Justice ruled that “formal equality” (equal treatment of individuals) trumps “substantive equality” (of two groups), thereby limiting “positive action.”

The Amsterdam Treaty of June 1997, which went into effect in June 1999, included several articles that enlarged the scope of gender equality and prodded many national governments to change their laws. Still, equal treatment has become easier to enforce recently, and the burden of proof in discrimination complaints has shifted from workers to employers.

The third wave of EU gender policy included two new initiatives: “equal participation in decisionmaking,” and “mainstreaming” gender equality into all areas of social life and EU institutions (Hubert 2001). In 1995 the Fourth World Women’s Conference in Beijing committed UN members to gender equality, making women’s rights into human rights and, hence, enforceable. Justifications for parity in representation went beyond the deepening of democracy for all to legitimation of civic education and reparation for historical legal discrimination. In 1996, again interpreting Article 119 of the Treaty of Rome, the Council of Ministers issued a Recommendation for the Balanced Participation of Women and Men in Decision Making.

Member states responded. Belgium and Italy changed their electoral laws, and France and Portugal amended their constitutions. Women were not simply restricted to a quota below their fair representation but would now constitute a proportionate share of candidates for political office. In 1994 women held on average 17 percent of the seats in the lower (or single) houses of western European parliaments, a modest increase from 13 percent in 1987. However, there is much national variation (Maier and Klausen 2001, p. 11). In 13 European countries more than

15 percent of the ministers or members of the government were women in 1994. In the Netherlands and Scandinavia (Denmark, Finland, Iceland, Norway, and Sweden), the share of seats held by women has continued to rise, so that in 2002 women held more than a third of the parliamentary positions. French women drew inspiration from the high percentage of women in political office in Italy and the Nordic countries (Cresson 1998). In mid-1999 the French Constitution was changed to say “the law favors equal access by men and women to electoral mandates and elective functions.” France passed a law requiring all political parties to have women as half of all candidates.

Gender mainstreaming became the new strategy to promote gender equality in the Fourth Community Action Programme for Women and Men (1996-2000). Its first objective was “to promote the integration of the equal opportunities for women and men dimension in all policies and activities.” More recently, the European Commission adopted a Community Framework Strategy on Gender Equality (2001–05) that embraces all EU activities to eliminate inequalities. It launches a new Gender Equality Program (2001–05) to support awareness-raising, analysis, and evaluation, and to promote transnational cooperation, networking, and exchange of experience.

The European Union is committed to promoting equality between men and women as part of the struggle against social exclusion. Recent EU economic and social policies thus include a gender dimension. Gender equality is central to the equal opportunities objective of the European Employment Strategy, and many National Action Plans on Employment refer to progress on this score. However, the draft 2002 *Joint Employment Report* noted that, while employment and social inclusion action plans are better integrated, nondiscrimination is generally neglected in discussions on social inclusion, and few member states set specific national targets. Action plans rarely present indicators reporting on disadvantaged groups other than women, and they contain few explicit plans to bring about gender equality.

The latest gender initiatives have moved beyond economic and political issues to questions of security and access. Most concern circumscribed, if important, matters: trafficking of women, violence against women, women in science, and gender in regional policy. According to the

UN's *The World's Women 2000: Trends and Statistics*, there is little information about domestic violence in Europe. The United Nations has figures for the 1990s on physical abuse of women in a relationship. The rates are high for Latin America, but comparable European data are reported only for Switzerland and the United Kingdom. At the 1993 UN World Conferences on Human Rights, nongovernmental organizations (NGOs) won a resolution that redefined human rights so that Western countries can grant political asylum to women fleeing certain violence or death from husbands or relatives.

The European Court of Justice also deems sexual harassment to be a form of discrimination. Generically, harassment occurs "when an unwanted conduct related to gender or racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment." According to the second European Survey on Working Conditions, 3 percent (2 million) of women were subjected to sexual harassment and 4 percent to sexual discrimination during 1996 (European Foundation 1998). In general, the European Union is ahead of national policy on this issue, prodding governments to outlaw harassment.

Policy outcomes on the national level

The law is one thing; practice is another. Has the EU commitment to gender equality had any real effect? Women's relative position has been improving, but very slowly, leaving large gaps. Some indicators even suggest setbacks.

Most attention has been devoted to raising female labor force participation. While female labor force participation has been rising throughout the European Union, there is still a gender gap. There are also measurement problems. Eurostat defines employment as at least one hour of work for pay or profit but underestimates gender inequality arising from variation in part-time positions. And it misses some workers included in the ILO definition of the economically active population (all employed and unemployed persons, including those seeking work for the first time, employers operating unincorporated enterprises, persons working on their own account, employees, contributing family workers, members of producer cooperatives, and members of the

armed forces). Nevertheless, according to the Spring 2002 Labor Force Survey (Eurostat 2003), employment of prime-age (15–64 years old) women in the European Union reached 55.5 percent, up from 54.8 percent in 2001 (table 9.1). It is still much lower than that of comparable men, at 72.9 percent.

The *Joint Employment Report 2000* (COM (2000) 551) and the Draft *Joint Employment Report 2002*, show some progress toward the 2000 Lisbon Summit target of raising female labor force participation in every member state to 60 percent. Scandinavian countries, the Netherlands, and the United Kingdom achieved this goal long ago, but rates in Southern Europe were less than 40 percent. Thus, the EU Directives gave equal opportunity for women a boost in Greece, Italy, Portugal, and Spain, where women's status has traditionally lagged (González, Jurado, and Naldini 2000), as well as Ireland.

National variations reflect historical patterns. Most Scandinavian countries have the highest rates (Norway being the exception), and Southern European countries (except Portugal) have the lowest. In contrast, women's participation rate has been falling in the Eastern European accession countries. Although women's participation is rising in Latin America and the Caribbean, women still constitute less than a third of the labor force in several countries (Belize, Chile, Dominican Republic, Guatemala, Guyana, Nicaragua, Paraguay, and Venezuela) while in others (Colombia, Peru, and most Caribbean countries) it is comparable to European levels. In Latin America and the Caribbean even more than in Europe, rising gender gaps in youth unemployment indicate that young women have even greater difficulty in the labor market than do prime-age women.

European women are much more likely to be underemployed, working fewer hours than they would like (ILO 2003). In 1996, 17 percent of the EU labor force was in part-time jobs, but 83 percent of part-timers were women. As most new jobs created are part-time and service sector, more women are entering the labor force. During the 1990s part-time jobs as a share of total jobs, whether held by men or women, rose in all European countries except Scandinavian countries. In parts of Latin America and the Caribbean the share of part-time jobs fell for both men and women during the 1990s (table 9.2).

In Europe the extent of part-time employment varies considerably across countries, as does the prevalence of women in such jobs. The Organisation for Economic Co-operation and Development (OECD 2000) uses 30 hours a week to distinguish full-time workers from part-time workers, but in some countries like the United Kingdom, shorter hours are the norm. According to the ILO's *Key Indicators of the Labor Market* part-time work is both more common and less feminized many countries of the Caribbean than in Europe, with the exception of the "Dutch Miracle" (see table 9.2). In the Netherlands a majority of women and 12 percent of men work part-time, and the female rates exceed a third in Belgium, Germany, Iceland, Norway, Switzerland, and the United Kingdom. Women workers hold a much smaller share of part-time jobs in other Scandinavian countries, Greece, and Southern Europe. But the share of part-time positions held by women declined everywhere but Greece, Ireland, Italy, and Switzerland. Thus, as "flexible" employment expands, relatively more men are accepting it.

On other indicators, progress is less evident. European women, except in Finland, Sweden, and the United Kingdom, are more likely to be unemployed and are unemployed longer than men. Profound horizontal and vertical segregation of female-dominated jobs persists, with most European women concentrated in a few sectors with high percentages of part-time positions (Maruani 2000). Women are concentrated in service industries, their representation being 20 or even 30 percentage points higher than men's (ILO 2003). Health and social work, in particular, are female-dominated industries in Europe while in Latin America and the Caribbean women in services are usually domestic workers.

