Human rights and economic crisis: the response of the United Nations system

“Business as usual” leaves hopes of change frustrated

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It has been widely argued that the continuing difficulties besetting the global economy represent conclusive evidence of the failings of the unfettered free market model, and that the time has come for a paradigm shift in the international community’s approach to economic management. While all but the most ardent laissez-faire advocates agree on the need for enhanced, more coordinated financial regulation, those who hope human rights and social justice might form the foundation stones of a new economic order are likely to be disappointed. A review of measures taken by the United Nations (UN) institutions in the face of the crisis suggests that, while concerns over human rights appear with some frequency, they do not represent the guiding principles, nor even a high priority, in the overall effort to address the ongoing global quagmire.
This article is not intended as an exhaustive exploration of what the organs of international governance have done in order to tackle the global recession. Rather it sets out to provide a broad outline of the principal initiatives and positions adopted by several of the most important UN organisations involved with regard to the human rights impacts of the crisis. The picture that emerges is one in which concerns over the human rights are voiced with some regularity but, perhaps unsurprisingly, efforts to address the crisis stop short of making international human rights law fundamental to the recovery effort. We cannot allow another global financial crisis to catch us unaware and unprepared. Our hope is that this background article will provide some lessons of how to integrate human rights norms and principles in preparation for when, not if, the next crisis is upon us.

The United Nations

Recognizing the multi-dimensional nature of the global economic crisis and the urgent need for internationally coordinated and systemic action, the UN’s institution-wide response is embodied in the nine Joint Crisis Initiatives (JCIs), which were endorsed by the Chief Executives Board for Coordination at the end of the Spring 2009 session.\(^1\) This framework envisages nine UN-wide initiatives, some of which have been established specifically to address the crisis, while others represent further development of already existing programmes:

1. Additional financing for the most vulnerable\(^1\) led by UNDP and WB
2. Food Security\(^2\) led by FAO, IFAD, WFP
3. Trade\(^2\) led by UNCTAD, WTO
4. Green Economy Initiative\(^2\) led by UNEP
5. A Global Jobs Pact\(^2\) led by ILO
6. A Social Protection Floor\(^2\) led by ILO, WHO
7. Humanitarian, Security and Social Stability\(^2\) led by WFP
8. Technology and Innovation\(^2\) led by ITU, UNIFO, WIPO
9. Monitoring and Analysis – led by UN-DSG, DESA, IMF

The Office of the High Commissioner for Human Rights is collaborating in the Social Protection Floor, which aims to ensure universal access to essential services and transfers,\(^2\) and

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\(^2\) For an outline of the SPF initiative, see: http://www.socialsecurityextension.org/gimi/gess/RessShowResource.do?ressourceId=14583
the Humanitarian, Security and Social Stability initiative, which is intended to prevent instability by protecting the most vulnerable. Along with the Global Jobs Pact, which is being spearheaded by the ILO, these are the only JCI areas where the language of human rights is present in any meaningful way. Even in these, however, what attention is given to a human rights perspective focuses on residual affirmations of the importance of human rights - and the necessity of preventing the global financial crisis from interfering in the progress thereof - rather than clear declarations of the corresponding obligations of states under the relevant treaties. Indeed references to human rights are ubiquitous throughout the literature published by the UN bodies since 2008, but these statements are generally recognitions of the challenging global context rather than guiding principles for the design and implementation of crisis response policies.

The Human Rights Council

In February 2009 the Human Rights Council (HRC), in its 10th Special Session entitled “The Impact of the Global Economic and Financial Crises on the Universal Realisation and Enjoyment of Human Rights”, adopted resolution s-10/1, reaffirming its commitment to the MDGs and calling on states to redouble their efforts to prevent the human rights fallout of the crisis. A follow-up resolution, at the subsequent session in September 2009, reiterated its commitments to addressing the human rights effects of the crisis and called for a broad dialogue with UN member states on the matter. A background report submitted by the High Commissioner for Human Rights to the General Assembly in July 2009 meanwhile explored the financial crisis’ impacts on poverty reduction efforts and set out best practices for member states in implementing human rights-based social security programmes.

Other resolutions adopted and decisions taken by the HRC since 2008 have likewise made frequent reference to the potential impacts of the crisis, and the need to ameliorate them. At the opening of the 13th session, in March 2010, the HRC convened a high-level panel discussion to explore the impact of economic crisis on the provision of human rights, with the aim of contributing to the General Assembly’s Working Group on the issue (discussed below). The report submitted underlined that human rights considerations should be a “moral compass for testing the validity and effectiveness of...crisis response measures” and that “a

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comprehensive approach incorporating a clear human rights dimension” was necessary.\(^5\) The HRC’s 14\(^{th}\) session addressed the issue of foreign debt and reaffirmed “that the current global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures”\(^6\) (this position was also stated at the 11\(^{th}\) session of the HRC in June 2009).

At its 15\(^{th}\) session, in September 2010, the HRC adopted resolution 15.4 which expressed concern that the “global financial crisis could create a lost generation of children whose chances in life will have been irreparably damaged by a failure to protect their right to education”.\(^7\) Resolution 15.22 meanwhile reaffirmed the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.\(^8\)

**The General Assembly**

The General Assembly’s first meaningful attempt to address the financial crisis came during the 63\(^{rd}\) session, with a special debate in October 2008 that was intended as a first step towards finding coordinated, comprehensive solutions to the situation. This meeting followed hot on the heels of the High Level Meeting on the Millennium Development Goals\(^9\) which declared that the MDGs should “embody the basic human rights – the rights of each person on the planet to health, education, shelter and security”.\(^10\) Since then, numerous GA resolutions have expressed recognition of the threat posed by the financial and economic crises to human rights, particularly ESC rights, though initiatives to address the crisis have universally stopped short of embracing human rights as a fundamental guiding principle.

