



International Development and Law Organization

Human rights and wrongs - The UDHR@70

United Nations Deputy High Commissioner for Human Rights

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Excellences, Ladies and gentlemen,

I am delighted to be here – officially and personally.

In one of her previous lives, for many years I was (Director General) Irene Khan's deputy, so I am immensely proud to have this opportunity to express the highest respect and regard of her leadership – there are few that could equal her personal integrity, intellectual stature and her sheer stamina for human rights.

On behalf of United Nations High Commissioner for Human Rights Bachelet, it is also a joy to affirm here IDLO as a key partner for the UN human rights system: championing the *Rule of Law and Access to Justice*, IDLO delivers invaluable assistance the world over when and where governments and communities recognize that the rule of law is an asset to competent leadership; understand that scrutiny is essential if those with power to do great harm are instead to do great good.

Excellencies,

The Rome-based international community knows well how human-beings hunger for food; how we all thirst when parched; but it just as true, that we all long too for justice.

Thank you IDLO - for your advocacy at such as the Human Rights Council and the UN General Assembly; for that justice for which women and girls too long; for working to meet the justice longing of indigenous people, people with disabilities, of young people. Thank you too for upholding - through such as your work on business and human rights - that affirmation which is made so clear in the UDHR that "all organs of society" have duties to rights.

The right to life, liberty and security of person, that we may live and love without fear. The right to education, health, shelter, decent work, that we may have to hand dignity's essentials. Freedom from discrimination, arbitrary arrest, from torture that we might have confidence too that governance will be, can be, fair. The right to a fair trial which underpins all freedoms. The right to speak out, to stand up so that we might not be malevolently rendered silent: Tough as these rights standards are at times to uphold,

inconvenient as they are to power that would rather be unaccountable and while under pressure they remain, nonetheless these endure.

Forged neither in privilege nor prosperity but amidst, rather, the rubble, wrack and ruin of reckless rancor, adoption 70 years ago of the UDHR gifted to us an enduring encapsulation of what makes for a humanizing relationship between power and relative powerlessness.

Let's put mischaracterization to rest. The Declaration was not an impost of the West on the rest: the West in fact were among the more reluctant drafters. Instead, much of the Declaration's content was pressed for by states newly de-colonized; Latin American advocated for social and economic rights; the Soviet Union advocated protections against race based-discrimination while Pakistan and India pressed hard for recognition of equal pay, equal distribution of property, and equal application of marriage laws. It was India's delegate – a woman - who insisted, with success, that the Declaration's first Article, read not that “all men are born equal” but rather “All human beings are born free and equal in dignity and rights.’

Friends, responding to the gravest violent extremism in living human memory, our fore mothers and fore fathers worked first not to close more borders, or build more walls nor for more hate to be excused; instead they worked for that which the Chilean drafter celebrated as an historic consensus – a consensus on *the **supreme value of the human person** - a value that originates not by decision of worldly power, but rather in the **fact of existing**”.*

Seventy years later that consensus is no less relevant – but it is under significant strain.

After all, ours is a very different world. It is a more globalized world – more interconnected, more interdependent. Hard wired so by finance and trade; woven so by science and technology; encircled so - sky and ocean – with the results of our rapacious depletion of earth's finite resources; it is connected so by information's super-

highways and made tragically so, by the tough pathways trudged by so many in their often perilous movement within and across borders – pathways of flight paved in terror's toxic tarmac and bigotry's brutal betrayals.

Neither our parents nor our childhood schools foresaw silk roads recast; trade routes made virtual too; the local digitized; policy pivots reduced to a tweet; the personal no longer merely the private; the local by technology made somehow less geographical; physical distance between us contracting by a so-called social media which is just so anti-social.

Contemporary times are tough times for rights, because they are tougher times for most people and turbulent times for many. How are we to steward this village planet towards greater human solidarity - the foundation for our mutually assured liberty? To a sturdier justice, the foundation too of more sustainable economies? To a deeper common dignity – these being building blocks for more certain peace adjudicated too by more resilient and more inclusive democracies?

The evidence is as clear: as history is long: We will not manage this world well through contempt for the foreigner; by baseless distrust of those who look or love or worship differently ... We will not lead well in this world of change with intensified clampdowns on freedom of the press; encroachments on public movement; closures of borders against people fleeing persecution; by gagging of activists or deliberately denying life-saving services essential for sexual and reproductive health.

Wrong in principle and wrong in practice - the false promises of stand apart nationalism, fact-denying populism and law-defying leadership will not evolve our global governance – political and legal systems – into those better suited to this unfamiliar world of global finance, big data, extreme inequality, intractable conflict, mass migration and ecological upheaval.

Friends,

When we are confronting multi-dimensional unknow-ables; when our publics are driven to fear and anxiety; when our technical competencies are stretched beyond their limits; when the world's largest ever generation of young people is driven to despair; when we know what the solutions are but are unable to deliver them; when what must be done is much more than what can be done – it is then – it is now - that our core values – who we are – matter most - values for who we are regardless of what today and tomorrow brings.

And this is where rights must come in. Global values for globalized times. Universal and indivisible, tried and tested in the modern era over seven decades – never has a values system spread so far, so wide so fast, as has human rights in the post WW2 era.

For those values we just must stand up – in their defense and for their application, and we must stand too for a rule of law that upholds those values and a rules-based multilateralism that defends those values.

Friends,

Concrete plans enable timebound action on timeless promises. Thanks to UN Member States, we have that plan in the form of the Sustainable Development Agenda – a plan by which to make tangible, universal, indivisible values-based progress for a turbulent world – it being a promise to greater equality – it being a commitment to leave no one behind.

