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**Summary of the Expert Group Meeting on**

**Economic, Social and Cultural Rights**

**and Social Unrest, Conflict and Early Warning**

8 – 10 July 2015, Palais des Nations, Conference Room XI

# Introduction

This note summarizes the findings of the experts’ consultation on Economic, Social and Cultural Rights and Social Unrest, Conflict and Early Warning held in Geneva, in July 2015 by OHCHR. In his opening statement the United Nations High Commissioner for Human Rights remarked:

“Clearly, violations of [economic, social and cultural rights](http://www.ohchr.org/EN/Issues/ESCR/Pages/ESCRIndex.aspx) may lead to violence. This has been demonstrated throughout history. When people are deprived of opportunities and resources; when they are subjected to the whims of the powerful; when public resources are confiscated by corruption and poor governance; and when their voices in economic governance are suppressed and denied – at such times, and in all regions, people may rebel, and countless uprisings confirm this fundamental truth.” [[1]](#footnote-1)

Despite the obvious connection between economic, social and cultural rights (ESCR) and social unrest there is a persistent oversight in recognizing these human rights in existing early warning mechanisms. In recent years, the United Nations (UN) has expressed increasing commitment to consider and use the tools available to identify warning signals that can trigger unrest and conflict. There has been a proliferation of initiatives both within the UN and its various agencies, including the UN’s ‘Human Rights Up Front’ initiative, which encourages early, coordinated action to prevent violations of human rights or humanitarian law. Nonetheless, despite the attention being given to this topic, no unified methodology has been developed yet that could aid in the early, practical identification of tensions and allow for more specific and targeted interventions to prevent political unrest and conflict.

As the High Commissioner recognised, this meeting was a unique opportunity to “shed light on an often overlooked, but crucial issue: the links between denial of economic, social and cultural rights and ensuing violence, unrest and conflict”, and to “develop tools of sufficient clarity that can detect these risks before the spark ignites.” Such an exercise can help mainstream ESCR into the different mechanisms on early warning by going beyond the obvious. Identifying clear indicators related to economic and social rights can help forecast conflict and unrest and/or an escalation in human rights violations, and ensure relevant rights-based prevention measures. This can in turn strengthen the link between human rights and peace and security by improving the relevance and effectiveness of early warning.

# The UN and Early Warning Mechanisms

The United Nations has played a role in early warning from as far back as 1994 when the Special Rapporteur on Rwanda warned of the impending genocide. However the 1999 the Carlsson Report on Rwanda (S/1999/1257) and the Secretary General’s report on Srebrenica emphasized the failure of the UN to pay proper attention to warning signs and undertake appropriate steps in response. The 2009 report of Charles Petrie on UN Action in Sri Lanka highlighted yet again the inadequate response of the UN in appropriately addressing an emerging crisis.

The report on Sri Lanka in particular led to the creation of the Human Rights Up Front (HRUF) Action Plan in 2013 which seeks to changethe UN’s response to crises situations at different levels. HRUF requires the UN system to be alert to deteriorating human rights situations and supports early warning and better coordination, including by generating political support for early warning and preventive action. At the country level, the UN country teams expected to undertake periodic analysis of risk factors to raise awareness of the human rights situation and the risk of serious violations. This risk analysis is supported by OHCHR’s human rights analysis. If concerns are identified, the UN programming and advocacy are required to be adapted through the development of a UN country strategy to mitigate risks.

At the regional level, the UN now conducts Regional Quarterly Reviews (RQRs), wherein countries are scanned for early warning signs and targeted for special focus should any of them reflect a potential for serious violations and crisis. These RQRs can recommend measures to be taken at the country level or request action at the Headquarter level where the Principals of UN entities (Senior Action Group, SAG) meet periodically on a regular basis to consider situations of potential concern, as well as on an *ad-hoc* basis to address the most serious, urgent or complex situations.

Other early warning mechanisms include those from the humanitarian sphere through the inter-agency standing committee.[[2]](#footnote-2) Every six months the IASC produces an early warning report jointly prepared by a UN analysts group, examining the upcoming six month period to ensure readiness to respond. This process brings together information from across the UN’s humanitarian system as well as from INGOs, and shares individual analysis and methodologies to address situations of serious concern. This in turn, informs decisions on where resources and attention should be focused. As such, the report seeks to deliver a detailed and synthesized assessment of potential situations of concern and the readiness status to respond, including updated contingency plans and related Advanced Preparedness Actions.