The Interactive Panel of the United Nations General Assembly on the Global Financial Crisis, staged on 30 October 2008, voiced its concern for “small farmers and urban workers, women and men and their families who through no fault of their own now face food shortages,

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\(^{9}\) High Level Meeting on the Millennium Development Goals. See: http://www.un.org/millenniumgoals/2008highlevel/

reduced social services and unemployment”, with some panelists calling for a new multilateral reserve fund.11

Resolution 63.239, concerning the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, expressed particular concern over the “systemic impact of the financial crisis” and the corresponding danger to human rights,12 while resolution 63.222, concerning “the Role of the United Nations in promoting development in the context of globalisation and interdependence”, likewise affirms the importance of rights issues.13

Other recent resolutions and statements asserting the importance of the human rights implications of the crisis have included:

- 63.128: “The rule of law at the national and international levels”.14
- 63.175: “Human rights and extreme poverty”.15
- 63.176: “Globalization and its impact on the full enjoyment of all human rights”.16
- 63.189: “Promotion of a democratic and equitable international order”.17
- 64.135: “Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly”.18
- 64.215: “Legal empowerment of the poor and eradication of poverty”.19

The 63rd General Assembly then hosted the June 2009 Conference on the World Financial and Economic Crisis and its Impact on Development.21 The outcome document published afterwards affirmed that “continued pursuit of profit and economic growth must be leavened by our collective responsibilities in ... the realisation of human rights”. UNCTAD prepared a report for the Conference which explored the failures of the international financial system,

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arguing against continued market fundamentalism. Recommendations regarding reform of the international monetary and financial system were delivered to the Secretary General by a Commission of Experts chaired by Nobel laureate Joseph Stiglitz in advance of the Conferences.

The subsequent resolution adopted by the General Assembly avoided direct reference to the rights implications of either the crisis itself or measures to affect recovery. The June 2009 Conference gave rise to an open-ended Working Group which, in a progress report published on 3 August 2010 calls for efforts to address debt sustainability, and for reform of the international economic system to facilitate greater participation by developing countries in the Bretton Woods institutions.

In July 2011 the Secretary General presented a report on the interplay between the international financial system and development, calling for an improved global financial safety net and improved regulation, along with compliance on existing aid commitments. Previously, his March 2010 report “Keeping the Promise” argued that a global action agenda to accelerate progress towards the Millennium Development Goals should be adopted at the MDG summit in September of that year. The outcome document later agreed at the summit acknowledged that “the crises have brought setbacks in progress, enhanced social tensions and increased vulnerability”, but did not call for a rights-based framework to underpin response policies.

This position – affirmations of concern over human rights but reluctance to make them a principal objective and framework of responses to the crisis – was echoed again in August 2010 in the Secretary General’s report on the implementation of the Second United Nations Decade for the Eradication of Poverty (2008-2017).

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26 UNGA, Progress report of the Ad Hoc Open-ended Working Group of the General Assembly to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development, 3 August 2010. The only reference to rights comes in an observation that some member states were concerned about rights at work. See: http://www.un.org/ga/search/view_doc.asp?symbol=A/64/884&Lang=E
Study on the Impact of the Converging World Crises on Social Development” gave a detailed analysis of the poverty, food, health, employment and education impacts of the crisis.31

The International Labour Organisation

The International Labour Organisation has been at the forefront of efforts to tackle the human costs of the crisis. Though the organisation has been more forthright than most in its criticisms of the economic model that produced the situation, its response to the crisis has been more welfarist than explicitly rights-based in tenor.

The ILO”s strategy centres on the aforementioned Global Jobs Pact32 and the Social Protection Floor. Squarely focused on accelerating recovery in employment, along with enhanced commitment to social protection, the Jobs Pact was adopted in June 2009 at the International Labour Conference and was intended as a framework to guide post-crisis planning policies and ensure that employment and social welfare were at the centre of stimulus packages. While the resulting document repeatedly affirms the importance of social protection measures, “fair globalisation”, gender equality and rights at work, it does not employ the framework of economic rights in its consideration of those vulnerable people hit hardest by the crisis.

In partnership with the World Health Organisation, the ILO has also taken the helm of the Social Protection Floor,33 which promotes access to essential services and transfers for vulnerable people. While the SPF does not shy away from references to the human right to social security, it relies heavily on instrumentalist arguments, emphasising that the initiative “will act as an automatic counter-cyclical stabiliser for the economy by alleviating the fall in aggregate demand”.34 The initiative’s activities focus on global advocacy, promoting South-South dialogue, and providing training and technical support to national social protection efforts. To this end it has staged a series of meetings and events over the last two years:

- Global South-South Development Expo, Geneva, November 2010.35
- Global Poverty Reduction and Development Forum, Beijing, October 2010.36
- ASEM Workshop on Social Protection Floor and the Informal Economy, Nice, September 2010.37

35 See: http://www.southsouthexpo.org/socialprotection.asp
36 See: http://www.iprcc.org.cn/front/article/articlelist.action?catalogId=398&specialId=395
37 See: http://www.aseminfoboard.org/Calendar/Activities/?id=338
• Sharing Innovative Experiences on the Social Protection Floor, Turin, July 2010.


