



Supplementary Human Dimension Meeting

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ECONOMICS CRISIS

**30-31 October 2014
Hofburg, Vienna**

ANNOTATED AGENDA

Background

The economic crisis that started in 2008 directly affected the entire range of human rights. Apart from triggering the imposition of austerity measures, which, in turn, have prompted States to cut expenditures on social welfare and safety nets, the crisis contributed to growing xenophobia and discrimination against vulnerable groups such as migrants and minorities and was used by some as a justification to express biases, such as racism and religious intolerance. Since unemployment and other personal and social consequences of the economic crisis have been found to favor vote for radical parties and participation in populist movements, economic turmoil has often led to the rise of populist political movements and parties. This, in turn, can contribute to political polarization and xenophobic policies.

The vital importance of economic and social well-being to stability and security is inherent in the very premise of the OSCE's comprehensive security approach, which accords equal prominence to the human as well as the economic and environmental and politico-military dimensions. The 1992 Helsinki Summit Declaration reaffirmed the joint commitment of participating States to pursue respect for human rights, economic liberty and social justice as their common aims. OSCE participating States have, moreover, committed to promote and encourage the effective exercise of economic, social and cultural rights, as reaffirmed in Helsinki 1975, Madrid 1983 and Vienna 1989. Still, the gap between the acceptance of a norm and its meaningful implementation has proven to be hard to bridge.

To prevent an escalation of an economic crisis into a human rights crisis, efforts are needed that would minimize the adverse effect of dwindling resources by mainstreaming human rights into policymaking and budgetary decision-making. In particular, participating States should invariably conduct impact assessments of legislative and regulatory instruments under consideration on the practical enjoyment of the rights to employment, housing, social security, health, education, and other economic, social and cultural, as well as civil and political rights.

This Supplementary Human Dimension Meeting will provide a forum to discuss how human rights concerns can best be incorporated into policy responses aimed to address the consequences of the economic crisis. It will discuss challenges as well as examples of good practice in mitigating the impact of the crisis on human rights and identify areas for action by OSCE structures and institutions.

DAY 1: THURSDAY, 30 OCTOBER 2014

15:00-16:00 **OPENING SESSION**

Opening remarks
Key note speech

16:00-18:00 **SESSION 1: Rights and responsibilities in times of economic crisis**

Over the recent years, the adverse impact that the economic recession has had on the standard of enjoyment of human rights in the OSCE region and beyond has been increasingly recognized as a cause for concern. International organizations, national institutions and non-governmental entities alike have moved the issue of protecting human rights in times of economic crisis to the top of their agendas. Studies into the effect of the recession on human rights have been conducted by a number of organizations, including the UN OHCHR, the Council of Europe, and the European Union's Fundamental Rights Agency.

While civil and political rights require immediate implementation, economic, social and cultural rights impose on states an obligation to achieve progressively their full realization, in terms of respecting the right as well as protecting and fulfilling it. It is essential that scarcity of resources does not relieve the State of responsibility towards this end, since the obligation to respect economic, social and cultural rights also entails taking immediate action such as elimination of discrimination and non-retrogressive measures, *inter alia*.

This Session will look into the adequacy of the existing human rights standards and mechanisms for effectively safeguarding human rights in times of economic crisis, paying special attention to duties and responsibilities of participating States in meeting their human rights obligations. It will also map the existing assessments of the situation and identify needs for future assessment and analysis. Finally, it will examine how OSCE structures and institutions can better assist participating States in meeting relevant commitments.

Some issues that can be discussed in connection with this topic include:

- What has been the impact of the economic crisis on the ability of states to protect human rights?
- What are the responsibilities of participating States in mitigating the human rights impact of the economic crisis?
- What existing mechanisms can be applied to monitor the impact of the economic recession on the implementation of human rights? How can they be further improved?
- What studies of the impact of the economic crisis on human rights have been conducted to date by international, national institutions and non-governmental entities? What are some key findings of these studies?
- What are the structural and institutional causes that have contributed to the adverse impact of the crisis on human rights? These may include any abuses or imbalance of power, ambiguously defined institutional mandates of bodies and structures responsible for the social protection system and/or lack of proper coordination. How can these root causes be addressed? What are the challenges and good practices from participating States in this regard?
- What are some priorities for action by OSCE structures and institutions as well as other international organizations in addressing the human rights consequences of the economic crisis?

DAY 2: FRIDAY, 31 OCTOBER 2014

10:00-12:00 SESSION 2: The impact of the economic crisis on the enjoyment of economic, social and cultural rights
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While the economic crisis has objectively resulted in dwindling resources, the deterioration in the standard of the exercise of human rights is neither inevitable nor acceptable. Participating States should think in human rights terms, ensuring that human rights concerns are addressed in framing policy responses regardless of the thematic area covered by the policy.

In particular, there is need to ensure that in implementing austerity policies the burden of adjustment is shared across all segments of society, in a way which shields those with lower incomes or otherwise vulnerable from being disproportionately affected. For this to become a reality, participating States must strive to make decision-making on policy-related issues inclusive and participatory to the maximum extent.