But failure to uphold our values is actively obstructing our delivery of the SDGs as the same undermined fulfilment of the MDGs.

For in the aftermath of 9/11 AND global financial crises – there has emerged a powerful and competing development agenda – in the form of the philosophies, policies, and practices of **hyper-securitization** on the one hand and **of deep public-purse austerity** on the other: hyper securitization eating away at fundamental civil and political freedoms, just as its contemporary – deep public-purse austerity - has gnawed down to bare bone economic and social rights for millions.

UN Special Rapporteurs point out that the **counter-terrorism regime**¹ has slipped into place a newly human rights-defying legal regime - weakening international human rights and humanitarian law guarantees - being now so un-anchored in the guarantees of procedural and substantive law – of international human rights law - that today, even certain humanitarian assistance [4] has been criminalized – de facto, a re-writing of the Geneva conventions.[6] **Surveillance culture** has escalated to the point where the very pillars of democratic society – civil society, open and independent press, an independent judiciary, free and fair elections, even universities - are under attack as “enemies of the people”.

Contemporaneously, the **afflictions of wide spread austerity measures** have cut away at standards of living for millions, deepened inequalities and fed a toxic resentment of ‘others’ – those coming to take our jobs, to rob us of our social security, to strip us of our identity – the new (old) scape goats – migrants and Muslims.

No population is untouched by these toxic policy twins; it is evident for all to see in each Gallup poll and felt at every ballot box.

Friends,

What we do to address inequality and prevent violent extremism too - must answer hate, not spread it; enhance personal security for people living insecure lives, not weaken it; build dignity, trust and connection between and within communities, not tear trust down; deepen the foundations for sustainable, inclusive societies, not worsen prospects of mutual peace and shared prosperity.

We are not made **justice, prosperity or peace capable** when the human rights regime we disable. We must stand up again for rights if we are to do what is needed –

¹ Fionnuala Ni Aolain, the current (A/71/38443289, paras 23-23).

to renovate and reinvigorate democratic, political and economic practice - not for the world that was but for the world that is and is becoming.

For example, today, wealth distribution is largely uncontested by any form of governance or law while social inequality is largely left without effective legal remedy. Inclusive development demands that **deliver more equality not turn blind eye against deepening inequality. No one's hope can be rooted in the hopeless of another.** *The work of IDLO with the Kenya National Commission on Human Rights to strengthen institutional and legal mechanisms for the advancement of gender equality and rights of vulnerable groups is one such pathfinder.*

We must deliver more security – Fear of acts of terror loom large in public consciousness but, in most places, disproportionately so. Yet in all places, it is the betrayal through crimes of the powerful that is eroding public trust - whether they be high priest of culture, church or commerce. The #metoo movement tells us this - that intimate personal security must be addressed more authoritatively, more convincingly, more lawfully. *IDLO's work at the municipal level in Honduras to reduce violence and improve access to justice and other public services is one such pathfinder.*

We must challenge narratives of hate more effectively – why are we not telling the truer and stronger story of our connections as human beings and of how most of us would far prefer to live in a world in which everyone is treated with respect and decency. *IDLO's work in Afghanistan to strengthen access to justice, and promote local ownership is one such pathfinder.*

We must become more change competent - Management guru Peter Drucker warns that “*The greatest danger in times of turbulence is not the turbulence – it is to act with yesterday's logic*”. We need breakthrough thinking and breakthrough leadership. For this we need look no further than around us. Few scientific, literary, artistic, technological or indeed political breakthroughs - and even fewer acts of courageous compassion - would ever have emerged without civil society. Absent civil society? No

end to slavery. No effective response to HIV - no affordable anti-retrovirals. No protection of endangered species. No public exposure of child sexual assault perpetrated by the church and in football clubs. No legislation against child marriage or rape in marriage. No access to emergency contraception. No marriage equality.

But just when contribution is needed most all over the globe civil society is facing an unprecedented clampdown. Assassinations of HRDs are running at rates that shame us, young people are largely excluded while under the pretext of countering terrorism ninety-eight countries have passed laws restricting civil society space.

IDLO's work in places like Ukraine, South Sudan and Myanmar to enhance the technical legal capacity of civil society organizations – both to defend justice and to defend themselves is just such a pathfinder.

Friends,

I don't want to suggest that significant change for the better has NOT occurred.

- Poverty has been halved;
- Today far fewer women's lives are lost giving life and many more children are surviving their first months to thrive too in their early years; many more of us are living much longer to die much later.
- Racism has been called out in law for the scourge that is, and always has been! Torture has been criminalized, even if unevenly. The death penalty increasing abandoned. International jurisprudence has given greater material strength to the ethereal ideals of universal rights, despite constant opposition.

But the report card of our progress is also deeply troubling. The pounding of malicious fists may grow louder and louder on the doors of our equality, our dignity, of our privacy, and against our freedom. But they must be resisted again. In this, there is no north or south, no right or left, neither east nor west. There is only the humane and the inhumane.

In the words of the extraordinary literary force, Ursula Le Guinn, *“Hard times are coming, when we’ll be wanting the voices of those who can see alternatives to how we live now, can see through our fear-stricken society and its obsessive technologies to other ways of being, and even imagine real grounds for hope. **We’ll need those who can be realists of a larger reality.**”*

To be realists of a larger reality we need from those who would lead us, vision and optimism yes. But most of all we need their courage too, a courageous adherence to enduring universal and invisible principles at whose heart stands firm - that for which there is no conscionable counter proposition – that born we all are - free and equal - in dignity and rights.

ENDS