According to the European Commission (1999) private sector earnings of women in the European Union average 28 percent lower than men's. Between 1994 and 1999 the unadjusted gender gap in wages in the 15 EU countries remained stuck at 84 percent, persisting even after controlling for occupational segregation and work hours. However, there is considerable variation across countries from 78 in the United Kingdom and Ireland to 95 in Portugal. When the International Labor Organization examined six occupations, ranging from computer programmer to welder, in a few very different countries, women's wages were almost always lower than men's. In sum, there are

“assessments that the transnational policies have been of limited significance in bringing about any reduction of vertical or horizontal gender segregation in employment, though this is not to conclude that they have been without value in enhancing and, to some extent, sustaining policies directed against discrimination, if not promoting equity” (Monk and Garcia-Ramon 1996, p. 13).

Table 9.1 Share of adult workers who works part-time in Europe and Central America and the Caribbean 1990–2000 (percent)

Region and Country	Women part-time workers as share of all <u>part-time workers</u>					
	1990–93		1998–2000		1990–93	1998–2000
	Women	Men	Women	Men		
Western Europe						
Austria	20	2	30	4	88	83
Belgium	30	5	37	7	80	79
Denmark	29	10	23	9	71	68
Finland	11	5	14	7	67	65
France	22	4	25	6	80	79
Germany	25	2	33	5	89	84
Greece	12	4	15	5	60	63
Iceland	40	8	35	9	82	77
Ireland	21	4	32	8	72	76
Italy	20	5	23	5	71	72
Luxembourg	22	2	28	2	86	92
Netherlands	53	13	55	12	70	77
Norway	40	7	35	8	83	79
Portugal	12	3	15	5	74	71
Spain	12	1	17	3	80	78
Sweden	25	7	22	7	78	74
Switzerland	43	7	47	8	82	83
United Kingdom	40	5	41	9	85	80
Caribbean						
Bahamas	16	14	12	11	52	51
Barbados	6	3	14 ^a	8 ^a	60 ^[a here as well?]	60 ^a
Grenada (1994)	29	24	na	na	43	na
Jamaica	14	7	10	5	61	57
Netherlands Antilles	21	7	24	11	69	65
St. Vincent and the Grenadines	34	30	37	na	na	na
Suriname	34	10	33	11	64	59
Trinidad and Tobago	14	11	13	9	38	46
Central America						
Belize	28	13	26	12	50	49

Mexico (1995)	31	10	27	7	61	65
na = not available ^a Less than 40 hours a week; previous year refers to less than 25 hours per week. Note: Part-time workers are people with paid jobs whose working hours total less than "full time." Since there is no internationally accepted standard for the minimum number of hours that constitute full-time work, the data refer to national standards or those in special regional compilations. Many countries have established demarcation points between 30 and 40 hours a week. Some countries ask workers to define their status. OECD (2000) applies a 30-hour cutoff.						

Source: ILO 2002, table 5. Table 5 was compiled from ILO data and OECD 2000.

By global standards women in the European Union marry later, have fewer children, have relatively higher incomes and education, are more urbanized, and live longer. Compared to Latin American women, European women are also more likely to enjoy paid maternity leave, state-subsidized health care, and fewer paid work hours (Monk and Garcia-Ramon 1996). Paid maternity leave typically lasts three months in Latin America, but four or more months in Europe (United Nations 2003). These trends suggest a degree of national convergence in Europe, helped along by EU declarations and directives.

However, much regional and local variation in gender inequality persists within the European Union. Most of the comparable data available to support this assertion are national-level statistics that focus narrowly on quantifiable indicators of gender inequalities in the economic sphere. Data on legal and institutional barriers and subnational indicators are rarely comparable across countries. Some issues, especially within the private sphere of community and domestic life, are often concealed, excluding some of the major reasons for gender disparities in the labor market

New approaches to gender equality

Welfare-state models are of limited value in the comparative study of discrimination because they have tended to neglect personal relations and the ways that welfare states themselves generate or reinforce inequalities. For example, income maintenance policies disadvantage women relative to men if they are based on earnings or family income, rather than universal. Social services, especially child care availability and cost, also have gender effects. Labor regulations may reinforce occupational segregation through exclusionary rules, maternity leave policies, and statutory minimum working hours and continuous employment requirements (Kofman and Sales 1996).

Only recently have welfare-state models transcended the male breadwinner model of earlier theories (Lewis 1993 [1992 in refs], 1997; Langan and Ostner 1991; O'Conner, Orloff, and Shaver 1999; Hirschmann and Liebert 2001; Jenson, Laufer, and Maruani 2000; Gornick 1997; Meyers and Gornick 2001) to encompass production and reproduction of welfare in the family. Esping-Andersen's (2002) call for a "new" welfare state that rewrites the social contract on family policy and the gender contract on work-welfare-family relations is a belated recognition that households and women's role within them contribute to well-being.

If there is any clear "model" or national typology of gender inequality, it is the contrast between the Nordic and Mediterranean countries. The Mediterranean countries are the most comparable to Latin America and the Caribbean. Southern Europe is distinctive for its conservatism, reflecting long histories of authoritarianism and Catholicism. Decentralized, less generous welfare states have meant heavy reliance on the family as a safety net to prevent poverty and exclusion. The importance of female care-giving, the absence of both public and private services, and high unemployment have all placed constraints on women's labor force participation. For example, one comparison of Germany, with its generous welfare state, and the United Kingdom, with its emphasis on the labor market, with familistic Italy revealed very high unemployment among young people and women in Italy, especially in the south where female labor force participation is extremely low and female long-term unemployment is very high. In Spain, where women's education and labor force participation are also low, women tend to be

uninvolved in politics as well. In the Mediterranean countries there was a brief upsurge of female political participation in the 1970s and 1980s, as feminism rose and democracy was established, but it was shortlived. Some suggest that women's inclusion in these countries will require family-friendly policies such as parental leave, flexible schedules, child care, and incentives for men to help at home (González, Jurado, and Naldini 2000).

National policies are not the only ways public intervention supports the social inclusion of women in Europe. A recent assessment of gender mainstreaming reports that crucial variables in making the approach effective are strong women's organizations, a state feminist machinery, academics, and policy frameworks. The European Social Fund now requires a demonstration of gender awareness in applications for support (Woodward 2001). Mainstreaming of gender in education and training programs can also be seen in the 1995-2000 European Social Funds Leonardo da Vinci program, a transnational training program that supported innovative projects to develop human resources and language skills through partnerships of educators, employers, unions, and local or regional governments. The projects must support a "priority theme" of the Commission's White Papers, including social exclusion and lifetime learning, and each strand promotes "equal opportunities for men and women" in design, implementation, and transnational vocational training pilot projects (Rees 1998).

The third Medium-Term Action Program on Equal Opportunities for Women and Men identified women's under-representation in decisionmaking and promoted more gender balance in politics. The fourth action program (1996-2000) promoted gender mainstreaming, including job assessment and classification for equal pay. It mobilized all actors in economic and social life (public authorities, social partners, NGOs, education, and media) to achieve equal opportunities for women and men; promoted equal opportunities in a changing economy, especially in education, vocational training, and the labor market; developed pilot programs that trained women for nontraditional jobs; promoted reconciliation of family and paid work through flexible schedules, leave, child care, and shared domestic responsibilities; and aimed to make conditions more conducive to exercising equality rights (European Commission 2001). In May 2000 the action program published examples of good practices to promote gender equality in the

European Union, including incubating women entrepreneurs, recognizing the autonomy of spouses in family businesses, and helping women enter the security and electricity industries.

Nevertheless, the growing move to “privatize” welfare provision to markets, nonprofits, and communities ultimately rebounds to the family and to women’s domestic and caregiving labor (Cochrane 1993). This is a danger in Latin America as well. The social organization of time is a major source of women’s continuing disadvantages. In some European countries the lack of coordination among institutional schedules forces many women to organize their employment around the few hours in the day that children are in school and offices or shops are open. Part-time jobs have increased, but outside the Scandinavian countries and the Netherlands, rarely offer the benefits and protections of full-time employment. Ineligibility for employment-based social protection consigns women, who care for the most vulnerable members of society, to the same vulnerable group when they become infirm or elderly.