• Tripartite meeting of experts on strategies for the extension of social security coverage, Geneva, September 2009.

The ILO has also consistently lobbied the G20 to strengthen commitment to employment-intensive recovery, while its 2008 “Declaration on Social Justice for a Fair Globalisation”, the organisation’s third major statement of principles, was described as a “new deal for the 21st century”.

While a full listing of all ILO initiatives and meetings that have addressed the financial and economic crisis is beyond the scope of this article, a list of some of the main events taking the crisis as their principal concern is provided below:

• Regulating for Decent Work: Regulating for a Fair recovery, 6-8 July 2011, Geneva.


• European Labour Forum on the Role of Labour Administration and Inspection Systems in Overcoming Economic Crises, February 2011, Turin.


• Globalisation and Employment: Global Shocks, Structural Change and Policy

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40 See: http://www.socialsecurityextension.org/gimi/gess/ResrShowResource.do?ressourceId=13065


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- “Real economy” leaders discuss policy responses to global economic and jobs crisis, 14 June 2010, Geneva.
- High-Level Regional Forum: Responding to the Economic Crisis - Coherent Policies for Growth, Employment and Decent Work in Asia and the Pacific, 18 - 20 February 2009, Manila, Philippines.

Other ILO initiatives working to confront the social impacts of the crisis include the “Global Extension of Social Security” knowledge-sharing platform, and the ILO Job Crisis Observatory, which provides detailed monitoring of the impacts of the employment crisis in different regions and with regard to the various facets of the ongoing crisis, such as child labour, migration and gender. Furthermore, on June 2010 John Ruggie, UN Special Representative for Human Rights and Transnational Corporations, presented his “Protect, Respect and Remedy” framework at the ILO headquarters in Geneva. The organisation has also published a vast number of books, reports, working papers and other documents
addressing the impact of the crisis in the social and labour spheres, along with policy analyses and recommendations.64

The World Bank

In March 2009 the World Bank announced a two-pronged strategy designed to tackle the crisis, comprising an enhancement of financial assistance to member states in order to mitigate impacts, and a threefold approach to protecting vulnerable populations. The latter was to be executed through the Vulnerability Financing Facility – which consists of the existing Global Food Response Programme (GFRP) and the newly established Rapid Social Response Programme – along with the Infrastructure Recovery and Assets Programme (INFRA). Private sector initiatives are meanwhile supported through the International Finance Corporation. In February 2011 it also announced plans for a new Social Protection and Labour Strategy, to guide its engagement with low- and middle-income countries from 2012 to 2022.65 Consultations on the design of the strategy got underway in January 2011 and are scheduled to continue until the end of the year, when a draft strategy document will be produced.66

In detailing its other efforts to address the crisis, the World Bank states that it has “committed $138 billion to its members and disbursed a record $81 billion – including $21 billion to the world’s 79 poorest countries”.67 While the bulk of its efforts are oriented to restoring growth, substantial efforts have also been made on social and economic welfare, including a tripling of funding to safety net programmes, bringing the total figure to $12 billion.68 The aforementioned GFRP,69 which was set up in May 2008 to assist countries hit hardest by food price rises, has received a boost in support from $1.2 billion to $2 billion. A substantial portion of this rise in GFRP funding represents resources redirected away from rural development programmes, however. The GFRP has also developed a fast-track disbursement system which has now been adopted by the IDA as well.

64 The ILO’s publications page provides access to its many relevant documents. See: http://www.ilo.org/global/publications/lang-en/index.htm
The Rapid Social Response Programme (RSR), established in April 2009, is intended to foster social protection for the most vulnerable through the provision of safety nets, essential services and labour market programmes. Lending under RSR themes rose from $1.2 billion in 2008 to $4.3 billion in 2009, before dropping off somewhat, to $3.2 billion, in 2010. The INFRA – with lending in the fields of energy, communications, transport and water – meanwhile aims to ensure that long-term infrastructure investments are maintained in the face of the crisis. It is to provide a total of $45 billion in infrastructure lending over three years to 2012.70

In January 2009 Bank president Robert Zoellick called on developed countries to commit 0.7 per cent of their stimulus packages to a vulnerability fund for poorer countries.71 A few months later in June, a $20-million agricultural finance facility was set up with a donation from the Bill and Melinda Gates Foundation72 to expand rural finance services in poor countries. The Gates donation palled into insignificance three days later, however, when Mr Zoellick announced that the 2009 financing gap for poor countries would be between $350 billion and $635 billion.73 Total disbursements for the year reached $58.8 billion, representing a 54% increase on the previous year and a record high overall.74 In its 2009 Global Development Finance Report75 the Bank reiterated warnings that developing countries would be hit hard by the crisis. These fears were reaffirmed in September that year when a paper launched in advance of the G20 summit in Pittsburg stated that 89 million more people would be forced into poverty by ongoing economic stagnation.76

The World Bank group has published numerous documents warning of the impacts of the crisis on developing countries. The working paper “International Aid and Financial Crises in Donor Countries”77 predicted that aid flows from major donors would fall dramatically.

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limited selection of the voluminous literature published by the Bank concerning the downturn is listed here:

- Report: "The Great Recession and Developing Countries".  
- Policy Brief: “Will FDI be resilient in times of crisis?”  
- Working Paper: “Global Financial crisis and the Implications for Developing Countries”.  
- Working Paper: “Global Imbalances Before and After the Crisis”.  

