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COMMISSAIRE AUX DROITS DE L'HOMME



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*“Yes, we can get through the crisis  
– but only with a serious and sustainable programme  
for social rights”*

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The global economic crisis is hitting us all. But those who risk suffering the most are the disadvantaged and the marginalised – those who need help the most.

Unemployment is now rising in country after country as recession hits and businesses close down. An increasing number of people are becoming destitute and even middle-class families can no longer pay their rents or mortgages.

The Parliamentary Assembly of the Council of Europe expressed its extreme concern some weeks ago about *“the disastrous impact that this financial crisis and its economic consequences are having on the living conditions of citizens of Europe and of the world, which could possibly threaten to undermine the very foundations of democracy”*.

Governments are now faced with an unprecedented challenge. To prevent a global financial meltdown they have been forced to pour colossal amounts of tax payers’ money into the banking system. It looks as even more is needed in order to recapitalise banks and ensure a functioning credit market.

Key production sectors, such as the car industry in some countries, are receiving subsidies in the hope that further unemployment can be prevented. Also, measures are being taken to encourage additional demand through the use of fiscal measures, including targeted tax reductions.

There is a broad agreement that such steps are necessary, in spite of the enormous deficits they leave in the state budgets. Indeed, some maintain that more of the same medicine is required.

With or without further stimulus packages, it is clear that the coming couple of years will be very difficult. Kofi Annan, the former Secretary General of the United Nations wrote recently: *“We do not know how deep or long-lasting the downturn will be. But we know there is plenty of pain to come.”*

This pain is a *human rights* problem.

The increase in unemployment will place a further burden on state budgets - less income and more expenditure - and the argument will be made that there is little space for social assistance to match the growing needs. This conclusion is likely to cause tensions and perhaps even social unrest. There is a risk that xenophobia and other forms of intolerance will spread further and that minorities and migrants may become targets. Extremists might seek to exploit and provoke these tendencies. We have learnt from bitter history that such forces may even threaten democracy itself.

This situation requires wise political leadership and it is a good sign that governments so far have sought international co-operation. It is obvious that no country can resolve these major problems alone. Multilateral, co-ordinated efforts are a must and inter-state institutions have to demonstrate political determination and solidarity beyond narrow national interests.

Poor and indebted countries will be hit hard, and therefore the richer ones – even when facing their own problems – need to avoid cutting back on development assistance. In an inter-connected world everyone will be affected by the political and human consequences of extreme misery somewhere else. Europe will not be able to prevent many from migrating in our direction. And certainly, protectionist policies would not only victimise the poor countries, but harm everyone. Protectionism is not protection.

Inside Europe, and inside each country on our continent, the argument is the same. Whatever is done to meet the crisis should not be at the cost of those who are already disadvantaged. There are groups in Europe who are already living in poverty - though the average living standard here is high compared to several other parts of the world. We have a child poverty problem in our own societies and many immigrants live in meagre circumstances. These and other vulnerable groups should be protected from further pain.

It is necessary and urgent to develop concrete, sustainable programmes which promote social cohesion and prevent any watering down of the already agreed human rights standards. These include economic and social rights, several of which are enshrined in the 1948 Universal Declaration of Human Rights.

One source of inspiration is the former US President Franklin D. Roosevelt, who had to deal with the aftermath of the financial crisis 1929 and the following years. One of the four freedoms he defined was "Freedom from Want" - people should never have to suffer social misery.

The Universal Declaration of Human Rights establishes that human rights include the right to social security, the right to an adequate standard of living, the right to food, the right to education, the right to housing, the right to health, the right to work and the right to rest and leisure.

These economic and social rights were not defined in a vacuum; they were based on the experience of past crises and on the knowledge that ignoring social justice comes at an enormous price. They could also serve as very useful guiding principles for political decision makers at a time when difficult choices have to be made.

Such rights have since been legally recognized in United Nations and the Council of Europe treaties – the latter through the European Social Charter of 1961 revised in 1996. These rights are furthermore defined in the International Labour Organization (ILO) core conventions. They cover, for example, trade union rights, decent work conditions, non-discriminatory salaries and rules against the exploitation of child labour.