The next frontier in policies promoting gender equality is the restructuring of the relationship between home- and market-based work. A recent study found a huge difference in the gender division between paid and domestic work (housework, errands, do-it-yourself tasks, child and elder care). Not only is domestic work more time-consuming than gainful work (or study) in some countries (Belgium, Estonia, France, Hungary) and less time-consuming in others (Finland, Norway, the United Kingdom), but who does it varies considerably. In all European countries men devote more time to gainful work or study than to domestic work, but only in Denmark and Norway is the average time in domestic work of women about the same as their time in gainful work or study.

In many ways minority women are doubly disadvantaged. Not only do they bear a heavier burden of domestic responsibilities, but women who arrive under family reunification rules are materially dependent on and morally indebted to the men who bring them to Europe. Domestic violence is a constant threat. According to the *Fédération internationale des ligues des droits de l’homme la lettre*, conjugal violence is frequent in all communities in Europe. In some cases foreign women arrive in Europe as modern-day slaves (Gaspard 2000; Melis 2001).

Female third-country national migrants enjoy protection against sex discrimination in pay for work of equal value. Yet Article 13 EC of the Amsterdam Treaty permits only “appropriate action to combat discrimination.” It does not formally prohibit racial or sexual discrimination, and it requires a unanimous vote in the Council. Only in the last few years has the Commission outlined measures to implement the article, which does not cover discrimination on grounds of nationality. In contrast to discrimination law immigration laws focus on police, criminal, and judicial cooperation, attempting to combat racism and xenophobia by guaranteeing EU citizens safety and security. The minority groups most in need of protection are excluded from protection, legally authorizing differential treatment of EC citizens and third party nationals. The common immigration policy not only does not commit the European Union to protect immigrants against discrimination, but “the same provisions are often the cause of their discrimination” (Melis 2001, p. 40)

Racial and ethnic discrimination

Exclusion on the basis of gender appears to be nearly universal and is thus a shared concern in both Europe and Latin America. In racial and ethnic discrimination, however, the contextual specificity of social exclusion is strongly evident. The European Union encouraged member states to break down exclusion indicators along the lines of the dominant cleavages in their societies, but this rarely led to reporting of socioeconomic status by racial, ethnic, or other cultural categories. Much more work needs to be done on the economic and other disparities between majority and minority groups.

Conceptions of what it means to “belong” to a society are nationally specific, and cultural boundaries of identity are often socially constructed in opposition to outsiders. Numerous studies document national differences in approach to racial and ethnic discrimination and rising social diversity (Piper 1998; MacEwen 1995, 1997; Castles 1995; Forbes and Mead 1992). Most European states distinguish “autochthonous” minorities, with many rights and often regional autonomy, who were incorporated into nation-states, often forcibly homogenized with loss of languages and cultures, from recent immigrant minorities, who were supposed to be temporary and were not intended to be integrated (Baubock, Heller, and Zolberg, 1996).

The formation of modern nation-states within stable boundaries was a long historical process of conquest and consolidation. But those national histories are often distinctive, and the dominant narratives are selective, as states perpetuate nationalist myths in order to cement social cohesion. There continue to be sometimes violent struggles for cultural autonomy or national self-determination in particular regions (Northern Ireland, Basque country, Corsica, the Balkans). How much autonomy, sovereignty, self-determination, or group rights to accord internal ethnic cultures has long plagued Europe (Shapiro and Kymlicka 1997; Hannum 1990). Jacob Levy (1997, p. 25) has worked out a classification of policies that take into account the cultural claims of ethnic and linguistic groups and is general enough that it might bridge both the European and Latin American contexts (table 9.2).

Visible minority populations in the European Union are a small (3 percent) share of the total population. Belgium, France, the Netherlands, and the United Kingdom have the largest minority populations. Europeans strongly resist acknowledging the existence of “race.” There is some irony in this because race must be legally recognized to outlaw racial discrimination. One review of measures to combat racial discrimination notes that many countries do not make explicit reference to race, color, ethnic origin, nationality, or language in domestic law, but only a general statement on equality of all persons (Forbes and Mead 1992). Some countries (France, Germany, Greece, Italy, the Netherlands, Portugal, and Spain) have constitutional prohibitions against racial discrimination, and race is a category in both civil and criminal law in some of these countries. Yet France is adamantly opposed to “positive discrimination” because it violates the sacrosanct republican rule against creating separate classes of citizens.

Antidiscrimination policies are rarely sufficient to guarantee equal opportunity and equal treatment. Victims of employment discrimination rarely file complaints, and when they do, the complaints are often dismissed for lack of evidence, allowing employers to exercise preference. Yet there is national variation in the readiness to pursue this option. In 1993 France had only two convictions for racial discrimination. The year after Sweden introduced a 1994 law against employment discrimination, the discrimination ombudsman received 75 complaints but not one reached a work tribunal. In contrast, the United Kingdom’s Race Relations Act resulted in

thousands of cases being brought to industrial tribunals, and in the Netherlands large companies are legally committed to aim for proportional representation of “non-natives” in the workforce (Wrench 2000, p. 261).

Table 9.2 Policies to promote cultural rights

Policy type	Description
Exemptions	From laws that penalize or burden minority cultural practices (head coverings)
Assistance	For things the majority can do without assistance (affirmative action, multilingualism)
Self-government for minorities	Through federalism or secession
External rules	Restriction of nonmembers’ liberty to protect members’ culture (official language laws)
Internal rules	For members’ conduct (ostracism)
Recognition and enforcement	Of traditional legal codes by the dominant legal system (aboriginal land rights, family law)
Representation of minorities in government	For increasing their voice (drawing jurisdictional boundaries around group territorial home)
Symbolic claims	Acknowledgment of worth, status, dignity, existence of groups (multicultural education)

Source: Levy 1997.

Yet, affirmative action policies for ethnic minorities are not absent in Europe. Although more visible in India, Malaysia, South Africa, the United States, and a few other pluralistic societies

with large minority groups (Wyzan 1990), “positive action” to fight racial discrimination is used as a policy tool in the Netherlands, Sweden, and the United Kingdom, while Denmark, France, Ireland, Italy, Luxembourg, and Spain take positive actions for gender equality. “Positive discrimination” is practiced in Italy, but it is legal in only a few European countries and “is not a favoured policy instrument, since even the suspicion of its practice tends to cause conflict and dissatisfaction among beneficiaries and losers alike” (Forbes and Mead 1992, p. 1). The United Kingdom uses contract compliance policies, while Germany’s industrial code prohibits discrimination by employees as well as employers (Forbes and Mead 1992).

In Latin America rural poverty, which is partially racial, prevents domestic markets from developing. European ancestry is tied to prosperity, while indigenous or African ancestry leads to poverty and discrimination in Bolivia, Brazil, Ecuador, Guatemala, Mexico, and Peru. One thoughtful essay (Thiesenhusen 1990) noted that economic growth in Latin America never trickles down to the majority of the population and that most opportunities for them lie in the cities. He thus proposed agrarian land reform as an “affirmative action” policy for Latin America that would encourage economic progress without displacing poor, indigenous communities in a context of weak judiciaries and limited budgets.

There is much confusion on racial, religious, and ethnic terminology and ideology in Europe at the moment, with legal ramifications as well (Joly 1998). The Continental European reluctance to recognize the reality of “racial” discrimination deflects the enforcement of equal opportunity into alternative categories. Social exclusion policies might refer generically to “vulnerable” or “disfavored” groups that include the Roma, religious, linguistic, and ethnic minorities among such noncultural categories as substance abusers, the homeless, or people with disabilities. A second approach is to refer to naturalization or integration policy as one legitimate social demarcation through which racial and ethnic inequalities can be indirectly addressed. Another is to target policy interventions on places where racial and ethnic minorities concentrate. Box 9.1 provides examples of European antidiscrimination measures.

