

# **AN AGENDA FOR HUMAN RIGHTS: RECOMMENDATIONS OF AN EMINENT PERSONS PANEL**

**by Bertrand G. Ramcharan, Member of the Panel**

## **Introduction**

To mark the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, the Government of Switzerland, with the support of Austria and Norway, asked eight individuals with extensive human rights experience to join together to reflect on contemporary human rights challenges and to develop an Agenda for Human Rights. The Panel's report, *Protecting Dignity: An Agenda for Human Rights* was presented to the international community on the occasion of Human Rights Day 2008. The report covers a wide range of issues and contains a variety of conclusions and recommendations. The following presentation synthesizes and gathers together the principal findings and recommendations of the panel.

## **Findings and recommendations**

1. The international community finds itself in a veritable human rights crisis. The gap between the high aspirations of human rights and the sobering realities on the ground, between human rights law and its implementation, between the lofty rhetoric of governments and their lack of political will to keep their promises is the major problem, and bridging this gap the major challenge of our times. The big challenge of the 21<sup>st</sup> century is to close or at least significantly narrow this implementation gap which clearly undermines the validity and legitimacy of the legally binding universal human rights framework. We urgently have to move from standard setting and monitoring to genuine protection, implementation and enforcement of human rights and to the effective prevention of human rights violations.
2. International human rights law must be developed so that it can more effectively regulate issues of accountability and cooperation between states, and define the responsibilities and accountability of non-state actors. In a globalized world it is no longer sufficient to rely exclusively on national and local governments for the protection and fulfillment of human rights, as they are either unable or unwilling to address human rights violations that their populations suffer because of the actions or policies of entities beyond their control. All of us have a shared responsibility to find effective ways to facilitate the implementation of human rights for all.
3. Climate change causes violations of various human rights, including the rights to food, water, shelter, property, health and life. Climate change raises major concerns about equality and global social justice. A human rights based approach to climate change will sharpen the focus on the human rights effects of both mitigation and adaptation policies.
4. A human rights strategy for the decades ahead must effectively address the challenges of poverty. Poverty remains the gravest human rights challenge in the world. Poverty can be eliminated by protecting and empowering the most marginalized. We should adopt a human rights based approach to development and poverty eradication. Human rights principles should inform both the process of formulating, implementing and monitoring a poverty reduction strategy as well as the content of such a strategy. Along the lines of the RTP, it is high time to create a similar international responsibility to protect human beings against attacks on their dignity, above all extreme poverty and consistent violations of economic, social and cultural rights. Another way of empowering the poor to lift themselves out of poverty is a rule of law approach. Four crucial pillars are central in national and international efforts to give the poor protection: access to justice and the rule of law; property rights; labour rights and business rights. ( as recommended by the Commission on Legal Empowerment of the Poor)
5. We must transform the goal of eradicating poverty from a merely voluntary development target into a legally binding human rights obligation of poor and rich countries and other actors of the international community alike. Such an obligation should equally be incorporated into the national laws of states,

whether as a constitutional right or through ordinary legislation, in order that courts and other domestic organs can apply and uphold the international standards in practice.