The recently published book *Postcrisis Growth and Development: A Development Agenda for the G20* makes some limited references to labour rights, but the broader ESC rights agenda is ignored. The Independent Evaluation Group’s (IEG) November 2009 assessment of the Bank’s response to the crisis observed that the bulk of increased funding was being channeled to middle-income countries, voicing concern over the “adequacy of financial flows to poorer countries”, and warning that the institution “must be careful to ensure adequate attention to low-income countries and to poverty reduction”. A more comprehensive examination was published by the IEG in 2010.

**The International Monetary Fund**

Given its traditional focus on balance of payment and exchange rate issues, the IMF might not be expected to place a strong emphasis on human rights considerations, but the policies and programmes undertaken by the Fund undoubtedly have crucial ramifications for the enjoyment of economic and social rights in member states. Moreover, in light of the key role poor financial governance has played in bringing about the recession, the IMF will have to take a prominent position in designing and building a new architecture for global finance and as such it is in a unique position to promote the rights agenda.

The institution’s most high-profile actions since the onset of the crisis have been its $41 billion (€30 billion) contribution to the joint EU-IMF bailout for Greece – at $150 billion (€110 billion) in total, the largest such loan in history – and its $31 billion (€22.5 billion) share of the $121 billion (€85 billion) international rescue package granted to Ireland. The Fund also agreed to take part in a second bailout, of $155 billion (€109 bn), for the struggling eastern European states.
Mediterranean country. Another EU problem child, Portugal, meanwhile received $112 billion (€78 billion), with $37 billion (€26 billion) coming from the IMF.

Beyond these headline-grabbing eurozone interventions, the Fund has also been obliged to adapt to new circumstances; the global reach of the financial crisis has implied a changed international context in which poorer countries have found themselves in need of new forms of assistance. The IMF sets out its response to this situation under the following themes: enhanced lending; greater flexibility; increased lending capacity; provision of analysis and advice; and assessment of lessons learned.

As part of this revision, crisis lending to poor countries has increased sharply. Concessional finance capacity has been raised to approximately $17 billion through to 2014, while interest relief on outstanding concessional loans has been approved until the end of 2011. The Fund also reports that over $18 billion of the new general $250 billion special drawing rights allocation has been employed to bolster poor countries’ foreign exchange reserves.

These measures have their roots in early 2009, when the IMF announced a “major overhaul” of its lending framework, including a modernisation of conditionality, to remove requirements that were “poorly focused on core objectives”, and the introduction of a new Flexible Credit Line for countries with “strong fundamentals and track records on policy implementation”. The Extended Credit Facility has replaced the Poverty Reduction and Growth Facility as the main mechanism of support for poor countries with ongoing balance of payment problems. The Standby Credit Facility meanwhile serves countries with short-term balance of payment shortfalls, and the Rapid Credit Facility offers support, with limited conditionalities, to lower income countries with urgent balance of payment requirements.

A Precautionary Credit Line, for countries that “have sound fundamentals but are still facing vulnerability”, has also been introduced. The institution also moved to enhance Stand-By Arrangements (SBAs), which have traditionally been a central pillar of crisis response mechanisms, in order to broaden availability and increase flexibility. Nonconcessional loan access limits have meanwhile been doubled.

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Moreover, the Fund asserts that new streamlined systems will help dissolve the stigma that has often been associated with use of its lending services, and that more emphasis is being placed on social spending. It notes, however, that while the “importance of exceptional measures to protect the poor during the current crisis” are recognised, “countries will have to reprioritise government spending” when the crisis period comes to an end in order to maintain the link between growth and poverty reduction.

Provision of advice in the face of the downturn centres on the IMF’s surveillance activities, embodied in the publication of the twice-yearly World Economic Outlook reports and the Global Financial Stability report. The Fund has furthermore published a plethora of working papers and other analyses examining the crisis. A selection of recent documents concerning issues of relevance to ESC rights is listed below:

- Working Paper: “Global Shocks and their Impacts on Low-Income Countries”.
- Working Paper: “Cross-Cutting Themes in Employment Experiences during the Crisis”.

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103 Burke, Ibidem.


Since the onset of the crisis, numerous conferences and seminars have likewise been staged as member states sought to get to grips with the situation and design strategies to avert future recurrence. Some of the more recent events with significance for ESC rights are detailed here:

• Conference: Overcoming the Jobs Crisis.118
• Conference: The Unemployment Crisis: Costs, Causes and Cures.119
• Conference: Reaching the MDGs: Macroeconomic Prospects and Challenges in Low-Income Countries.120
• Conference: Post-Crisis Growth and Poverty Reduction in Developing Asia.121
• Conference: Reconstructing the World Economy.122

It should also be noted that at the October 2010 G20 meeting reforms were agreed to give more powerful emerging economies, such as China, Brazil and India, a greater say in IMF affairs.123

Special Rapporteurs

The Special Rapporteurs have been more forthright in calling for a human rights-based approach to addressing the crisis and its ramifications. Twenty-six of them put their names to a statement declaring “without human rights, the Millennium Goals will fail”, in advance of the

MDG Summit in September 2010.\textsuperscript{124} The independent expert on human rights and extreme poverty, Magdalena Sepúlveda Carmon, argued in both her 2010 report to the General Assembly and her 2011 report to the Human Rights Council\textsuperscript{125} that a human-rights based approach to the current crisis was crucial if substantial progress was to be made towards the MDGs.\textsuperscript{126} Her 2009 report meanwhile underlined that “the crisis offers an opportunity to move beyond the restructuring of the global financial and monetary systems and to place people at the centre of policy measures”.\textsuperscript{127} This position was reiterated in October 2010 in a statement emphasising that “aspirational rhetoric” is not enough.\textsuperscript{128}