Box 9.1 European antidiscrimination measures (state level)

- Civil and criminal legal prohibitions.
- Public agency to enforce the law.
- Agency to monitor and evaluate policy or educate and inform the population.
- Contract compliance.
- Legal aid.
- Positive action (measures to address causes and symptoms of discrimination by equalizing opportunities).
- Positive discrimination (positive response to past discrimination).

A recently formed European network of information on racism and xenophobia [RAXEN] links research centers, NGOs, and international organizations. The data it collects and analyzes will provide the basis for effective antidiscrimination strategies for Europe. The European Monitoring Centre on Racism and Xenophobia in Vienna, established by the European Union in 1997, has championed the new directives and action program as well as the Charter on Fundamental Rights. Its annual reports have concluded that ethnic, religious, and cultural minorities, immigrants, and refugees are vulnerable to racist crimes and discrimination in all the member states. Racial incidents and xenophobia are increasing. The Roma, refugees, and immigrants from African and Arabic countries are particularly subject to violent incidents and discrimination. While a recent survey showed that religious tolerance is generally high throughout the European Union, immigrants and members of ethnic, religious, and cultural minorities have been afraid to report racist attacks to the authorities. Under-reporting and lack of nationally uniform definitions make it difficult to keep track of racist incidents, although Germany, Sweden and the United Kingdom keep better statistics than other states.

In Europe new immigrants arrive with historical, comprehensive, even codified national cultures they want to preserve. Countries have different responses. Some countries (like France and Germany) are more assimilationist than others. The Netherlands and Switzerland have decentralized institutions to allow for confessional religious and linguistic diversity, while Sweden adopted its corporatist model to organize immigrant associations as state interlocutors. Where the French speak of “integration” policy, the British refer to “race relations” policy.

Of all the countries of Europe, it is perhaps the United Kingdom that most addresses the need for cultural expression and multicultural education to combat racism. It passed a Race Relations Act as early as 1976. The Commission on Racial Equality monitors race relations for the government. Education Action Zones and other urban programs benefit the inner cities where minorities concentrate. But even in the United Kingdom, where the government has recognized minority student underachievement and racial harassment as problems, education policies still tend to be “color-blind” and “deracialized” (Burden and Hamm 2000).

Multicultural education also takes the form of multilingual education, which is most extensive in the Netherlands and Sweden. Some small countries see immigrant languages as a cultural threat, and all countries insist that national languages be mastered too. Cross-cultural communication is essential for social cohesion, national governance, and efficient labor markets (Baubock, Heller, and Zolberg 1996).

No one denies that the social exclusion of racial and ethnic minorities produces economic as well as social deprivation. Black people in Europe are more likely than white people to live in poverty (Modood 1998). They have higher unemployment rates and are concentrated in low-paid jobs. Ethnic minority women are more likely to be homeworkers or to work in family businesses, often without formal rights. Inability to master the local language may not condemn immigrants to unemployment, but it does channel them into particular occupational niches and limits opportunities.

The European Union entered the fight against racial discrimination in earnest only during the last decade. Many states denied that racism existed in their countries because they had overcome historically unequal treatment of minorities or migrants, had high levels of intermarriage, or outlawed discrimination. Even in Sweden pressure to enact antiethnic discrimination laws originated with international organizations, not domestic politics. But the rise of nationalist, extreme right-wing parties and violence against foreigners and visible minorities has exposed the hollowness of these claims.

At the October 1995 Social Summit in Florence, the Joint Declaration on the Prevention of Racial Discrimination and Xenophobia and Promotion of Equal Treatment at the Workplace called for employers to adopt voluntary measures. To provide guidance 25 cases of “good practice” (not best practice) in member states were collected in the *European Compendium of Good Practice for the Prevention of Racism at the Workplace*. The most common good practices involved training. Newcomers and ethnic minorities were instructed in the dominant language, legal framework, and cultural practices as well as in job search skills. This approach adopts the individualistic theory of social exclusion in which the burden to bring about inclusion falls on excluded individuals. However, even well-qualified individuals from “visible minority groups” suffer from discrimination and racism, so training the majority to change either attitudes or behavior is a necessary complement to minority integration policies.

It is not clear that attitudes can be changed in the short run. Laws against incitement to racial hatred assume that racism is an ideology. But racism and xenophobia are embedded in institutions as well. Hence insisting on nondiscriminatory behavior and equal treatment is imperative. Multicultural approaches that teach majority groups about minority culture and promote minority representation in all ranks of an organization are especially effective in enterprises in which the customer or client base is diverse as well. Where there is a business justification for recruiting equally qualified minorities, everyone gains. Where fewer incentives for voluntary compliance exist, antidiscrimination policies may be required, such as codes of conduct with serious sanctions to avoid bias in selection and promotion.

Article 13 EC is the basis of two new EU directives that are especially pertinent to this discussion of discrimination. Directive 2000/43/EC of June 20, 2000, “Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin,” prohibits racial discrimination in employment (access to jobs, pay, conditions, benefits), education, social security, healthcare, and access to public goods and services and provides rights of redress and sanctions for discrimination. The directive, which came into force in July 2003, shifts the burden of proof from the complainant and protects against harassment and violence. Directive 2000/78/EC on employment equality bans discrimination on the grounds of religion, belief, age, disability, and sexual orientation. It requires members to bring national laws into accord with

this prohibition by December 2003, with an additional three years for disability and age legislation.

In late 2000 the European Council launched a five-year, 98.4 million euros Action Program to Combat All Forms of Discrimination (except gender, which already had its own Action Program on Equal Opportunities). The program supports national legislative measures, mobilization of relevant actors, and the exchange of information and good practices through database construction. Related policies include the Community Initiative EQUAL aimed at combating labor market discrimination of all kinds, and the Grotius program, for training judges and prosecutors about racism and xenophobia.

The Employment and Social Affairs Commissioner launched a five-year campaign, “For Diversity—Against Discrimination,” to enlist the member states, social partners, and NGOs in combating discrimination. The first year will focus on workplace discrimination by unions and employers, stressing the value of diversity for business reasons: creativity, human capital, image, and diverse customers and shareholders. To improve understanding of civil rights, all national governments are supposed to designate an institution to support and guide victims of racial discrimination. A Eurobarometer survey on discrimination in the EU (www.stop-discrimination.info) found that only a third of Europeans would know their rights if they were victims of discrimination. A fifth of the EU respondents—and as many as a third of the Dutch ones—had personally witnessed ethnic discrimination. Most Europeans believe ethnicity, religion, disability, age, and sexual orientation are obstacles to qualified people getting a job. And most oppose discrimination. Yet they do not know what to do about it.

The *European Compendium of Good Practice* also contains examples of positive actions that go beyond training and antidiscrimination efforts (Wrench 2000). In some countries workplaces instituted measures to “accommodate” specific religious and cultural practices of minorities, such as holidays or dress codes. But only a handful of countries (the Netherlands, Sweden, the United Kingdom) have made stronger efforts to recruit, train, and mentor members of minority groups—advertising jobs through minority networks or recruiting through community employment agencies. In the United Kingdom, where under-representation is grounds for legal

action, positive actions taken include recruitment, pre-entry training, and in-service training of minority workers. The Netherlands calls for acknowledging cultural differences at work after ethnically diverse workplaces are established. Sweden targets disadvantaged groups generally, helping improve immigrants' worklife through class-based corporatism. In general, public sector employers are more likely to adopt equal opportunity and positive actions than are private sector employers (Wrench 2000, p. 277).

In Latin America, two types of groups are among those that suffer widespread discrimination, the afrodescendants and indigenous groups. European countries have been slow to address racial and ethnic discrimination against minority groups. Thus far, the United Nations has only a draft Declaration on the Rights of Indigenous Peoples (1994) because the subjects of sovereignty, colonialism and self-determination are so controversial (Hannum 1990). Building on the Cobo Report (1986) that called for "non-dominant sectors of society" to have the right to preserve their culture and identity, Latin American and Scandinavian countries currently support the draft's Article 3 calling for a right to opt for self-determination.

