

4^E FORUM MONDIAL DES DROITS DE L'HOMME

Face à la crise, les droits de l'Homme ?

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Statement by

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**Inter-related crises and interdependent rights:
A new arithmetic of dignity for the 21st century**



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Honorable Host,

Distinguished speakers,

Ladies and Gentlemen,

Thank you for this opportunity to share some thoughts on the importance of a human rights-based approach in responding to the tri-dimensional threat confronting our world today – namely, the financial, food and climate change crises. These are challenging times for the sixty-year-old international quest for “freedom from fear and want.” But I believe in the old adage that “with every challenge comes opportunity”, and I am convinced that the current opportunities for more human rights-friendly societies – opened up by the crises themselves – must not be missed.

OHCHR

The United Nations Office of the High Commissioner for Human Rights is playing a role in this respect since we are mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights law.

Our mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies. OHCHR has its headquarters in Geneva, an office in New York and more than 50 field presences around the globe.

The Triple Crisis and Economic and Social Rights

The financial, food and climate change crises have affected north and south, governments and business, urban merchants and rural farmers. But by far the most significant impact has been felt by the most vulnerable and already marginalized groups of society. According to current projections, more than half of all developing countries could experience an increase in extreme poverty as a consequence of these crises. And within countries of all economic categories, the disproportionate impact on minorities, on the poor, on women, on children, on the disabled, on indigenous peoples and on other traditionally disempowered and disadvantaged groups is becoming painfully obvious.

The crises are undermining access to work, rendering food and housing unaffordable, and pushing adequate water, basic health care and education out of the reach of millions. In other words: the economic, social and cultural rights guaranteed to all of us under international human rights law are particularly at stake. And let us be clear: acknowledging the impact of the crises on the availability of resources, does not relieve States from their human rights responsibilities. In fact, the UN Committee on Economic Social and Cultural Rights has made clear in its General Comment No. 3 that “even in times of severe resources constraints whether caused by a process of adjustment, of economic recession, or by other factors the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes.”

This means, in part, that States must ensure that domestic policy adjustments, particularly on fiscal spending, are not taken at the expense of the poor through cutbacks in basic services and social protection mechanisms. Programmes and institutions necessary to respect, protect

and fulfill economic, social and cultural rights must be strengthened and endowed with adequate resources. Viewed through a human rights lens, the principal obligation of States in a time of crisis is precisely to protect human rights – that is, to make extra efforts to ensure freedom from fear and want. Measures which in fact exacerbate deprivation cannot therefore be appropriate.

Human rights in mitigation of the effects of the crises

This is the value of a human rights approach. It focuses attention squarely on the rights of people – especially those likely to be most affected by the crises – and on the corresponding obligations of governments as duty-bearers. Principles of equality and non-discrimination, participation, accountability, and empowerment constitute essential guideposts for the design and implementation of measures to tackle the effects of these crises. And a human rights approach offers a universal normative framework and legal rationale to guide policies and programmes aimed at countering the negative effects of the crises at the national, regional and international levels.

Indeed, without a human rights sensitive approach, how could we hope to protect the most vulnerable from the harshest effects of the crises? Here is a telling example: It is already evident that crisis-exacerbated tensions and hardship are affecting migrant workers in many countries. These workers are most likely to be the first in line to lose their jobs, not only because their status is called into question, but also because they are employed in sectors that are particularly affected by the economic crisis. Worse, recession may give rise to xenophobic passions, discriminatory practices and even attacks against migrant workers and their families. As

opportunities for regular migrant labor decrease, unemployed migrants may seek to work without authorization, rendering them even more vulnerable. The protection of the rights of migrants in terms of their working and living conditions, and in the event of loss of employment, must therefore be integrated in responses to the crises. Crucially, no effort should be spared to protect migrants from discrimination and xenophobia.

In the same vein, times of hardship for families and communities often expose women and girls to greater risk, as frustration and despair increase the likelihood of domestic violence. Moreover, in the course of economic downturns, women's economic and social rights are particularly jeopardized. They see their job opportunities shrink, are forced to accept more marginal and ill-paid employment and forego basic services to secure food and shelter. Addressing their needs and critical vulnerabilities is thus imperative. Preventive initiatives, safeguards, as well as economic recovery and growth measures, must be designed to be gender-sensitive and non-discriminatory. They must create an environment conducive to women's participation in decision-making processes. Policies must accommodate women's demands for justice and for remedial action.

Ultimately, a higher visibility of people negatively affected by the crises in the policy arena will depend on their free, active and meaningful participation in all stages of the relevant decision making processes. And meaningful participation depends on the accountability of States and on their willingness to make pertinent information available in clear and accessible terms. The oversight role of parliaments and the judiciary, as well as independent national human rights institutions, are also key in enhancing participation. States should ensure that educational tools are deployed and outreach strategies put in place to bolster awareness of public allocations and expenditures. Indeed, some countries have successfully adopted laws and procedures on access to public information

which, coupled with strengthened participatory and inclusive mechanisms, are playing a critical empowering role while ensuring more accountability—and therefore better progress.