SR for the Right to Education, Vernon Muñoz, has affirmed that recession cannot be used by states as an excuse for non-compliance with their ESCR obligations,\textsuperscript{129} while several other rapporteurs have warned that the crisis is exacerbating threats to human rights in their fields of expertise. Special Rapporteur on Contemporary Forms of Slavery Gulnara Shahinian, for instance, warns that “women suffer disproportionately from cuts to welfare programmes and essential public services in a situation of economic crisis”,\textsuperscript{130} while SR for the Right to Housing Raquel Rolnik has placed a spotlight on the dangers posed by the commodification of shelter.\textsuperscript{131} The expert on the effects of foreign debt, Cephas Lumina, has likewise argued against over-reliance on free markets, affirming that the current crisis has demonstrated that they are not self-correcting.\textsuperscript{132} In advance of the 2009 General Assembly session on the financial crisis, Mr Lumina also advocated for the adoption of a human-rights based approach to international economic relations, arguing that “the ability or capacity of states to fulfill their human rights obligations (should be) considered as part of the definition of debt sustainability”.\textsuperscript{133} The Special Rapporteur on the Right to Food meanwhile made a submission to the GA arguing that human-rights based social protection can play a crucial role as an economic stabiliser in times of crisis.\textsuperscript{134}

\textsuperscript{130} Report to HRC, 18 June 2010. See: http://www2.ohchr.org/english/issues/housing/rapporteur/docs/A.HRC.15.20_EN.pdf
\textsuperscript{134} “The right to food and the financial and economic crisis” Submission to the UN Conference on World Financial and Economic Crisis, UN General Assembly, 24-26 June 2009, See: http://www2.ohchr.org/english/issues/food/docs/NoteCrisisFinal26062009.pdf
UN Committee on Economic, Social and Cultural Rights (CESCR)

Between May 2009 and May 2011, the Committee on Economic, Social and Cultural Rights reviewed the situations of 25 countries.\(^{135}\) Despite the global reach of the current financial crisis, explicit references to the impacts of the economic turmoil were made in the concluding observations and recommendations of only one country – that of Algeria, which was congratulated for its debt relief programme for farmers.\(^ {136}\) Mentions of the global context were conspicuous by their absence in the section of CESCR “Concluding Observations” documents devoted to factors and difficulties impeding the implementation of the Covenant. Indeed only those countries beset by armed conflicts or profound political or economic crisis, such as Chad or Madagascar, were acknowledged as facing contextual factors which prevented them from fully complying with their obligations. Explicit affirmations that the global recession should not be employed as an excuse for non-compliance, or that actions should be taken to prevent recessionary impacts on economic and social rights, were likewise absent from the recommendations, however. Similarly, since the onset of the crisis there have been no statements or general comments issued with regard to the continuing economic situation. While official published positions such as “General Comment 19: The Right to Social Security” are of particular relevance in the current context,\(^ {138}\) the Committee has not moved to adopt a specific formal position regarding the crisis itself. This apparent lack of attention to the crisis is perhaps unsurprising, however, given the CESCR’s focus on domestic provision of rights, rather than broader contextual factors, per se.

ECOSOC

The Committee's parent institution, the Economic and Social Council (ECOSOC), has been active in efforts to confront the crisis, though, and has made various undertakings in this regard. At the 2010 substantive session, the United Nations’ response to the financial crisis was

\(^{135}\) Afghanistan, Algeria, Australia, Brazil, Cambodia, Chad, Colombia, Cyprus, Democratic Republic of Congo, Dominican Republic, Germany, Kazakhstan, Madagascar, Mauritius, the Netherlands, Poland, Republic of Korea, Republic of Moldova, the Russian Federation, Sri Lanka, Turkey, Switzerland, United Kingdom, Uruguay, Yemen.

\(^{136}\) At the time of writing, concluding observations and recommendations had not been issued for the Netherlands, Switzerland, Uruguay, Dominican Republic and Sri Lanka, which were examined at the 45th session, 1 – 19 November 2010.


\(^{138}\) In this regard, it is noteworthy that General Comment 19 does emphasise that “international financial institutions, notably the International Monetary Fund and the World Bank, should take into account the right to social security in their lending policies, credit agreements, structural adjustment programmes and similar projects and that the enjoyment of the right to social security, particularly by disadvantaged and marginalized individuals and groups, is promoted and not compromised”. It also states that “the incorporation of human rights law and principles in the programmes and policies of international organizations will greatly facilitate the implementation of the right to social security”. CESCR, General Comment no 19: “The Right to Social Security”, Economic and Social Council, 4 February 2008. See: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/403/97/PDF/G0840397.pdf?OpenElement
examined, with the role of the CEB’s Social Protection Floor and the Global Jobs Pact both being emphasised.\textsuperscript{139} Also in July that year, ECOSOC adopted resolution 2010/25, endorsing the aforementioned Global Jobs Pact, which promotes job-intensive recovery from the crisis.\textsuperscript{140} This resolution was echoed again at the 2011 substantive session.\textsuperscript{141} Initial ECOSOC moves to establish an ad-hoc panel of experts on the crisis and its impacts on development are yet to come to fruition, however. At the July 2011 plenary session the Council issued a statement requesting that the Secretary General look into setting up the long-awaited panel.\textsuperscript{142}