While the Readiness Analysis includes obstacles in the enjoyment of economic social and cultural rights, such as food shortages, yet in the assessment of risks and resulting presumed humanitarian needs as well as a deterioration of the human rights situation, OHCHR has found it difficult to ensure that human rights information is properly factored into the preparedness steps being proposed. Currently, the principal focus of OHCHR’s effort is to provide a human rights risk analysis at the global level for consideration with humanitarian partners.

# ESCR and conflict: case studies

In the first segment of the meeting, participants discussed the links between violations of economic, social and cultural rights and unrest, violence and conflict. Illustrating the interdependence and indivisibility of human rights, many of the examples brought up by the participants highlighted that violence is rarely just the result of a single factor but a combination of several.

Participantsdiscussed the situation in the Middle East and the North Africa region (MENA) in relation to the socio-economic factors responsible for political upheaval and violence.They particularly highlighted how the opening up of markets and the privatisation of services in the 1990s led to an erosion of the welfare state that had previously guaranteed access to housing, education, health, and social protection. They also pointed out that the open markets for trading were only accessible to the rich who continued to accumulate wealth resulting thus in greater inequality. The lack of democracy, press freedom, participation, and a robust civil society also meant that there was little accountability for the ruling elites and people in general had fewer avenues for claiming their rights.

The situation in **Saudi Arabia** was discussed, the Gulf’s richest and most populated country. Reportedly King Abdullah tried to prevent in Saudi Arabia a replication of the unrest happening in Egypt and elsewhere by using his country’s bloated resources to fund (i) increased employment in the public sector which employs 60% of the workforce; (ii) a massive public housing project to provide houses for free or at a subsidised rent; and (iii) increased subsidies on public goods including education with major scholarship for young students to study abroad. King Abdullah was also the first Saudi leader to visit poor areas and launch a public fund against poverty. This approach was accompanied by a clampdown on protests and demonstrations. Repeated announcements informed people that protests were strictly prohibited and anyone demonstrating would be arrested and detained.

Another example discussed in the MENA region was **Tunisia** where participantsnoted that despite the“Tunisian miracle” presented to western politicians the Tunisian protest was not entirely unexpected. The 1980s had already seen small revolts related to the social and economic problems of the lower and working classes including the ‘bread revolt’ in 1984 when the Tunisian regime was “advised" by the international finance institutions (IFIs) to cut subsidies and sell bread at its real price. Moreover in 2008 there had been a mining revolt in the form of an upsurge of protest against regional inequities, corruption and nepotism. With regards to the most recent unrest and violence of 2010 linked to the Arab Spring, participants observed that in addition to inequality, an important trigger was the presence of a strong civil society including trade unions, women activists and political party members who were able to mobilise people on a call for dignity (against Hogra), jobs (against mass unemployment), and social justice (against social and regional inequalities). This was also accompanied by a substantial well-educated middle class. It was further pointed out that there are continued risk factors for more unrest and violence since the economic and social problems that sparked the revolution four years ago have not been resolved, and rising unemployment and corruption remain rampant.

With regards to **South Asia** participantsdiscussed how on-going and systemic discrimination and the denial of rights over decades can push people to seek alternatives often promised by armed movements. In this regard, of particular note, are caste discrimination in India and the rise of the Maoist movement.

Participants observed that the recent wave of social unrest amongst black populations in the **United States** was directly precipitated by instances of structural discrimination and police violence. It was noted that behind this violence are local governance systems that perpetuate the criminalization of its residents on the basis of a much broader mechanism of structural inequalities including racialized poverty and the persistence of impoverished communities. Tools of subjugation and repression in such instances include criminal justice policies that disproportionately target Blacks and Latinos, systematic state violence, and a political system that does not respond to the most disadvantaged members of society unless some sort of social unrest and disruption occurs at which point it responds through militarized force. Specifically, participants identified potential early warning signs of strife in the USA as including: 1) existing and increasing militarization of local law enforcement, 2) existing and increased criminalization of poverty, 3) approved local budgets that allocate a significant percentage to policing at the cost of cuts in resources for public services and programs causing increased stress levels and interpersonal violence 5) perception of a lack of access to justice and 6) triggering events such as acts of state violence that involve the killings of unarmed individuals of colour, particularly young working class Blacks followed by little or no accountability.