Much of the debate over rights concerns the distinction between independence and autonomy in relations between states and indigenous peoples. Many states were hostile to indigenous groups or assumed in law that they would disappear or assimilate into national culture. Others grant indigenous groups a special protective legal status that frees them from obligations but limits their rights. Another set of states recognizes equal rights and obligations but in addition to those held by national citizens, recognizing indigenous groups as having the "special needs" of other "disadvantaged" groups. International agencies like the World Bank usually specify that a group must be both distinctive and disadvantaged to receive special scrutiny. But it is difficult to meet legal requirements. Qualifying as indigenous to enjoy land rights often requires proof of continuous habitation, disadvantaging nomadic peoples. Proving "peoplehood" or descent is difficult if one has long-intermarried ancestors. And unlike liberal "equal rights," claiming "special" or "group rights" to land, water, and other valuable resources is difficult to do in domestic courts. Tribal law rarely trumps liberal laws against direct discrimination.

Citizenship: Integrating immigrants, refugees and foreigners

Central America and the Caribbean have been major immigrant sending countries in the past few decades, but the larger South American countries, while receiving internal Latin American migration and also are also slowly sending people abroad. Thus, like Europe, the region is dealing not only with internal migration flows, but also with important international population movements.

European regulation of immigration and naturalization is increasingly related to “integration” policy. Whereas Europe welcomed labor migrants and guest workers until 1973, rising unemployment and international tensions after the oil shocks pressured governments across the ideological spectrum to begin restricting immigration. The first signs of the trend were in the United Kingdom where by the 1980s Commonwealth status was no longer sufficient to allow entry. Most countries confined immigration to family members, refugees, and asylum seekers. As the flow of newcomers slowed, governments instituted policies to incorporate the immigrants and their children into “mainstream” society.

In some countries, like the Netherlands and Sweden, most political parties supported changes in immigration laws, but in others, like Austria, France, Switzerland, and the United Kingdom, immigration policy was extremely politicized (Hammar 1985). Christian Democrats and Social Democrats both supported German reforms of asylum-seeker rights in 1993, although more recent changes in citizenship laws and skilled migrant recruitment led to partisan controversies.

The Schengen Agreement encouraged European states to cooperate in immigration control, opening internal borders and tightening external ones. Italy, Spain, and France began coordinating patrols of the Mediterranean to reduce illegal immigration from North Africa and the Balkans. The Amsterdam Treaty, although not legally binding, codified “Fortress Europe’s” policies toward third-country nationals. All member states now have strict admission policies emphasizing security, control, and expulsion aimed at restricting the flow of migrant workers, asylum seekers, and family members. One review of the EU’s immigration laws concluded that

they are “often highly incompatible with fundamental human rights, in particular, they do not comply with EC/EU commitments against race and sex discrimination” (Melis 2001, p. 217).

The social exclusion of new migrants went hand in hand with government efforts to include those already in Europe. Countries have pursued immigrant incorporation in many different ways, reflecting longstanding national conceptions of belonging, integration, and political institutions (Silver 1995).

One typology (Castles 1995) distinguishes “differential” exclusion from “assimilation” models and “pluralist or multicultural” models. Germany is the exemplar of differential exclusion, treating immigrants as guestworkers, with fewer political and social rights than citizens. Austria, Belgium, and Switzerland have also adopted this model to some extent. More recently, however, Germany has reformed its immigration laws, making naturalization easier. Germany also aims to assimilate ethnic German immigrants (*aussiedler*) and offers some multicultural education (Piper 1998). France exemplifies the assimilation model, with its republican ideology of universal, equal citizenship. French law prohibits state recognition of group racial and cultural differences. But some movement toward pluralism is discernible since the rise of the extreme right in politics. The United Kingdom once pursued an assimilation policy too, but by the 1970s, after immigration was curtailed, pluralist and multicultural policies were introduced. While France tries to educate citizens and public authorities to treat everyone equally and targets assistance to deprived territorial areas regardless of racial composition, the United Kingdom stresses sanctions against discriminatory behavior.

The nation-states of Europe also differ in their treatment of “migrants,” applying different sets of rights to different migrant statuses (citizens, denizens, guestworkers, asylum seekers, refugees), complicating the forms of exclusion experienced. Northern Europe already has a second generation of native-born ethnic minorities to contend with, whereas Southern European migrants are more likely to be undocumented or short-term immigrants at the bottom of the informal labor market. They immediately need labor rights to counter economic exploitation and housing discrimination.

Different European states pursue different approaches to immigrant integration as well (box 9.2 lists some common measures). To use Soysal's (1994) typology, corporatist countries like the Netherlands and Sweden are centralized, but society is organized into corporate groups with state recognition and roles. Incorporation of immigrants is thus collective and vertical; intermediary structures provide social rights. The state organized "ethnic minorities" to allow immigrants "freedom of choice" in cultural affairs while encouraging solidarity and cooperation with the native Swedish majority. Swedes expect immigrants to ultimately integrate into society as individuals, but have unintentionally institutionalized ethnic separation.

Liberal states like Switzerland and the United Kingdom privilege individual choice and decentralize authority to local authorities and voluntary associations. This makes the labor market the main avenue of integration, along with myriad private groups promoting "horizontal incorporation" of immigrants. UK "race relations" policy grew out of the realization that Commonwealth citizenship with full legal rights was not sufficient to guarantee "equal opportunity." The 1976 Race Relations Act prohibited discrimination in education, housing, and employment and is legally enforced on an individual basis. The Commission for Racial Equality serves largely as a monitoring and information agency that also supports local ethnic associations. Local authorities address education. Urban policies benefit immigrants living in assisted areas.

In contrast, France has a statist model of membership. A highly centralized bureaucratic state, it initiates policy from the top down. There are fewer structures mediating the relationship with individual citizens. Thus, the state is involved in incorporating immigrants as equal individuals. Associations and social movements of ethnic, religious, and other minorities are organized into national organizations that can act as interlocutors with the centralized state. The French state deliberately aims to integrate immigrants as uniform citizens, in line with the secular republican notion of the *lien social*. Schools are an instrument of republican assimilation and do not allow for the expression of ethnic, religious, or other group differences. Nor are those differences recognized in the law. Germany combines the statist and corporatist models of incorporation with its federal structure and centralized bureaucracies and interest groups.

Countries differ in their ease of naturalization procedures for historical and cultural reasons. Canada and the United States are classic immigration societies that encourage immigrants to become citizens and bestow citizenship on those born on their territory (*jus soli*). Germany and Sweden, as traditional emigration societies, have only recently received large numbers of immigrants. Citizenship is based on parentage (*jus sanguinis*), and immigrants must naturalize to become citizens. In France and the United Kingdom, postwar immigration was postcolonial, and citizenship laws were more complex. Some immigrants had full citizenship on arrival, while others had to naturalize or declare and register citizenship.

Countries also differ in their attitude toward multiculturalism, with Canada and Sweden adopting it as official policy and the Netherlands abandoning it in the early 1980s. The United States has adopted bilingual education, but multiculturalism is local. The United Kingdom focuses on antiracism and equal rights, although especially at the local level, some recognition and preferential treatment are accorded to group particularities, reflecting the long tradition of national minorities (Scottish, Welsh, Irish). But France, with its republican tradition of distrust toward “communitarianism,” resists all cultural distinctions among groups and no social policy explicitly targets “immigrants.” Rather, areas with concentrations of immigrants might receive special assistance (Cohen 1999).

Soysal (1994) also identifies “fragmental” models in which state capacity is limited and primordial groups (family, village community, tribe, church) organize social life. Migrants are only partially integrated in society, participating in the labor market but otherwise ensconced in their community. To a certain extent the favellas and shantytowns of Latin American megacities rely on such mechanisms of incorporation, making state neglect possible unless disorder erupts.

The legal status of immigrants determines access to social rights, including health care, old age insurance, housing, income support, and training. Legal foreigners have formal and equal social rights in Europe, even if they do not have full political rights. This was in line with the member states’ commitment to nondiscrimination on the basis of nationality and a desire to avoid creating a class of “special rights” for “foreigners” or “immigrants.” While this assists in the process of

social inclusion, equal rights do not mean that immigrants are not impeded by their special needs (higher unemployment, ghettoization, language barriers).