Moreover, closer attention has to be paid to strengthening State accountability in protecting human rights in the face of the crisis. While judicial enforcement is only one of a number of ways to protect human rights, justiciability of human rights, including social and economic rights, plays a vital part in ensuring that violations are afforded remedies.

While this session will mainly focus on economic, social and cultural rights, in light of the indivisibility and interdependence of human rights the boundary between economic, social and cultural rights and their civil and political counterparts is not always clear cut. Still, in line with the commitment that participating States made in Vienna 1989, special attention will be paid, to the extent possible, “to problems in the areas of employment, housing, social security, health, education and culture.”

Some issues that can be discussed in connection with this topic include:

- How can social welfare and safety nets be maintained in times of economic recession?
- How can participating States ensure that the burden of adjustment to austerity policies is shared evenly, to the extent possible, across society?
- What is the role of accountability by States in preventing and combating the negative impact of the crisis on human rights, and how can accountability be strengthened?
- What is the role of judicial enforcement in protecting economic, social and cultural rights? In particular, how successful have courts been in assessing the progressive realization of economic, social and cultural rights? What are some good practices from participating States in this regard?
- Which austerity measures have had a negative impact on human rights and what are the alternative solutions for achieving their aims without adversely impacting on human rights, in particular, the rights to employment, housing, social security, health and education?
- How can full respect for all human rights help mitigate the effects of the economic crisis, and have a positive effect on economic recovery?
- How can economic and political empowerment contribute to better resource generation, eradication of poverty, and ultimately to improved compliance with human rights obligations of participating States? What are some good practices?

12:00-14:00 Lunch break

14:00-16:00 SESSION 3: The impact of the economic crisis on vulnerable groups

Among the most alarming consequences of the economic crisis has been the disproportionate impact of social spending cuts on the situation of vulnerable groups. Those that came to disproportionately bear the brunt of the crisis include groups as diverse as the Roma and Sinti, national minorities, persons with disabilities, migrants, older people, and youth. For many of them, the economic crisis has translated into impoverishment and social exclusion. Moreover, the economic crisis has impacted on vulnerable groups and society in general also in that populist narratives scapegoat minorities for the recession or use the crisis as a justification for racism, religious intolerance and other biases.

In particular, the Roma and Sinti, who have been traditionally marginalized in many societies, face additional challenges in times of economic crisis, both due to increased discrimination and attacks, and to their underrepresentation in democratic decision-making. Migrants also now find themselves at a higher risk of xenophobic intolerance due to the general worsening of the economic situation in destination states, and may be experiencing very specific negative effects of austerity policies. Persons with disabilities have been disproportionately affected, in part, due to the general disruption of safety nets as well as due to rising unemployment combined with more barriers in accessing alternative sources of income or in finding a new job after a layoff. Moreover, decreased funding has posed additional challenges for persons with disabilities transiting from institutional to community-based care. Older persons are disproportionately affected by job loss and pension cuts, which results in their higher exposure to physical, psychological and financial abuse. Finally, young people suffer from a host of problems, including higher unemployment rates, reduced social protection and deteriorating access to quality education. Not only this inhibits their ability to participate in decision-making and spawns increased distrust in the democratic system, but it may also contribute to growing political polarization, segregation and marginalization of young people, ultimately posing risks of increased radicalization.

While women in general are more likely to be affected by job cuts (in particular because the majority of public sector workers in most participating States affected by austerity are female) and underemployment, loss of livelihoods, as well as limited access to and control over economic and financial resources, special attention must be given to addressing intersectional barriers that prevent women belonging to vulnerable groups from fully enjoying their human rights. In particular, the Report on the impact of the economic crisis on gender equality and women's rights by the Committee on Women's Rights and Gender Equality of the European Parliament stated that budget cuts by governments implementing austerity plans are mostly affecting the public sector and its welfare services, which are staffed and benefited mainly by women.

This Session will present an assessment of the impact of the economic recession on the situation of groups disproportionately affected by the crisis. In doing so, it will examine both the risk of escalating intolerance as a result of an economic downturn, and the differential impact of budget cuts and other measures on the exercise of human rights by individual adversely affected groups.

Some issues that can be discussed in connection with this topic include:

- What have been the impact and the consequences of the economic crisis on the enjoyment of human rights by vulnerable groups, including the Roma and Sinti,

national minorities, migrants, persons with disabilities, older people, and youth? What other groups have been disproportionately affected?

- How can participating States improve tolerance and prevent xenophobia and discrimination against vulnerable groups in the wake of the economic crisis?
- How can the post-crisis surge in bias-motivated crime against national minorities, including the Roma and Sinti, migrants and other vulnerable groups, be better countered? What are the challenges and good practices from participating States in this regard?
- How can institutional barriers to full enjoyment of human rights be addressed?
- What are the challenges and good practices with regard to gender-responsive budgeting?
- How can OSCE structures and institutions contribute to mitigating the effect of the economic crisis on vulnerable groups?
- What targeted economic and social measures can States take to counteract the disproportionate effect of the economic crisis on vulnerable groups?

16:00-16:30 Break

16:30 -17:30 CLOSING SESSION

Reports by the moderators of the working sessions
Comments from the floor
Closing remarks

17:30 Closing of the meeting