Participants also drew attention to thesocio-economic causes of conflict and unrest in **Colombia.** WhileColombia is classified as a middle-income country, it suffers from considerable inequality. According to a multidimensional poverty index used by the National Department of Statistics, in 2013, the percentage of rural homes without access to safe drinking water was 15 times higher than in urban areas; the illiteracy rate, three times higher; and the school truancy rate was 2.6 times higher. In the department of Chocó, where Afro-Colombians represent 82.1% and indigenous peoples 12.7% of the population, the poverty rate is 68%. Furthermore, in 2013/4 there were mass social protests demanding a reorientation of the country’s development agenda, participation in public policy and decision-making, and rural reform. The violation of the right to prior consent with regard to economic projects implemented in indigenous and Afro-Colombian territories continues to lead to social unrest. UN mechanisms have amply demonstrated the inter-relation between ESCR violations and armed conflict. In 1996, the ESCR Committee noted that “a climate of wide-scale violence in Colombia, is in part brought about by serious inequalities in society, such as enormous disparities in the distribution of national wealth, including land ownership”.[[3]](#footnote-3) In 2014 the High Commissioner for Human Rights underscored that attaining sustainable peace will require substantial efforts to overcome inequalities in access to political and economic rights and public services.[[4]](#footnote-4)

Participants alsonoted the socio-economic factors contributing to the high level of violence in **Guatemala** which experienced armed conflict from 1960 – 1996, and continues to have a high homicide rate of 34 per 100,000 persons with 20 people being killed daily. It was particularly observed that these factors led to youth gangs and organised crime rather than extremism as in other regions. There are also protests over reports of corruption in the government, decreased spending on social security, and rising unemployment. Participants noted the increasing protests against the prevalence of gold and silver mines and hydro-power developments in indigenous territories which have led to reduced land available for livelihoods and caused health problems for children, water shortages, and water and air pollution. The government has responded with increased militarisation of indigenous territories by setting up twelve military bases in territories where resource exploitation is taking place. Further exacerbating tensions, the media often blames the indigenous populations for blocking development by labelling them as stupid and terrorists or traitors. The same discourse also often appears against human rights defenders and others protesting against such ‘development’**.**

Highlighted as well were the on-going disputes and competition over land between large businesses and militia as well as the huge numbers of returning IDP/refugees returning in the **Democratic Republic of the Congo** (DRC) that are fuelling tensions and the current conflict. Without access to land individuals are unable to feed themselves and their families and forced to rely on assistance from the WFP for food in Eastern Congo. This is further exacerbated by the lack of a land governance system and the unwillingness of the government to get involved. There is no regulation, compensation/restitution policy or a functioning justice system, all of which is accompanied by high levels of corruption.

Participants alsodrew attention to the varying dynamics of power between men and women in generating conflict. They described how gender power imbalances in favour of men at the family, societal and national levels increases the militarisation of societies through enforcing masculine stereotypes and erodes the spaces for women to realise economic and social rights. Several participants drew links between the limited participation of women in society and the increased likelihood of militarised masculinities and societies. Participants alsoapplied a gender and socio-economic analysis to the current situation in **Ukraine**. They noted that while the accepted narrative of the conflict is perceived as between pro-Russian and anti-Russian factions, the actual situation is more complex. One participant identified the conflict’s root causes as including disputes over control of the economy, economic liberalisation and the role of the Russian oligarchs. While historically women had played an active role in the trade unions and civil society, participants observed that, as a result of increasing privatisation and the rise of economic elites, women had been pushed out of the social discourse and movements. This had resulted in the growth of armed militias with younger men increasingly compelled to join.

# Risk factors and indicators

From the discussions a number of risk factors leading to conflict emerged, both cross-cutting and thematic**.** The complexity as well as the interdependence and interaction of different elements were highlighted to explain why some situations result in an escalation of human rights violations, violent unrest and/or conflict, whilst others do not. In addition to underscoring inequality, lack of access to land, and a decline in services as risk factors of instability and conflict, participants continually raised cross-cutting issues such as the inability of people to obtain redress, a lack of real participation, the stigmatisation of certain groups, and the links with external factors such as the trade in arms flow, the role of international finance institutions (IFIs) and foreign investment. It was stated that none of these factors however can be considered in isolation.