Since France, Germany, the Netherlands, and the United Kingdom all have different ways of organizing their welfare states, immigrants have different degrees of access to benefits. Some of these countries have more social housing than others, allowing states to disperse immigrants to avoid ghettoization. Some benefits are linked to work permits, others to residence permits, and others to family relations. Insurance is usually tied to years of work and thus contributions, which may exclude immigrants from coverage. Thus, immigrants often end up in safety net programs of social assistance which are usually granted as entitlements to anyone legally in these countries (Dorr and Faist 1997).

The European Commission has started to address issues of asylum and migration as well. As part of the human rights agenda, it examines partnership with countries of origin, including action plans to control smuggling and trafficking of migrants; a common European asylum policy with minimum standards and procedures, especially for children; a European Refugee Fund to receive, integrate, and repatriate refugees; fair treatment of third country nationals and management of migration flows. However, the fact that illegal migrants and asylum-seekers are denied full social rights means that the welfare state is also enlisted in the function of border police.

Box 9.2 Selected immigrant incorporation policies

- Housing attribution.
- Financial support of ethnic cultural associations and institutions (ethnic media and press).
- Incentives to participate in local communities.
- Instruction in the dominant language.
- Civic education.
- Mainstreamed religious and cultural instruction in schools.
- Targeted employment, housing, health, and welfare assistance.

Most efforts to combat social exclusion in areas of concentrated disadvantage and ethnic segregation are national. Much less attention has been devoted to the fight against discrimination at regional and local levels. Urban revitalization and housing policies are often targeted to neighborhoods with a high proportion of ethnic minorities. Indeed, governments and public agencies are frequently responsible for such spatial enclaves of multidimensional deprivation. Even in Sweden, that Social Democratic exemplar, many suburban housing estates are almost totally inhabited by immigrants (Pred 2000). The official explanation may sound benign: to allow groups to exercise their own cultural practices. Nevertheless, in countries with a large social housing stock, administrative agencies that create such ethnic enclaves also have the capacity to reallocate homes to those who wish to live elsewhere.

The building of local partnerships is a currently favored form of policy intervention in Europe. It appeals to advocates of active social policy and direct democracy. Yet the approach is often top-down, especially in countries accustomed to corporatist representation and bargaining. The United Kingdom, however, has largely privileged business and emphasized capital investment. Entrepreneurial efforts have little impact on poverty. Although the EU and European governments are encouraging excluded groups to participate in neighborhood regeneration, grassroots initiatives tend to be small-scale problem-solving efforts. Larger NGOs can help them build capacity and expertise, however (Geddes and Benington 2001; Merklen 2001). This is also one way that the Inter-American Development Bank can nurture incipient development initiatives in Latin America.

Lessons for Latin America and the Caribbean

When newly elected President Lula da Silva pledged to eliminate hunger in Brazil, he articulated a new social vision for Latin America. This recognition of the need for a basic minimum income, even if provided in kind, symbolizes a renewed effort to fight precariousness and exclusion. However, material deprivations of income or assets and limited access to education,

health, social services, and employment are also linked to group membership. Social exclusion remains an issue even for people with a secure, basic income. Members of indigenous and ethnic minorities seek recognition, rights, and respect. Discrimination on the basis of color, however much denied, persists in Latin America, curtailing full participation in social and political life (Hasenbalg 1996; de la Fuente 1999). Fighting discrimination based on gender, race, ethnicity, or residence calls for additional policies complementing anti-poverty and economic development programs.

Limiting attention to the local and national misses the action at the global level. One of the ironies of an exercise in drawing lessons from Europe for Latin America is that an implicit premise of European racism is North-South inequality that propels migration from less developed countries to the North's "dual cities." Promoting social inclusion in Latin America might thereby prevent social exclusion in Europe. Furthermore, just as immigrants have sought "post-national membership" through social rights guaranteed at the supranational level of the European Union, indigenous groups have pursued their claims in international agencies. Latin American states and legal systems avoid recognizing indigenous peoples' claims, forcing these excluded groups to seek justice elsewhere.

As for gender, the UN Convention on the Elimination of All Forms of Discrimination against Women is the first international treaty embodying the civil, political, social, economic, and cultural rights of women. It covers the status of women in public and private life and obliges signatories to ensure the full development and advancement of women. All the European countries have ratified the convention, many with reservations.

Under Article 18 signatories commit themselves to submit national action plans for the implementation of the Beijing Platform for Action to the United Nations Secretariat. Areas covered include positive action to promote equality and prohibit discrimination in employment, the law, political life, education, health, and social benefits, and to eliminate stereotypes, prostitution and trafficking in women. Only a few national action plans established comprehensive, time-bound targets and benchmarks or indicators for monitoring, and most made no reference to sources of financing for the actions identified. Nevertheless, these plans are the

main mechanism for monitoring state compliance with the convention. They are reviewed by an international panel of experts in consultation with independent NGOs. Most Latin American and Caribbean countries have ratified the convention, although quite a few Caribbean (Dominican Republic, Grenada, and Suriname) and Central American nations (Guatemala, Nicaragua, and Uruguay) have not yet submitted national action plans. All South American and European countries have done so.

The institutional frameworks in Europe and Latin America are very different. The civil law and corporatist traditions have European counterparts, but compared with Europe, democracy in Latin America is fragile, the bureaucratic and fiscal capacities of states are limited, and the social structures and civil societies look very different. Moreover, the fight against poverty and economic deprivation tends to be divorced from the struggle for equal rights and social inclusion of disadvantaged groups, except on the local level. Allowing excluded groups to voice their concerns, appoint recognized representatives, and otherwise participate in the social inclusion process is one essential lesson that Latin America may draw from the European experience. In countries with one dominant political party, anything near parity for women in political office will be difficult to achieve. But at the local level, public-private partnerships can give a seat to disadvantaged residents or to associations legitimately speaking for them.

European policies to promote social inclusion of disadvantaged groups can provide some other policy ideas for Latin America and the Caribbean. For example, Latin American countries, singly or jointly, can put into place the same sorts of monitoring systems to track discrimination, hate crimes, and progress toward gender, ethnic, regional, and other group equalities in the labor market, living standards, and access to public services. Mainstreaming gender, racial, and ethnic equality in all spheres of government policy should also be encouraged. Even refugee status has a gender bias that is rarely acknowledged.

Academic institutions, NGOs, government statistical agencies, and other relevant associations should collaborate in public-private partnerships to collect and share data nationally and internationally. These partnerships should also work on local, context-specific solutions to the social exclusion of groups whose legitimate representatives meaningfully participate in these

endeavors. Groups suffering discrimination should select their own spokespersons and feel free to oppose government plans without fear of reprisal. To improve understanding of civil rights, national governments might designate an independent, internationally networked institution to support and guide victims of racial discrimination through the legal process. Guaranteeing democratic procedures, transparency, and good governance is thus part and parcel of the process of social inclusion in both Europe and Latin America.

Monitoring the numbers and broadening participation are important resources in fighting social exclusion, but combating discrimination depends on state enforcement. Where the judicial system is not independent of powerful interests, even legal aid and outside monitoring will be insufficient to enforce equal opportunity and punish discrimination. Even more worrisome are forms of police brutality and corruption that make the state more of a threat than an ally in the fight against exclusion.

In these contexts it may be more effective to pursue the social inclusion of disadvantaged groups through civil society and community organization. Through social funds, international agencies can strengthen local ethnic NGOs and funnel investment capital into places where minority groups are concentrated. They can also encourage enterprises to establish industrial tribunals, insist on union representation, and recruit workers from many localities and groups. International organizations and NGOs can help unions enforce labor standards, equal pay, and protection against violence, exploitation, and discrimination. In the *favellas* and other squatter settlements of Latin American cities, neighborly cooperation has solved numerous infrastructural, health, and safety problems. Community organizing may allow for social inclusion of new migrants if migrants and minorities concentrate in particular areas.

