

***Human Rights and Fundamental Freedoms
in Economic Crisis***

SHDM III



Opening remarks by Michael Georg Link

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Excellences, Ladies and Gentlemen,

In his Nobel Peace Prize lecture, Muhammad Yunus called on all of us to understand peace “*in a human way - in a broad social, political and economic way.*” He then went on to stress that “[p]eace is threatened by unjust economic, social and political order, environmental degradation and the absence of democracy and human rights.” As ODIHR Director, I couldn’t agree more.

Indeed, the respect for human rights and fundamental freedoms to security and stability is at the very core of the OSCE’s comprehensive concept of security (Istanbul, 1999). It permeates not only the human but also the economic and environmental and the politico-military dimensions of the OSCE. OSCE participating States have committed to respect, protect and fulfil human rights and fundamental freedoms as the first responsibility of government (Paris, 1990). This is done by ratifying relevant treaties and by adopting politically binding OSCE commitments in this area.

Human well-being is central to enjoyment of human rights. Where it is threatened – by social exclusion, economic inequality, loss of livelihoods – society will veer dangerously to instability. We have already witnessed what happened in the wake of the 2008 financial crisis. Deep-seated tensions surfaced, fuelled by popular discontent with deteriorating living standards. Aggravated by extreme political movements, many in majority communities started blaming vulnerable and marginalized groups for their misfortunes. As a result, intolerance towards immigrants, ethnic and religious minorities has reached dangerously high levels.

Economically disempowered and politically disenchanting, young people sought to bring about change in the ways they saw fit. Some joined nonviolent, peaceful protest movements. Others succumbed to radicalization, perpetuating the vicious circle of fear and insecurity.

This was the human cost of the economic crisis.

Some of you will say: but what could have been done differently? With entire industries collapsing and hundreds of thousands laid off, what could governments have done to prevent the social fabric of society from tearing apart?

I will not engage in a lengthy debate about austerity policies and whether they promoted economic growth or rather stifled it. This is not the point. Nor will I dispute the obvious truth that when fiscal space shrinks, so does the state budget, leaving the government with less resources. Still, I would like to recall the words of the UN Human Rights Council in 2009, whereby it stated that “[n]o global economic and financial crisis diminishes the responsibility of state authorities and the international community with regard to human rights.” How can this position be reconciled with decreasing resources? I believe the two following principles should be at the core.

First, careful analysis and monitoring of potentially restrictive measures is required to minimize their impact on the realization of human rights. No measure should ever be accepted in a rush or seen as given. The requirements of necessity and proportionality must be met at all times. Measures of a restrictive nature must be applied strictly on a temporary basis.

Second, equitable distribution of the burden of adjustment should be given paramount consideration.

Ladies and Gentlemen,

As States scrambled to prevent economies from collapsing, human rights did not always take centre stage. As a result, the poor and the already disadvantaged came to disproportionately bear the brunt of austerity. Now it is time we remedy the damage done. Human rights should be put first to ensure that the burden of austerity is shared as equitably as possible. Those most negatively affected by the crisis should not be re-victimized by governments striving to reinvigorate their economies. In particular, effort must be made to formulate economic stimulus packages in ways that are non-discriminatory and gender-sensitive. Participating States should furthermore implement positive steps to protect the most disadvantaged groups.

The situation we are facing today can only be resolved through explicitly framing policy responses in human rights terms. This should be the approach across all sectors and at all levels of decision-making. In particular, budgetary and fiscal policies should undergo human rights screening.

Mainstreaming human rights into decision-making is a keystone of promoting social cohesion. This is especially important to us as the OSCE. Only a socially cohesive society can successfully prevent and combat the proliferation of extreme and radical ideologies. Only then can we ultimately contribute to a more secure and stable society.

Interestingly enough, in some States the crisis triggered a positive change response and the government upped their efforts in the area of human rights. For example, at the height of the crisis in 2012, Spain made the decision to train over one thousand police officers on identifying and recording hate crimes. This brought about a tangible improvement in the recording of such crimes. I would like to take this opportunity to also welcome recent case law from a number of OSCE participating States. By asserting normative superiority of constitutionally protected human rights standards over measures of a budgetary nature, they have demonstrated not only that it should but also can be done.

Needless to say, taking positive action comes with a price tag. Decreased budgetary resources are an objective reality for many countries. Allocating funds to create social safety padding for the most vulnerable and to promote their inclusion will therefore have to come at the cost of other budget areas. Investing in social protection serves to improve human security. This translates into better overall security and stability both at national and regional levels. Increased security and stability have positive impact on the prospects of economic recovery and growth. This is therefore also about breaking the vicious circle and turning it into a positive one.

Taking steps to improve the situation in this regard does not only imply budgetary investment. All too often we are faced with inefficient spending that does little to raise the standard of social protection. In systems pervaded by corruption the right to equality before the law is undermined. This primarily affects those who suffer most in recession times, that is, the lower income population. Corruption inflicts severe damage on the very foundations of the State structures responsible for human rights protection. As a result, illegality goes unpunished and even the most blatant violations may not be afforded remedy.

The vital importance of combating corruption to overcoming the human rights impact of the crisis cannot be stressed enough. I would therefore encourage the participating States to

double their efforts to strengthen the judicial enforcement of human rights and in particular the economic, social and cultural rights.

Strengthening judicial enforcement requires both improved access to justice for all and truly independent and competent courts. But it would be a mistake to view it as a magic potion from all ills the crisis has entailed. Judicial strengthening should go in step with overall reinforcement of participatory and inclusive democratic institutions. Our common goal of building a more socially cohesive society cannot be achieved unless all population segments participate in making decisions on issues that affect them. In particular, participating States should continue efforts to ensure citizen participation in governance and meaningful social dialogue. They should also implement targeted measures to economically empower the disadvantaged groups, thus contributing to a more equitable society.

I hope our today's meeting contributes to this noble aim.

I wish you an open and stimulating discussion. This will not only help us pinpoint challenges and issues to be address, but also identify good practice and solutions to overcome these.

I thank you for your attention.