## Cross cutting risk factors

* Monitoring mechanisms and a functioning civil society constitute a bedrock for ensuring the accountability of the government and its policies aimed at benefitting all rights-holders. These mechanisms can help assess whether commitments have been kept, and whether the human rights obligations of a state have been fully met. The mechanisms include those that monitor budget allocations as well as those that monitor the implementation of policies, legislation and court decisions.
* Grievance mechanisms both judicial and non-judicialare akey element of accountability by providing redress to victims and holding the perpetrators to account. Access to justice was repeatedly highlighted throughout the discussions as crucial in enabling people to change their situations and seek an exit from cycles of discrimination and marginalisation. The availability of both formal and informal mechanisms does not necessarily indicate access to justice as they can often reinforce detrimental power structures. A lack of complaints could for instance, relate to a number of different factors both good and bad such as a positive decline in crimes and human rights abuses, or conversely, the inaccessibility of justice mechanisms (cost, distance etc) and/or the reluctance of the police to register complaints. These issues and others have also been highlighted in OHCHR’s report on access to justice for Dalit communities in Nepal.[[5]](#footnote-5)
* The independence of media was mentioned as key to ensuring accountability of the government and for making visible the views of marginalised populations. Participants also raised their concern around the role media can play in stigmatizing a particular group. In Guatemala for instance indigenous communities have been labelled as lazy and traitors for opposing development projects. Those receiving social security, including persons with disabilities, have been stigmatized by both the media and politicians in the United Kingdom[[6]](#footnote-6) which has in turn contributed to attacks against persons with disabilities. In the Ukraine and the USA, the media was also seen to be disseminating incorrect messaging and distorting the causes of unrest.
* Certain economic policies related to fiscal space and foreign investment regarding land and extractive industries were deemed, in some situations, to contribute to conflict. The role of International Financial Institutions in imposing such policies was also highlighted.

## Thematic factors and indicators

1. Access to natural resources, in particular land, was repeatedly raised as a risk factor for increased criminality, violence and conflict especially in regions where people depend on land as a source of livelihood and food. Participants suggested a number of possible indicators in this regard.

Structural indicators:

* ratification of relevant human rights treaties
* level of regulation and legislations concerning foreign investment and land, especially the protection of indigenous land rights and foreign investment

Process indicators:

* Land redistribution/agrarian reform policies, and the proportion of the budget allocated to the implementation of land legislation and agrarian policies. This should be disaggregated further to reflect the amount spent on assistance to and protection of subsistence farmers as opposed to large commercial interests
* The number of environmental impact assessments of business activities, especially those linked to land
* The effective participation of people affected by land reform policies and programmes
* The availability and accessibility of mechanisms including courts to address land disputes

Outcomeindicators:

* Proportion of land formally owned or held by different groups and the proportion of land held informally and under customary tenure;
* Proportion of people living in informal settlements/slums in urban and rural settings;
* Number of subsistence farmers
* Proportion of land being used by the extractive industry;
* People living in areas prone to natural disasters as well as water and food scarcity;
* Access of returning IDPs and returnees to land.

1. The deterioration of social services, including due to austerity measures, and the rise in the privatisation of key services was seen as a key contributor to violence and instability in the Middle East and North Africa Region. Participants highlighted that the provision of a social protection floor could help prevent unrest and violence.

Structural indicators:

* The ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the relevant ILO Conventions,
* The adoption of relevant legislation to establish the rights to social security, health and education

Process indicators:

* The proportion of budget allocated to health, education and social security

Outcome indicators:

* The coverage of social security and the number of people able to receive benefits compared to those in need

1. Inequality, particularly horizontal between different groups, was deemed as a contributing factor to most contemporary conflicts. Such inequality can be multi-dimensional with economic, political, social and cultural dimensions. Some participants illustrated that groups excluded from influence over the executive, especially those whose power was recently reduced and/or entirely blocked, are much more likely to engage in civil violence than those that enjoy secure access to state power.

Economic inequalities between ethnic groups also heighten the likelihood of internal conflict. In these cases, grievances emanate from resentment over governmental neglect, or, in the case of relatively affluent groups, frustration with having to support less effective parts of the state. Examples raised during discussions included the ISIS movement reportedly born out of the ill-treatment and discrimination of Sunni Muslims as well as the role of regional inequalities in Tunisia.

Participants discussed the difficulty in capturing this complex form of inequality. Research teams have adopted a spatial approach that estimates regional income based on geographic data on economic wealth. Using spatial data on economic development, including satellite nightlight emissions, an estimate of group-level inequality can be computed. However several participants questioned how inequality within different ethnic, racial or religious groups amongst others, could be identified and measured. Others highlighted problems of identification and the fact that people may belong to more than one particular group.

