



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



**Keynote address by Louise Arbour,
United Nations High Commissioner for
Human Rights to the International Conference
Organized by the World Organisation against
Torture**

POVERTY, INEQUALITY AND VIOLENCE



Geneva, 4 October 2005

Monsieur le Vice-Président du conseil exécutif de l'OMCT,
Monsieur le Maire,
Distinguished guests,
Ladies and
Gentlemen

It is my pleasure to join you today as you begin to address the very challenging question you have set as the basis of this conference: How can we prevent or reduce violence, including torture, by acting on its root causes found in violations of economic, social and cultural rights?

Your question is fundamental and goes to the very heart of human rights protection. It recalls the principle of interdependence of all human rights. By considering violence and torture in the context of socio-economic inequality and poverty, you are seeking to put the architectural basis of human rights - this interdependence of human rights - into practice. It is an acknowledgement that rights cannot be treated separately or in categories of civil and political or economic, social and cultural; but that enjoyment of one right depends on fulfillment of other rights. It is also a sound basis for the creation of more sustainable and effective responses to human rights problems.

But this also makes your task more complex for it involves rethinking our strategies of implementation. While the founders of international human rights law drafted the Universal Declaration with continual advancement of all rights in mind, we have, in practice, lost sight of this imperative. Unfortunately, even after the reaffirmation of the interdependence of all human rights, many of our strategies are still based on an unhelpful categorization of rights - between civil and political on the one hand and

economic, social and cultural rights on the other.

This categorization of rights has worked against implementation for too long. It has enabled the privileging of some rights over others, sometimes for reasons of political expediency. It has focused attention on violations of single rights without sufficient analysis of the surrounding conditions leading to violations. It has delayed or negated implementation of economic, social and cultural rights, reducing them to something viewed as second class - vague and voluntary goals requiring massive investments, rather than minimum standards for a life in dignity. And it was also fostered the invidious perception – that economic, social and cultural rights are luxury goods, to be claimed and enjoyed only by societies that can "afford" them. Or again; that a healthy market economy will look after them.

I believe that we must now move beyond this convenient categories of rights towards an understanding of human rights that focuses on people and their capacity to claim the totality of their rights. The case studies that you have prepared as the basis of this conference demonstrate why this is so important. I believe that greater attention is needed on economic, social and cultural rights and on the pursuit of equality and non-discrimination. In developing a plan of action for my Office, I have identified a need for leadership in these areas as a means of achieving effective implementation of all rights.

In dismantling this categorization of rights, I do not wish to suggest that all rights are the same or that all rights need similar strategies of implementation and remedial action. I do, however, emphasize that differences between rights cut across simplistic categories. For example, aspects of economic, social and cultural rights are immediately realizable in the same way as civil and political rights. The forced and arbitrary eviction of people from housing, the unfair dismissal of a worker, or the exclusion of a pregnant girl from school require the same type of immediate action and redress as does the prohibition of torture or the protection of free speech. At the same time, aspects of economic, social and cultural rights call for long term investments; but the same can be also said for aspects civil and political rights. Take for example the establishment of an effective criminal justice system as a guarantee for a fair trial; or the preparations for free and fair elections to guarantee the right to vote. The key is to understand that if responses to violations of rights may differ, the root causes have much in common.

Discriminatory exclusion and inequitable distribution of wealth rest on the same prejudices and stereotypes that glorify or at least tolerate the inflictions of ill treatment and violent attacks of all sorts. They are based on deeply rooted beliefs – explicit or not – that some are more deserving than others – more deserving of respect, rewards and protection.

The intensity of these discriminatory assumptions varies and the difference in intensity – from mild indifference to outright hatred – expresses itself in practices ranging from tolerance of police brutality and of social neglect to

active participation in torture and the promotion of national and international policies known to imperil the lives of millions.

As we seek to develop a broad-based culture of rights, we must pursue integrated strategies. First, we should consider how to re-conceptualize human rights to move beyond the entrenched categories of rights. Even amongst human rights practitioners, misunderstandings of the interdependence of human rights linger. The rule of law or the right to life are often viewed solely in their civil and political context, without much attention to their economic and social dimensions.

Considering human rights in their wider socio-economic context requires engagement with many economic actors. We must therefore consider the forging of new partnerships. These new partners include inter-governmental actors - the World Bank and the IMF; ministries - health, education, finance and trade, not only justice; and the private sector. How then can we engage with these various bodies so that they provide solutions and are not part of the problem?

We must also examine how we communicate, particularly with new partners. There are varying degrees of resistance to embrace human rights amongst potential partners. For some, human rights are seen as too political or too legalistic. Others will argue that it adds nothing to their initiatives. We must articulate the added value of the human rights framework, both to security and to development projects, without sacrificing the fundamental principle that human rights are valuable in themselves.

In other words, human rights advocacy must pursue a two-pronged line of argument. One is instrumental: respect for human rights will yield a better, fairer, more durable result; the other is normative: human rights must be respected and implemented even if there is a cost – such as a slower, more expensive process – because the full implementation of all rights is a desirable project in and of itself.

Finally, we must examine the strengthening of State accountability. While many strategies need to focus on ensuring human rights through promotion and advocacy, we cannot neglect the protection of human rights in the case of violations. Unfortunately, the categorization of rights has for too long delayed State accountability in relation to economic, social and cultural rights. There is growing acceptance of the justiciability of economic, social and cultural rights in many countries. Yet, accountability must be further strengthened. National human rights commissions also have a crucial role to play. The elaboration and adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights should also increase the avenues to petition an international forum where national recourse is inadequate in relation to economic, social and cultural rights. The growing recognition that the private sector has responsibilities to respect human rights is also welcome. But means of holding States and non-State actors accountable for their actions in relation to human rights are still wanting.

In this regard, we could rethink how we use human rights mechanisms. The urgent actions of Special Rapporteurs can be a useful way to petition governments to protect human rights. The increasing practice of joint urgent actions between Special Rapporteurs working on civil and political rights and economic, social and cultural rights opens up a possibility of addressing violations in their broader context. Similarly, consideration could be given to framing petitions to the Human Rights Committee under its optional protocol bringing out their socio-economic context. The Human Rights Committee has demonstrated some willingness to interpret its provisions broadly – for example through the interpretation of equality before the law to include prohibition of discrimination in relation to the right to social security.

All these initiatives will assist in developing new human rights strategies. I encourage you in your work which I believe comes at an opportune time. Last month, world leaders met in New York to chart the way forward for the United Nations. In the context of ongoing conflict and instability, poverty and underdevelopment, they affirmed human rights, security and development, as the three pillars of the international order. Significantly, they accepted a collective responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and they recommitted to the Millennium Development Goals as a means of fighting poverty. The challenge is now to put political declarations of state responsibility to protect against violence and socio-economic inequality into practice.

Civil society campaigns have had a crucial role in this regard. Grass roots organizations, such as OMCT, have daily contact with people victimized by violence and socio-economic injustice. They provide a link between people and the justice system informing people of their rights, helping them frame and voice concerns, consolidating group action, accessing legal representation and monitoring decisions. Where change is required at the policy level or in influencing traditions, civil society has a crucial role in forging partnerships with policy makers and communities and in identifying and analyzing policy options based on respect for human rights. Your discussions here provide an opportunity to make high-level political declarations work on the ground.

I wish you well in your discussions.

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