There is a distinctive European approach to human rights that, while it preserves 18th century revolutionary individualism, does not reject state action. While rights are protected against the state, the human rights approach also represents “the people” and so guarantees the protection of fundamental rights and human dignity (Leben 1999). But a rights discourse has its limits. Rights are claims directed at state actors, not economic ones. Increasing state accountability is

one way to encourage the social inclusion of excluded groups. Encouraging socially inclusive employment, lending, and other business practices is another.

The study of European models of antidiscrimination policies is just beginning, and many political questions remain. In light of the rise of right-wing antiforeigner parties, should antidiscrimination policies attempt to change attitudes as well as behavior? How will Europe teach citizens to appreciate diversity as well as solidarity? Given the importance of private life and family obligations to women's paid work roles, can the European Union rightfully intervene in civil questions of marriage and childbearing? Given the dual aims of restricting immigration and integrating immigrants already resident in Europe, will integration policies simply attract more immigrants? And since positive action on behalf of disadvantaged groups requires legal recognition of those groups, will antidiscrimination efforts backfire by institutionalizing racial categories or group consciousness? These are questions of values with which any Latin American policies to combat discrimination must wrestle. That discussion should be free, lively, and inclusive.

References

- Aliaga, Christel and Karin Winqvist. 2003. "How Women and Men Spend Their Time: Results from 13 European Countries." Eurostat Statistics in Focus. Population and Social Conditions, Theme 3, 12/2003.
- Bailey, Stanley. 2002. "The Race Construct and Public Opinion: Understanding Brazilian Beliefs about Racial Inequality and Their Determinants." *American Journal of Sociology* 108(2).
- Barany, Zoltan D. 2002. *The East European gypsies: regime change, marginality, and ethnopolitics*. New York: Cambridge University Press.
- Baubock, Rainer, Agnes Heller, and Aristide Zolberg, eds. 1996. *The Challenge of Diversity: Integration and Pluralism in Societies of Immigration*. Aldershot: Avebury.
- Burden, Tom and Tricia Hamm. 2000. "Responding to Socially Excluded Groups." In Janie Percy-Smith, ed., *Policy Responses to Social Exclusion: Towards Inclusion?* Buckingham: Open University Press.
- Cahn, Claude. 2002. *Roma Rights: Race, Justice, and Strategies for Equality*. New York: International Debate Education Association.
- Carriga, Carmen. 1995. "The Gypsies and the social services in Spain," In Dixon, John and Robert P. Scheurell, eds., *Social Welfare with Indigenous Peoples*. New York: Routledge.
- Castles, Stephen. 1995. "How National-States Respond to Immigration and Ethnic Diversity." *New Community* 21(3).
- Cobo, Jose Martinez. 1986. "Study of the Problem of Discrimination against Indigenous Populations." United Nations document E/CN.4/Sub.2/1986/7 and Add. 1-4.

- Cochrane, Allen. 1993. "Looking for a European Welfare State," in A. Cochrane and J. Clarke, eds., *Comparing Welfare States: Britain in International Context*. London: Sage.
- Cohen, James. 1999. "Intégration: Théories, politiques et logiques d'Etat." In Philippe Dewitte, ed., *Immigration et intégration: L'état des savoir*. Paris: La Découverte.
- Cresson, Edith. 1998. "La Situation des Femmes n'a pas progressé." In *La Parité: Enjeux et Mise en Oeuvre*. Paris: Presses Universitaires du Mirail.
- de la Fuente, Alejandro. 1999. "Myths of Racial Democracy: Cuba 1900–1912." *Latin American Research Review* 34: 39–73.
- Dixon, John and Robert P. Scheurell, eds. 1995. *Social welfare with indigenous peoples*. New York: Routledge.
- Dorr, Silvia and Thomas Faist. 1997. "Institutional Conditions for the Integration of Immigrants in Welfare States: A Comparison of the Literature on Germany, France, Great Britain, and the Netherlands." *European Journal of Political Research* 31: 401–26.
- Duncan, Simon. 1996. "The Diverse Worlds of European Patriarchy." In Maria Dolors Garcia-Ramon and Janice Monk, eds., *Women of the European Union: The Politics of Work and Daily Life*. London: Routledge.
- Durlauf, Steven. 2001. "The Memberships Theory of Poverty: The Role of Group Affiliations in Determining Socioeconomic Outcomes." In Sheldon Danziger and Robert Haveman, eds., *Understanding Poverty*. Cambridge: Harvard University Press.
- Ellis, Evelyn. 1998. *EC Sex Equality Law*. Second edition. Oxford: Clarendon Press.

Esping-Andersen, Gøsta. 2002. *Why We Need a New Welfare State*. Oxford: Oxford University Press.

Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton: Princeton University Press.

European Commission. 2001. *Directory of Projects: Medium-term Community Action Programme on Equal Opportunities for Women and Men*. Brussels: DGV (Employment and Social Affairs).

European Commission. 1999. *Equal Opportunities for Women and Men in the European Union 1999*. Brussels.

European Compendium of Good Practice for the Prevention of Racism at the Workplace

European Foundation for the Improvement of Living and Working Conditions. 1998. *Gender and Working Conditions in the European Union*. Dublin.

Forbes, Ian and Geoffrey Mead. 1992. "Measure for Measure: A Comparative Analysis of Measures to Combat Racial Discrimination in the Member Countries of the European Community." Equal Opportunities Studies Group, University of Southampton.

Gaspard, Francoise. 2001. "The French Parity Movement." in Has Liberalism Failed Women?" In Jytte Klausen and Charles Maier, eds., *Assuring Equal Representation in Europe and the United States*. New York: Palgrave.

Gaspard, Francoise. 2000. "Immigrant Women and Their Daughters: Intersections of Race, Class and Gender." In Jane Jensen, Jacqueline Laufer, and Margaret Maruani, eds., *The Gendering of Inequalities: Women, Men, and Work*. Burlington: Ashgate.

- Geddes, Mike and John Benington, ed. 2001. *Local Partnerships and Social Exclusion in the European Union*. London: Routledge.
- González, María José, Teresa Jurado, and Manuela Naldini, eds. 2000. *Gender Inequalities in Southern Europe: Women, Work, and Welfare in the 1990s*. London: Frank Cass.
- Gornick, Janet. 1997. "Supporting the Employment of Mothers: Policy Variation across 14 Welfare States." *Journal of European Social Policy* 7(1): 45-70.
- Guy, Will, ed. 2001. *Between past and future : the Roma of Central and Eastern Europe*. Hatfield: University of Hertfordshire Press.
- Hammer, Thomas, ed. 1985. *European Immigration Policy: A Comparative Study*. Cambridge: Cambridge University Press.
- Hancock, Ian. 1987. *The Pariah Syndrome: An Account of Gypsy Slavery and Persecution*. Ann Arbor: Karoma.
- Hannum, Hurst. 1990. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press.
- Hasenbalg, Carlos. 1996. "Racial Inequalities in Brazil and throughout Latin America: Timid Responses to Disguised Racism." In E. Jelin and E. Hershberg, eds., *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*. Boulder: Westview.
- Hirschmann, Nancy and Ulrike Liebert, eds. 2001. *Women and Welfare: Theory and Practice in the United States and Europe*. New Brunswick: Rutgers University Press.
- Hubert, Agnès. 2001. "From Equal Pay to Parity Democracy: The Rocky Ride of Women's Policy in the European Union." In Jytte Klausen and Charles Maier, eds., *Has Liberalism*