In March 2011 the institution staged a high-level meeting with the Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development in an effort to promote coherence and coordination in development financing in the wake of the crisis.\textsuperscript{143} The event placed particular emphasis on the crisis’ impact on progress towards the MDGs, and role the United Nations should play in global economic reform and management.\textsuperscript{144}

ECOSOC has also made some more generalised affirmations regarding human rights in the face of the crisis. After its 2009 substantive session, it released a document calling for the promotion and enhancement of the United Nations development system’s response to the crisis, affirming that “human rights, democracy, social justice and peace must be preserved”.\textsuperscript{145} Resolution 2009/20, concerning the new partnership for Africa’s development, was meanwhile adopted at the 44th plenary meeting on 30 July 2009, emphasising that “respect for all human rights and fundamental freedoms, including the right to development... are among the indispensable foundations for the realisation of social and people-centred sustainable development”. It also called for measures to “enhance ... the promotion and protection of human rights”.\textsuperscript{146} A high-level thematic discussion in April 2010 underlined the disproportionate impact of the crisis on women, and the crucial importance of ensuring women’s rights in the pursuit of recovery.\textsuperscript{147}

\begin{itemize}
  \item \textsuperscript{143} See: http://www.un.org/esa/sfd/ECOSOC/springmeetings/2011/index.htm
  \item \textsuperscript{147} ECOSOC, Current global and national trends and challenges and their impact on gender equality and empowerment of women, 14 April 2010, See: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/311/71/PDF/N1031171.pdf?OpenElement
\end{itemize}
In March 2009, the Committee for Development Policy’s 11th session drew attention to the impact of the crisis on health, emphasising that the “financial crisis provides an opportunity to alter conventional patterns of investment and production”. In March 2010 ECOSOC also took part in a high-level meeting with the WTO, UNCTAD and the Bretton Woods institutions in an effort to find a more coherent and coordinated response to the crisis.

The 2009 “Summary of the Economic and Social Survey of Asia and the Pacific” highlighted threats to food security brought on by the crisis, while ECOSOC’s high-level segment on global and national trends and their impact on social development underlined the dangers posed by the crisis to public health. Among the few ECOSOC publications to make explicit references to human rights treaties in the light of the crisis was the report of the Committee on Development Policy’s 13th Session, which gave a special focus to the problems facing migrants and bemoaned the fact that only 41 countries had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

ECOSOC’s Commission for Social Development adopted full employment as the priority theme for its 47th session and social integration as the theme for its 48th session, both held in 2009. ECOSOC resolutions resulting from these meetings repeatedly expressed grave concern over the crisis and reiterated commitments to human rights.

ECOSOC Regional Commissions

Given the relative limitations of their roles and capacities, ECOSOC’s five regional commissions are not in a position to confront the crisis with the kind of direct measures available to the other institutions detailed here. Nonetheless, their monitoring and facilitating functions no doubt represent an important contribution to the international response, so it may be worth reviewing some of the activities they have undertaken in the face of the recession.

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149 For a full index of contributions, see: http://www.un.org/esa/ffd/ecosoc/springmeetings/2010/index.htm
The Economic Commission for Latin America and the Caribbean (ECLAC) argues that the international financial system has for years been a major contributory factor in economic instability in the region.\textsuperscript{153} With this in mind it continues to lobby for reform, at both the regional and global levels, with regard to developing countries’ integration into international finance. It is also the only of the five commissions to have created a webpage devoted to the regional impacts of the ongoing crisis, through which it provides monitoring thereof.\textsuperscript{154} Regular publications such as the ECLAC magazine\textsuperscript{155} and the annual “Statistical Yearbook for Latin America and the Caribbean”\textsuperscript{156} have been complemented by a steady flow of analysis publications\textsuperscript{157} and events exploring the causes of the crisis, potential solutions and lessons learned. A small selection of these are listed below:

- Report: “Achieving the Millennium Development Goals with Equality in Latin America and the Caribbean: Progress and Challenges”.\textsuperscript{159}
- Annual Publication: “Social Panorama of Latin America 2010”.\textsuperscript{160}
- Report: “Poverty in Latin America Fell in 2010 and Returns to the Pre-Crisis Trend”.\textsuperscript{161}
- Report: “International Trade in Latin America and the Caribbean: Crisis and Recovery”.\textsuperscript{162}
- Seminar: Public Policies in the Face of the Crisis: Current Problems and Future Challenges.\textsuperscript{163}
- Report: “Macroeconomics of the Region and Factors that Influenced the World Economic Crisis”.\textsuperscript{164}


\textsuperscript{154} ECLAC, Webpage: Impactos de la crisis financiera en la region. See: http://www.eclac.cl/cgi-bin/getProd.asp?xml=/noticias/paginas/2/35372/P35372.xml&xsl=/tpl/p18fst.xsl&base=/tpl/top-bottom.xsl

\textsuperscript{155} ECLAC, “Revista CEPAL analiza macroeconomía de la región y factores que incidieron en la crisis económica mundial”, ECLAC, Santiago, Chile. See: http://www.eclac.org/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/6/42126/P42126.xml&xsl=/prensa.tpl/p9f.xml&base=/prensa/top-bottom.xsl


\textsuperscript{157} ECLAC, Impacto de la Crisis, ECLAC publications. See: http://www.eclac.cl/cgi-bin/getprod.asp?xml=/noticias/paginas/3/35143/P35143.xml&xsl=/tpl/p18fst.xsl&base=/tpl/top-bottom.xsl


\textsuperscript{161} ECLAC, “Poverty in Latin America Fell in 2010 and Returns to the Pre-Crisis Trend”, ECLAC, Santiago, November 2010. See: http://www.eclac.org/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/4/41804/P41804.xml&xsl=/prensa.tpl/p6f.xml&base=/prensa/top-bottom.xsl