Though economic and social rights must be regarded as an integral part of international human rights law, they have still not been fully recognized by some European governments. It is unfortunate if they are seen as the “poor cousins” of civil and political rights. I welcome the recent ratification of the Revised Charter by the Slovak Parliament<sup>1</sup> and the fact that the Russian Federation and Serbia are now taking steps to ratify the Social Charter. I would appeal to those five Council of Europe member states which have still not ratified the Charter in its original or revised version to do so and thereby confirm the importance of these rights. "All human rights are

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<sup>1</sup> At present, the Slovak Republic is bound by the Social Charter of 1961 which it had ratified in 1998

interrelated, interdependent and indivisible and cannot be ranked in any hierarchy. As every trade unionist knows, the protection of economic and social rights often depends on freedoms of expression and assembly. Indeed, the control mechanisms of the European Convention on Human Rights and the Social Charter have underlined the indivisibility of human rights.

Poor, disadvantaged and marginalised people also suffer other human rights violations in addition to material deprivation. Their situation is almost always linked to exclusion and lack of any influence. They tend to be voiceless. This in turn augments their lack of basic security. To break their alienation is now one of our key challenges.

Implementation of most human rights has a cost and it is true that the realization of some tends to be particularly expensive, for instance, the right for everyone to education or to health care. For this very reason, the agreed standards allow for a *gradual* implementation of such rights - anything else would be unrealistic. Governments should, however, establish minimum acceptable standards or core entitlements and at the same time strive to attain full implementation as soon as possible. They cannot postpone the realisation of these obligations indefinitely.

The agreed stimulus packages will create enormous debts in state budgets. This is a daunting dilemma. Some of the burden will inevitably be brought forward to the next generation, to our children, whose rights are little considered in the present debate.

This is why it is so important that the spending measures taken now are carefully targeted with both immediate and long-term positive chain effect. It is more important than ever to stop wasteful practices which sap resources and undermine trust. The widespread tax avoidance tactics among some corporations and some of the most wealthy must be brought to an end. Limits should also be set on executive bonuses, which in a number of cases cannot be justified and have rightly caused much anger among people at large.

What would be the measures to be taken if social rights were given priority in the present situation? The ILO governing body has given an answer in a recent statement on the current economic crisis:

*“Measures should comprise extending social protection and unemployment benefits, facilitating additional training and retraining opportunities, strengthening placement services, enlarging or putting in place emergency employment schemes and targeted safety nets.*

*Young women and men, informal and precarious workers, migrant workers, the working poor are among the most in need of such protections.*

*Safeguarding pension systems is a priority as is revising credit terms for indebted homeowners.”*

Such measures would be in line with Council of Europe standards, notably the Social Charter and the European Code of Social Security which lays down the minimum social security standards.

It must be emphasised that a serious approach to social rights entails much more than just spending for the purpose of welfare. The scarce resources must be targeted for optimum impact

and this requires a systematic process. Baseline data must be gathered and organised in disaggregated form so that the genuine needs of various groups, including children, women and minorities, be clarified.

Goals should be set and action plans developed through a genuine participatory planning process. Their realisation will depend on meaningful and constructive co-operation with civil society groups and other relevant partners. The plans should be produced for both national and local levels; many of the crucial decisions are taken at the municipality level.

Certainly, there is a need for systematic monitoring of compliance. Council of Europe has defined indicators to measure well-being which can replace traditional benchmarks which have focused exclusively on economic aspects.

All this will also be needed in order to mobilise more resources.

In the present debate some voices have warned against including welfare reforms in the stimulus packages, as it would be difficult to go back on such reforms once the slow-down period comes to an end. It is true that the promotion of social rights cannot be used as a buffer against fluctuations in the economy. But failing to ensure these rights now would be to ignore major lessons from past mistakes.

The crisis is not only the result of reckless risk-taking by some bank officials or the *“greed and irresponsibility on the part of some”*, as President Obama said. It was also – to continue to quote from his inaugural speech – the result of *“our collective failure to make hard choices and prepare the nation for a new age”*.

That new age will not arrive if we continue to ignore the deep inequalities and injustices in our societies. These undermine social cohesion and thereby security for all. And certainly they violate the principles of human rights which we have pledged to respect over and over again.

The crisis is not least a crisis of confidence and ethical values. Social rights are at the core of any decent and harmonious society and require a political practice aimed at society as a whole and a world order based on solidarity. The crisis has made it clear that “development” must mean more than integration into the world economy and the “globalisation” process, that economic and social development go hand in hand and that development and respect for human rights are intertwined.

Obviously, preventive action needs to be taken against greed and irresponsible misuse of the money of others. But even more important is to start building a cohesive society which includes everyone and leaves behind no-one. In this context, we would do well to remember the World Summit for Social Development and the Copenhagen Declaration on Social Development, adopted by Heads of State and Government in 1995.

This policy must be sustained and long-ranging. The first step is to ensure that the burden of recovery is not placed on those who have the least resources to take on any further pain.