6. An approach to addressing the actual situation of poverty is to work on creating social security safety nets and to focus on preventable poverty. Preventable poverty refers to that poverty which could be avoided using the resources already available to the state. Policies of preventable poverty have an essential role to play in protecting against violations of economic, social and cultural rights. States should scrutinize and review what can be done to prevent and reduce poverty by using all available national resources. The international community should also accept its responsibility to protect against gross violations of economic, social and cultural rights and to manage preventable poverty. Those responsible where parts of the population are suffering from preventable poverty must be held to account. Accordingly, national courts should be vested with the competence to hear claims from victims of poverty in situations where the government could have acted to prevent this but failed to do so. The international community as a whole should have arrangements and institutions in place to detect and act on situations of consistent patterns of gross violations of economic, social and cultural rights.
7. The incorporation of international human rights principles into international trade and finance laws and agreements has the potential both to mitigate the negative effects of globalization on the poor and to contribute to the eradication of poverty.
8. Violence against women and children are pervasive. Women and children are more often victims of domestic violence than men. From a human rights perspective, comprehensive anti-discrimination policies, democratic governance and measures aimed at providing special protection to vulnerable groups significantly contribute to the prevention of violence and the strengthening human security.
9. Global terrorism constitutes one of the most serious universal threats to human security and the right of human beings to live in freedom from fear. Human rights and the rule of law have a central role to play in the fight against terrorism.
10. Millions of human beings in a great variety of countries around the world are victims of arbitrary detention for various reasons. There are over 9 million detainees and prisoners worldwide, whether arbitrarily detained or not. Most of the victims of arbitrary detention are human beings who spend many years behind bars for the simple reason that the administration of justice in their countries is not functioning properly. One of the major human rights challenges we face is to improve prison conditions, through national action and with international cooperation, such that detainees can live in dignity.
11. Torture is one of the most serious human rights violations and, like slavery and enforced disappearance, constitutes a direct attack on the core of human dignity. For the first time in years, the absolute prohibition of torture and other cruel and inhuman or degrading treatment or punishment under international law has been challenged by governments, including those of highly democratic states, in the context of the fight against terrorism. The international community as a whole has a responsibility to ensure that there exists no safe haven for perpetrators of such practices and for those under whose military or political responsibility such practices are tolerated.
12. Since some of the worst human rights violations occur during wartime, preventing international and internal armed conflicts and controlling threats from nuclear, biological and chemical weapons must also become part of a comprehensive agenda for human rights. Reducing the risk and prevalence of international and internal tensions and armed conflicts is essential for preventing human rights violations. Human rights principles equally have a role in conflict prevention, as human rights abuses themselves constitute some of the root causes of armed conflicts. In post-conflict situations, human rights play an increasingly important role for establishing sustainable peace. The UN should enhance its early warning mechanisms by fully integrating the system's multiple channels of information and monitoring. The United Nations should establish military standby capacities as a first step towards the creation of a standing rapid deployment force.
13. Democratic governance based on the rule of law, human rights and protection of minorities is one of the best safeguards against armed conflict.

14. Migration policies should be adopted and implemented in accordance with international human rights obligations, including principles of non-discrimination and due process, procedural safeguards, and the obligation to ensure that those at risk of persecution are not returned. A human rights based approach should also be applied by states in formulating policies to manage urban problems.
15. Most threats emanating from non-state actors, in particular organized crime, trafficking, terrorism and domestic violence are human rights problems triggering obligations for states and the international community. Trafficking in human beings is one of the most widespread phenomena of transnational organized crime which constitutes a direct attack on the core of human dignity of powerless victims, above all poor women and children in search of a better life abroad as a means of lifting themselves out of poverty. Since trafficking in human beings is the most widespread practice of modern slavery which directly attacks the dignity of the victims, governments and the international community are urged to shift their focus from an anti-migration to an anti-trafficking policy by fully applying a human rights based approach and effectively protecting the victims of trafficking. Identifying and addressing the root causes of trafficking through a policy of prevention would ultimately be the most effective means of managing this human rights challenge. It is essential that we combat such threats preventively, by addressing the root causes with effective early warning systems and early action strategies making use of the full range of instruments available as part of the security, development and human rights agenda.
16. It is crucial to invest in building effective national protection systems for human rights. It is high time that all states establish truly independent and self-resourced national human rights institutions and adopt comprehensive national Human Rights Action Plans with clear goals, priorities, time bound targets, indicators and benchmarks. We therefore call for the establishment of a new Global Fund for National Human Rights Protection Systems which should build on the recognition of the importance of preventive strategies and the need for effective and accountable justice systems. Effective national protection systems, including properly constituted national human rights institutions must be complemented by space for civil society and human rights defenders, and support for their relationship with the formal system of promoting and protecting human rights. Effective national protection systems, including properly constituted national human rights institutions must be complemented by space for civil society and human rights defenders, and support for their relationship with the formal system of promoting and protecting human rights.
17. A fully independent World Court of Human Rights should be created as a counterpart to the Human Rights Council, entrusted with the judicial protection of human rights against all duty bearers. The UN Secretary-General is requested to commission an expert study on ways to advance towards the establishment of a World Court on Human Rights.

## **Conclusion**

As with all exercises of this nature, the report of the panel sought to accommodate the positions of different members and to present a reasonable compromise of the different views. The report of the panel must be read on its own. The foregoing synthesis represents one member's selection of some of the findings, ideas and proposals that would merit further study within the human rights community.