• Conference: The Impact of the Crisis on Regional Trade and Prospects for Integration. 165

The Economic and Social Commission for Western Asia has likewise been monitoring the impacts of the downturn in member states. A regional High-Level Consultative Forum on the Impacts of the International Financial Crisis was staged in Syria in May 2009, culminating in the “Damascus Declaration on Responding to the International Financial Crisis in the ESCWA region”. 166 Several reports have also been published tracking the ramifications of the crisis in both economic and social terms:

• Report: “Impact of the International Financial Crisis on ESCWA Member Countries”. 169
• Report: “Impact of the Global Financial Crisis on the World Oil Market and its Implications for the GCC Countries”. 170
• Report: “The Impacts of the Financial Crisis on ESCWA Member Countries: Challenges and Opportunities”. 171

The Economic Commission for Europe, while somewhat more muted with regard to the global downturn, continues to monitor progress on the MDGs and how these are being affected by macroeconomic conditions. 172 The Economic Commission for Asia and the Pacific has likewise adhered to a monitoring and analysis role, with contributions to other UN events and regular policy analyses:

• “Contribution to UN Commission on the Status of Women Expert Panel regarding Gender Perspectives of the Financial Crisis”. 173


With multiple crises afflicting the African continent, the global economic downturn is just one issue in a myriad which the Economic Commission for Africa is seeking to address. The dangers posed by a tightening of international credit, reduced export demand and decreased donor funds have not been lost on the ECA, however, especially given that the continent is still recovering from the recent food and energy crises. Working in collaboration with the African Union Commission and the African Development Bank, the ECA has sought to build consensus and provide technical support to governments as they seek to ameliorate impacts.

A High-Level Forum on the financial crisis for Ministers of Finance and Governors of Central Banks was organised in Tunis in late 2008, resulting in a communiqué concerning appropriate measures to be taken by national governments. The ECA has also taken a leading role in articulating Africa’s position on reform of the international financial system, and to this end an ad-hoc expert committee is to be established in 2011. Some of ECA’s relevant reports and events are listed here:

- Conference: Fostering development in an era of financial and economic crises.179

• “Assessing Progress in Africa toward the Millennium Development Goals”.

The United Nations Research Institute for Social Development (UNRISD)

The United Nations Research Institute for Social Development (UNRISD) has called for the crisis to be seen as an opportunity for deeper and more meaningful change in the global economic system. The institution staged a conference in Geneva in November 2009, entitled “Social and Political Dimensions of the Global Crisis: implications for developing countries”, which advocated for the international community to confront the recession with transformative economic policies rather than simply aiming for a return to “business as usual”. This event, and the report which followed it, formed part of the project “Social and Political Dimensions of the Global Economic Crisis 2009”. A more comprehensive examination of the interplay between the recession and social wellbeing will be provided by the book The Global Crisis and Transformative Social Change which is to be published in February 2012.

UNRISD has consistently advocated for a job-intensive approach to recovery from the economic downturn, and to this end it also organised an international conference in September 2009 in partnership with Seoul National University, highlighting the South Korean economic model and arguing that some of its lessons learned might be transposed to both Northern and developing world countries. This position was reiterated in the flagship report “Combating Poverty and Inequality”, published in September 2010, which argues forcefully that poverty and inequality are inextricably linked and that residual approaches to addressing poverty, which focus solely on safety nets, are unlikely to prove sufficient.

184 UNRISD Conference on Social and Political Dimensions of the Global Crisis: Implications for Developing Countries. See: http://www.unrisd.org/80256B3C0055B66A/(httpEvents)/0D3FD969E85D89DC1257F6344976F70/OpenDocument
188 International Conference Organized by UNRISD and Seoul National University on Global and National Strategy for Poverty Reduction to Take Place on 28-29 September. See: http://www.unrisd.org/80256B3C005BE6B5/search/0BA48FCC2200831E5C125763C004C7EA20OpenDocument
In an effort to press G20 leaders to “rethink the relationship between broader economic and social development goals and the international financial and trade regimes in the midst of multiple crises, in particular the global economic crisis”, UNRISD also launched an online discussion forum in October 2010. This effort to encourage broader dialogue, which was complemented by a TV debate, was also staged in Seoul to coincide with the G20 summit.

Researchers at the UNRISD have taken a leading role in drawing attention to the implications of the global recession for the care economy, and the increased burden of reproductive labour – borne overwhelmingly by women – as a result of a dysfunctional economic model and resulting crisis response both of which are largely designed and implemented by men.

UN Department of Economic and Social Affairs (DESA)

The Department of Economic and Social Affairs’ role in addressing the financial crisis is deeply enmeshed with that of other UN agencies. As explained on the DESA webpage, the department “plays a major convening role in supporting intergovernmental dialogue and coordinating courses of action that address the crisis. The department serves as the Secretariat of the United Nations Conferences on Financing for Development and many of the functional commissions of the Economic and Social Council”. As such it played an important role in the aforementioned Conference on the World Financial and Economic Crisis and its Impact on Development.

DESA provides the principal United Nations analysis of the global economic outlook in the “World Economic Situation and Prospects” report. The most recent edition of the report, for 2011, voices concerns over “important setbacks” in progress towards the MDGs as a result of the crisis, and the “worrying trend” of cuts to social spending, even in those countries that are ostensibly committed to such investment. It also states that financial factors are exacerbating volatility in food prices, and raises fears over the future security of ODA flows.