Human rights in addressing the causes of the crises

Every crisis brings with it opportunities to reassess old approaches, to critically examine standard assumptions, to challenge failed paradigms, and to plot a new course for the future. It is therefore imperative that we respond to the current crises with a thorough review of the structural causes of the crises, and of the factors leading to their disproportionate impact on particular groups. The ongoing reflection on the causes of the economic crisis should therefore be seen as an opportunity to rectify some of the shortcomings that allowed the downturn to begin with. Above all, it should help to close those gaps in human rights implementation that undermine the dignity and welfare of so many people around the world. Only an improved economic system, with a stronger normative basis and higher levels of accountability, can sustainably safeguard hard-won gains in development, human rights and security.

International responses to the economic downturn, including reconstruction of the financial sector, should be undertaken in a way that serves the interests of human rights. To this effect, regenerating the flow of productive – rather than speculative – credit is of paramount importance. And subjecting international financial and monetary mechanisms to a human rights approach – built on participation, accountability, non-discrimination, attention to vulnerability, and conformity with international human rights standards – will contribute to making solutions more durable in the medium and long run.

At the national level, countries should aim at strengthening human rights accountability systems as well. This means systematically assessing the impact of strategies on the realization of the human rights of the poorest, the most excluded and the most marginalized, prior to making policy and budget decisions. And it means making available effective remedies for those persons negatively affected by policy choices – including access to judicial, administrative and other mechanisms. The new UN Optional Protocol on Economic Social and Cultural Rights is one critical tool for the legal protection of rights. Accountability also involves regular and independent monitoring of public policies, social systems and private sector activities in order to address and correct systemic failure to prevent future harm.

Example: the food crisis, HRBA and the right to food

Allow me now to focus on one of these crises, to illustrate how these principles can be applied. The right to food is a human right underpinned by international law, codified, among others, in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and several other international treaties. And yet, the global food crisis has highlighted the extent to which people have been unable to enjoy their right to adequate food, that is, the right to be able to access adequate food or the means for its procurement at all times.

We have argued that a human rights-based approach, with focus on the right to food, provides an operational tool to strengthen responses to food and nutrition insecurity. Such approaches facilitate the identification of the most vulnerable and the root causes of that vulnerability through an analysis of legal entitlements and of the factors that hamper the enjoyment of such entitlements – for example, deep-rooted discrimination or structural inequalities. A human rights-based approach also helps to

improve sustainability of responses by requiring the adoption of concrete national strategies, laws, institutional arrangements and monitoring and redress mechanisms. *The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*, adopted by the Council of the Food and Agriculture Organisation in 2004, offers a framework for government institutions, civil society and the private sector in the development of policies and programmes.

This thinking has begun to catch on. In recent years, an increasing number of countries have taken concrete measures to integrate the right to food in their strategies to address food and nutrition insecurity. And they are registering important successes.

Strengthening international cooperation

The negative effects of the financial, food and climate change crises are felt disproportionately in developing and least developed countries. The necessity of international cooperation is therefore self-evident, and human rights considerations should inform such cooperation, including the provision of assistance and aid. They should as well influence the development of policies by intergovernmental organizations and financial institutions aimed at alleviating economic hardship. International human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, explicitly address the framework for such international cooperation. And, as the Committee on Economic, Social and Cultural Rights stated in its General Comment No. 3:

“[The] international cooperation for development and thus for the realization of economic, social and cultural rights is an *obligation* of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard.”

And, let us remember that the Declaration on the Right to Development also underscores the duty to co-operate with a view to strengthening universal respect for all human rights without discrimination. Thus, while individual States bear the primary obligation for developing strategies to tackle the crises at home, all States also have a responsibility to create a fair and favorable international environment for development. This means that all development partners need to respect and promote fundamental human rights, equity and social inclusion in their pursuit of development. Their duty of due diligence dictates that they must systematically integrate human rights principles and safeguards in their policies and programmes aimed at mitigating the negative impact of the financial, food and climate change crises, and must make the necessary correction to ensure that they do not reoccur.

The Millennium Development Goals are, of course, the principal international cooperation framework to which all eyes are turned at this moment. And yet, a decade after the conception of the MDGs, more than a billion people are still trapped in extreme poverty and go hungry every day. This year’s midterm review will provide a valuable opportunity to strengthen recognition of the importance of a human rights approach to the MDGs. The Millennium Development Goals must not be allowed to become casualties of the crises. Now, more than ever, there is a need for a holistic, integrated human rights approach to development strategies, if we are to meet the challenges of poverty, hunger and climate change. This implies ensuring that the human rights principles of accountability,

transparency and non-discrimination are at the core of development strategies.

Conclusion

Ladies and gentlemen, times of crises are not times to set aside human rights. To the contrary, it is precisely the moments of heightened fear and want that dictate a heightened commitment to the promotion and protection of human rights. The three concurrent and destructive crises – economic, food and climate – are challenges of historic proportions. But they also give us an historic opportunity to reconceive our societies and institutions, at both the national and international level, in a manner more closely in accord with Article 28 of the Universal Declaration of Human Rights, which holds:

“Everyone is entitled to a social and international order in which the rights and freedoms set forth in [the] Declaration can be fully realized.”

Thank you.