- Failed Women? Assuring Equal Representation in Europe and the United States*. New York: Palgrave.
- ILO (International Labor Organization). 2002. *Key Indicators of the Labor Market 2001–02*. Geneva: International Labour Office.
- Jenson, Jane, Jacqueline Laufer, and Margaret Maruani, eds. 2000. *The Gendering of Inequalities: Women, Men, and Work*. Burlington: Ashgate.
- Joly, Danièle. 1998. *Scapegoats and Social Actors: The Exclusion and Integration of Minorities in Western and Eastern Europe*. Basingstoke: Macmillan.
- Jones, Richard and Gnanapala Welhengama. 2000. *Ethnic Minorities in English*. Oakhill, England: Trentham Books and School of Oriental and African Studies.
- Kofman, Eleonore and Rosemary Sales. 1996. “The Geography of Gender and Welfare in Europe.” In Maria Dolores Garcia-Ramon and Janice Monk, eds., *Women of the European Union: The Politics of Work and Daily Life*. London: Routledge.
- Ladanyi, Janos. 2001. “The Hungarian Neoliberal State, Ethnic Classification, and the Creation of a Roma Underclass.” In Rebecca Jean Emigh and Iván Szelényi, eds., *Poverty, ethnicity, and gender in Eastern Europe during the market transition*. Westport: Praeger.
- Langan, M. and Ilona Ostner. 1991. “Gender and Welfare: Toward a Comparative Framework.” In Graham Room, ed., *Toward a European Welfare State?* Bristol: School for Advanced Urban Studies.
- Leben, Charles. 1999. “Is There a European Approach to Human Rights?” In Philip Alston, ed., with the assistance of Mara Bustelo and James Heenan, *The EU and human rights*. Oxford: Oxford University Press.

- Levy, Jacob. 1997. "Classifying Cultural Rights." In Ian Shapiro and Will Kymlicka, eds., *Ethnicity and Group Rights*. New York: New York University Press.
- Lewis, Jane. 1992. "Gender and the Development of Welfare Regimes." *Journal of European Social Policy* 2(3): 159-73.
- Lewis, Jane. 1997. "Gender and Welfare Regimes: Further Thoughts." *Social Politics* 19: 13-25.
- Lewis, Jane. 2000. "Family Policy and the Labour Market in European Welfare States." In Jenson, Jane, Jacqueline Laufer, and Margaret Maruani, eds., *The Gendering of Inequalities: Women, Men, and Work*. Burlington: Ashgate.
- Liebfried, Stephan. 1993. "Towards a European Welfare State?" In Catherine Jones, ed., *New Perspectives on the Welfare State in Europe*. London: Routledge.
- MacEwen, Martin. 1995. *Tackling Racism in Europe*. Oxford: Berg.
- MacEwen, Martin, ed. 1997. *Anti-Discrimination Law Enforcement: A Comparative Perspective*. Aldershot: Avebury.
- Maier, Charles and Jytte Klausen. 2001. In Jytte Klausen and Charles Maier, eds., *Has Liberalism Failed Women? Assuring Equal Representation in Europe and the United States*. New York: Palgrave.
- Maruani, Margaret. 2000. "Women's Employment in a Society of Rampant Unemployment." In Siv Gustafsson and Danièle Meulders, eds., *Gender and the Labour Market: Econometric Evidence of Obstacles to Achieving Gender Equality*. New York: St. Martin's.
- Melis, Barbara. 2001. *Negotiating Europe's Immigration Frontiers*. The Hague: Kluwer Law International.

- Merklen, Denis. 2001. "Politiques de lutte contre la pauvreté urbaine: Un cadre général pour l'action". MOST (SHS-2001/WS/9). Paris: Organisation des Nations Unies.
- Meyers, Marcia and Janet Gornick. 2001. "Gendering Welfare State Variation: Income Transfers, Employment Supports, and Family Poverty." In Nancy Hirschmann and Ulrike Liebert, eds., *Women and Welfare: Theory and Practice in the United States and Europe*. New Brunswick: Rutgers University Press.
- Modood, Tariq. 1998. "Ethnic diversity and racial disadvantage in employment." In Tessa Blackstone, Bhikhu Parekh and Peter Sanders, eds., *Race relations in Britain: A Developing Agenda*. London: Routledge.
- Monk, Janice and Maria Dolors Garcia-Ramon. 1996. "Placing Women of the European Union." In Maria Dolors Garcia-Ramon and Janice Monk, eds., *Women of the European Union: The Politics of Work and Daily Life*. London: Routledge.
- Numhauser-Henning, Ann. 2001. "Introduction: Equal Treatment – A Normative Challenge." In Ann Numhauser-Henning, ed., *Legal Perspectives on Equal Treatment and Non-Discrimination*. The Hague: Kluwer Law International.
- Numhauser-Henning, Ann. 2001. "On Equal Treatment, Positive Action, and the Significance of a Person's Sex." In Ann Numhauser-Henning, ed., *Legal Perspectives on Equal Treatment and Non-Discrimination*. The Hague: Kluwer Law International.
- O'Connor, Julia S., Ann Shola Orloff, and Sheila Shaver. 1999. *States, Markets, Families : Gender, Liberalism, and Social Policy in Australia, Canada, Great Britain, and the United States*. New York: Cambridge University Press.
- OECD (Organisation for Economic Co-operation and Development). 2000. *Employment Outlook 2000*. Paris.

- Ostner, Ilona. 2000. "From Equal Pay to Equal Employability: Four Decades of European Gender Policies." In Mariagrazia Rossilli, ed., *Gender Policies in the European Union*. New York: Peter Lang.
- Olsson, Sven and Dave Lewis. 1995. "Welfare rules and indigenous rights: the Sami people and the Nordic welfare states," In John Dixon and Robert P. Scheurel, eds., *Social Welfare with Indigenous Peoples*. New York: Routledge.
- Piper, Nicola. 1998. *Racism, Nationalism and Citizenship: Ethnic Minorities in Britain and Germany*. Aldershot: Ashgate.
- Poulter, Sebastian M. 1998. *Ethnicity, Law and Human Rights: The English Experience*. New York: Oxford University Press.
- Pred, Allan. 2000. *Even in Sweden: Racisms, Racialized Spaces, and the Popular Geographical Imagination*. Berkeley: University of California Press.
- Rees, Teresa. 1998. *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*. London: Routledge.
- Rossilli, Mariagrazia. 2000. "The European Union's Gender Policies." In Mariagrazia Rossilli, ed., *Gender Policies in the European Union*. New York: Peter Lang.
- Shapiro, Ian and Will Kymlicka, eds. 1997. *Ethnicity and Group Rights*. New York: New York University Press.
- Shweder, Richard, Martha Minow, and Hazel Rose Markus, eds. 2002. *Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies*. New York: Russell Sage Foundation.

- Silver, Hilary. 1995. "Reconceptualizing Social Disadvantage: Three Paradigms of Social Exclusion." In Gerry Rodgers, Charles Gore, and Jose B. Figueiredo, eds., *Social Exclusion: Rhetoric, Reality, Responses*. Geneva: International Institute of Labor Studies/United Nations Development Programme.
- Soysal, Yasemin. 1994. *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago Press.
- Thiesenhusen, William. 1990. "Human Rights, Affirmative Action, and Land Reform in Latin America." In Michael Wyzan, ed., *The Political Economy of Ethnic Discrimination and Affirmative Action: A Comparative Perspective*. New York: Praeger.
- The *Joint Employment Report 2000* (COM (2000) 551 and the Draft *Joint Employment Report 2002*)
- UN's *The World's Women 2000: Trends and Statistics*
- Vianello, Mino and Gwen Moore. 2000. *Gendering Elites*. New York: St. Martins Press.
- Vogel-Polsky, Eliane. 2000. "Parity Democracy—Law and Europe." In Mariagrazia Rossilli, ed., *Gender Policies in the European Union*. New York: Peter Lang.
- Woodward, Alison. 2001. "Gender Mainstreaming in European Policy: Innovation or Deception?" Wissenschaftszentrum Berlin für Sozialforschung, FS 101-103, ISSR no. 1011-9523 (October).
- Wrench, John. 2000. "Combating Employment Discrimination in Europe: National Variation and the Dawn of Good Practice." In Erna Appelt and Monika Jarosch, eds., *Combating Racial Discrimination: Affirmative Action as a Model for Europe*. Oxford: Berg.
- Wyzan, Michael, ed. 1990. *The Political Economy of Ethnic Discrimination and Affirmative Action: A Comparative Perspective*. New York: Praeger.