DESA affirms that it warned of the current crisis early on, and that it had been aware of the unsustainability of the global growth pattern for some time. Monthly briefings and policy

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190 UNRISD Web-Based Development Forum for G20. See: http://www.unrisd.org/80256B3C005BE6B5/(httpNews)/926333AB1CCCA06EBBC125773400516201/OpenDocument
191 WIDE Annual Conference to Offer Insights Into Care Economy and Care Crisis in Global Downturn, 18-20 June, University of Basel, Switzerland. See: http://www.unrisd.org/80256B3C005BE6B5/search/5AE335AB016E290C12575D7003FDAD2/OpenDocument
briefs provide regular updates on the economic evolution of different countries and regions. Its response to the crisis also involves capacity-building programmes in developing countries to facilitate better monitoring of the impacts of external shocks on overall macroeconomic performance and, more specifically, on poverty levels.\(^{194}\) It likewise provided support, in the form of supplementary macroeconomic expertise, to the Financial Crisis Working Group (see: General Assembly section above). The MDG Gap Task Force meanwhile monitors fulfillment of commitments – including ODA, market access, debt relief, access to medicines and technologies – with regard to the MDGs.\(^{195}\)

Another key area of DESA concern with regard to the crisis is financing for development. It advocates for the Monterrey Consensus and the Doha Declaration to be combined with thoroughgoing reform of the international financial architecture to ensure a more stable and inclusive pattern of global growth. In confronting the social impact of the crisis, DESA has also been active through the Division for Social Policy and Development, which provides analysis, advisory services and training to both developed and developing countries. The biennial “Report of the World Social Situation”, which aims to identify social trends and facilitate better policy design, is one of the few UN documents to give substantial attention to human rights in its exploration of the current crisis.\(^{196}\)

DESA’s Division for Sustainable Development aims to improve integration and coherence between economic, social and environmental policies. Through its role as secretariat to the UN Commission for Sustainable Development, it has set out to foment “true multilateralism and international partnership”\(^{197}\) in the face of multiple, interlocked crises. The DSD also provides analysis of impacts of the crisis on developing countries and works to build partnerships and cooperation, at both the inter-agency and inter-organisational levels, to tackle the ongoing quagmire. DESA’s response to the crisis has also included efforts in the fields of forest management, statistics and monitoring, and gender. With regard to the latter, the “2009 World Survey on the Role of Women in Development”,\(^{198}\) highlighted the disproportionate impact of the crisis on women, and the need for gendered responses to confront the situation.

Some of the other principal DESA reports concerning the social impact of the global financial and economic crisis have included:


• “Millennium Development Goals Report 2011”. 199
• “MDG GAP Task Force Report 2010”. 201
• “World Economic and Social Survey 2011”. 202
• “World Economic Situation and Prospects 2011”. 203
• “World Economic Situation and Prospects 2011: Mid-2011 Update”. 204
• “Millennium Development Goals Report 2010”. 205
• “World Economic Situation and Prospects 2010”. 206
• “State of the World’s Indigenous Peoples”. 208
• “MDG GAP Task Force Report 2009”. 209
• “World Economic and Social Survey 2009”. 210
• “Millennium Development Goals Report 2009”. 211
• Working Paper: “Impact of the Global Crisis on the Achievement of the MDGs in Latin America”. 218

Conclusion

It has been argued by activists and economists alike that the global financial crisis might represent an opportunity for the existing economic system to be reformed, with people-centered policies being placed at its core. Such moments of potential transformation, when decision-makers and legislators around the world are collectively obliged to take pause and reevaluate their economic and political models, are few and far between in the course of history. A review of the United Nations efforts to confront the crisis would seem to indicate this opportunity is being lost, however.

With the exception of the special rapporteurs, and to some extent the ILO, the UN’s response to the recession has failed to take human rights as guiding principles underpinning recovery measures. A great deal of lip-service has been paid to the “human aspects” of the downturn and the importance of protecting the most vulnerable, but the implicit consensus seems to have been that rights are a residual matter and the priority is to restore economic growth and stability. In this regard, the imperative of getting the economy “back on track” has left little room for consideration of where the train might be heading.

That a genuinely human-rights-centred economic system might emerge from the ongoing debacle was arguably too much to hope for. It is clear that the worst recession humanity has experienced in 70 years represents an important and historic juncture, however, and it is precisely through such crises that societal transformations occur. Furthermore, it is neither naïve nor unrealistic to expect the values and standards embodied in existing UN human rights conventions to be afforded a reasonably pervasive presence in both the design and implementation of policies to confront any global crisis. Given the extent of human suffering

stemming from both the recession itself and the economic system that caused it, failure to fully capitalize on this moment of opportunity can only be described as a tragedy.
About This Paper
This paper was written by Luke Holland, a consultant researcher with the Center for Economic and Social Rights.

About Us
The Center for Economic and Social Rights (CESR) works to promote social justice through human rights. In a world where poverty and inequality deprive entire communities of dignity, justice and sometimes life, we seek to uphold the universal human rights of every human being to education, health, food, water, housing, work, and other economic, social and cultural rights essential to human dignity. Extreme poverty and rising inequality should not simply be considered an inevitable tragedy. Rather, they are often the result of conscious policy choices by governments and other powerful actors (such as corporations or international financial institutions) that undermine people’s access to the full range of human rights. CESR therefore seeks to hold governments and other actors accountable to their obligations to respect, protect and fulfill economic and social rights, as well as civil and political rights.