

Main concepts/issues from Cephias Lumina's presentation on

"Protecting the human rights of particularly vulnerable groups during economic and financial crises"

Tuesday, 1 September 2009, 16h30-17h15

General

- The strain of the economic downturn, though reportedly easing somewhat, is being experienced across the globe and beyond the developed countries which are the source of the elements of the contraction. However, developing countries and their vulnerable populations in particular are likely to endure the negative in the short- and long-term.
- Although poverty levels have increased or are likely to increase in virtually all developing countries, the impact is likely to be more severe in the poorest countries as these have lower fiscal capacity to respond and weak or non-existent safety nets.
- Slower economic growth, combined with high levels of poverty and inequality in developing countries, are likely to impact vulnerable populations in these countries the most.
- Those who have been particularly affected vary from context to context, but may include persons with disabilities, migrants, elderly persons, children, women, minority groups, people living in poverty (e.g. in urban slums & the rural poor), refugees and internally displaced persons, and those with stigmatized illnesses such as HIV/AIDS and mental illnesses.
- A human rights approach to the crises requires that the most vulnerable be prioritized. Short sighted solutions to save in the short-term will in many cases lead to increased longer term costs (see below for a few specific examples). Preventing individuals from falling into poverty, poor health, and situations where they are even more vulnerable allows these individuals to more quickly reintegrate into the social and economic community. Allowing individuals to fall into destitution is more expensive in the long term and makes it more difficult for States to fulfill their human rights obligations.
- Protection responses will need to be varied in order to be effective (below are a few considerations for specific groups). Specificity of context and population is especially important when protecting the rights of particularly vulnerable groups, as the context and circumstances of such groups can be influenced by an array of local variables. In order to be effective, solutions must be developed in consultation with the groups in question, through meaningful participatory approaches. Given the historical marginalization of the groups in question, extra efforts will be required in order to ensure their effective participation and to ensure that monitoring and assessment tools adequately provide disaggregated data which accurately represents the entire population.
- Governments must avoid deliberately retrogressive measures and must, in particular, refrain from cutting back on essential social spending. Countercyclical/expansionary policies are required in order to continue funding existing social programs and to create new emergency/short-term funds and mechanisms to counter the negative consequences of the crises.

- Although countercyclical policies are being pursued in developed countries, low- and middle-income developing countries, particularly those already struggling under a heavy debt burden, often do not have the resources to do so, or are prevented from doing so by onerous conditionalities attached to loans from international financial institutions such as public-sector salary reductions (e.g. Latvia), public salary freezes (e.g. Hungary) and user fees for public services.
- International financial institutions and other donors should prioritize concessional loans for those countries which can afford to repay these loans and grants to those countries which cannot afford concessional loans.

Some examples:

Considerations in protecting the rights of persons living with stigmatized illnesses (e.g. mental illness, HIV/AIDS)

- Emergency mechanisms/funds may be required to ensure uninterrupted access to required medication and necessary social supports for persons living with stigmatized illnesses. The absence of emergency mechanism of lack of funds would lead to grave complications in the lives and health of such persons, and quickly lead to higher costs in the medium and longer term, both for the individual and for the State.

Considerations in protecting the rights of women

- Women tend to be disproportionately represented among the poor and to have more limited access to work and social security benefits. When working, they are over represented in the informal sector where social security benefits are often non-existent. Governments should pay particular attention to ensuring that those working in the informal sector are not excluded from social programs, and are targeted by programs meant to reduce the negative effects of the crises.

Considerations in protecting the rights of migrants

- Undocumented migrants who lose their employment may suddenly face precarious living situations and deportation. Source countries should be prepared with funds and policies to provide services for potentially large numbers of returning migrants and to protect the rights of their families who live in increased poverty due to reduction of income from overseas remittances.
- The introduction of policies to cut migration (e.g. deporting workers or making migrant permits more difficult to secure) must be avoided. Cracking down on undocumented migrants could render them vulnerable to exploitative working conditions as well as human trafficking.
- It should be recognized that migrant workers constitute an integral part of many economies. It is important that the rights of migrant workers are upheld and that they are not excluded from stimulus packages and social safety nets designed to cushion the impact of the crises.

Considerations in protecting the rights of children

- The right to food and education must be protected for children of families who find themselves unable to provide these basic needs. Possible approaches to explore are school lunch feeding programs and financial incentives for keeping school age children in school rather than working.
- Governments must ensure that households do not replace education with child labour.