From the human rights perspective, discrimination is a significant driver of inequality, defined as “… any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.” The understanding of discrimination has progressed well beyond just including formal discrimination, i.e. discriminating directly through policies and legislation. It includes: indirect discrimination where apparently neutral policies have disproportionately and negatively impacted some groups and prevented them from enjoying their human rights; *de facto* discrimination or discrimination in practice that is not necessarily supported by law or government policy; discrimination by association; and discrimination resulting from a failure to adopt positive measures to address the real impediments preventing certain groups from accessing and enjoying their human rights. It can thus include state actions as well as omissions such as a failure to take positive measures. The prohibited grounds of discrimination have also increased beyond disability, race, ethnicity, caste, nationality, to include sexual orientation and most recently, socio-economic status.

In this context, indicators could be developed on who has access to livelihoods and the role of the State in perpetuating inequality.

Structural indicators:

* Enact legislation on minimum wage and whether it favours particular groups
* Enact legislation against begging in the street
* Policies and programmes to improve access to livelihoods for marginalised groups

Process indicators:

* The proportion of people belonging to effective trade unions across different types of employment and population groups.

Outcome indicators:

* Homelessness and/or malnutrition figures disaggregated for different population groups.

# Challenges for effective early warning mechanisms

* **Timing**: Persistent doubts surfaced about the timing of early warning systems including when is “early” enough? This is particularly pertinent given the circular nature of many conflicts and the number of ongoing protracted crises. The Office of the Special Advisor on the Prevention of Genocide (OSAPG) clarified that it starts examining situations as soon as something of concern emerges or is identified such as patterns of discrimination. In its Framework of Analysis OSAPG emphasises that “the earlier the risk factors are identified, the greater the opportunities for early prevention”.
* **ESCR and atrocity crimes**: Participants highlighted the overlap between conflict and atrocity crimes, and the parallels in some of the early warning signs. In some cases for instance, tensions may not result in conflict but in the persecution of a particular group.
* **Sharing information and managing data**: While UN agencies and other organisations try to share data at present however a common information management system does not exist. Blocking the development of such a common system are a number of challenges including diverse methodologies in extracting the necessary data, the different levels of credibility, and protection risks. In this regard, OHCHR has been tasked to lead an inter-agency effort to promote regular, common analysis of information at the field level, and to ensure that this information is fed rapidly to decision-makers, while remaining cognizant of the long duration of such a process.
* **Obtaining the necessary data**: The difficulty in procuring the necessary disaggregated data was raised including in many cases the unwillingness of states to allow UN and other agencies to monitor areas with natural resources.
* **Complexity**: The fact was underlined that there is usually no one single cause of violence and conflict, and that a combination of many different factors comes into play, leading hence to both conceptual and methodological complexity.
* **Consistency of data**: The need to develop a clear early warning framework to ensure consistency and objectivity was underlined. Several participants also questioned whether new data sources would need to comply with statistical standards.

The meeting clearly demonstrated the pertinence of the issue and the need to mainstream economic, social and cultural rights into conflict early warning and prevention mechanisms at the UN and at national levels. This meeting is just the start of a process that aims to strengthen the analysis of economic and social rights in the different political processes including the Human Rights up Front initiative. There will be a follow up regional meeting in Bangkok on those human rights violations linked to land as early warning indicators of violence, unrest and conflict.

1. The High Commissioner’s opening statement is available at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16214&LangID=E [↑](#footnote-ref-1)
2. The IASC includes all of the UN’s agencies and departments engaged in responding to humanitarian crises, including OHCHR, and has a particular focus on preparedness for potential humanitarian crisis situations. [↑](#footnote-ref-2)
3. E/C.12/1995/12 [↑](#footnote-ref-3)
4. A/HRC/28/3/Add.3. [↑](#footnote-ref-4)
5. See http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011\_12\_07\_Opening\_the\_Door\_to\_Equality\_E.pdf [↑](#footnote-ref-5)
6. MULHOLLAND, H., and WINTOUR, P. (2012), Cameron announces Tory plan to slash benefits. *The Guardian*, 25 June. Available from: http://www.theguardian.com (accessed 14 September 2014). https://www.gov.uk/government/speeches/welfare-speech [↑](#footnote-ref-6)