

**European Inter-University Centre for Human Rights and Democratisation
European Masters Programme in Human Rights and Democratisation**

***Graduation Ceremony for the Awarding of
“Joint Diplomas of European Master’s in Human Rights and Democratisation”
for the Academic Year 2010/2011***

Scuola Grade di San Rocco, Venice, Italy, 25 September 2011



Keynote address by
Kyung-wha Kang,
United Nations Deputy High Commissioner for Human Rights

President Fischer, professors and staff of EUIC, honourable rectors, distinguished speakers and guest, ladies and gentlemen, graduates and students,

Representing the UN, specifically the Office of the UN High Commissioner for Human Rights, it is a great pleasure to be with you today, to congratulate the new graduates of the European Masters Programme on Human Rights and Democratisation, and celebrate their achievements.

The European Masters programme has earned a privileged place in the international human rights field, attracting the highest calibre professors and students with a multi-disciplinary approach based on strong theoretical and practical foundations. My hearty congratulations go to the awardees of the Joint Diplomas. I have seen the programme you have successfully completed, and have no doubt that you fully deserve the honour bestowed upon you today.

On this occasion, may I offer a few personal reflections on the world in which you will be applying your new knowledge and skills.

We live, it is clear, in interesting times. We live in a world that the founders of the Universal Declaration of Human Rights could scarcely have imagined – a world full of promises for human rights, but also of great perils and paradoxes.

On the promises for human rights:

Firstly, the traditional State-centric boundaries and assumptions of the international human rights regime have been ruptured and are reeling under the technology and communications revolutions and conflicting currents and demands of global finance and commerce, massive movements of people, and shifting political alignments. No State can now expect to be taken seriously, when saying violations within their own borders are nobody else’s business.

Secondly, formal adherence to international human rights norms is becoming truly universal, and their justiciability is expanding to embrace the full range of human rights. Most States are now party to several of the core U.N. treaties. Democratic constitutions abound, entrenching human rights of all kinds. Social rights court claims have blossomed in many countries in Latin America, South Asia, Africa and Europe, correcting for political or market failures and strengthening deliberative democracy. For example, over a million life years are estimated to have been saved by court-enforced orders for HIV medication in South Africa. Countless others have reclaimed dignity and found justice through the direct and indirect effects of human rights litigation.

Thirdly, democracy is rising as the norm of national governance, from Africa to Eastern Europe and many parts of Asia. The Arab Spring has given a fresh and urgent voice to this trend, in a powerful testimony to the universality and indivisibility of all human rights. Forces resorting to violence against this historic tide have been met with international opprobrium. The U.N. Human Rights Council has dispatched several commissions of inquiry in response to violent crackdowns on legitimate protest this year. Human rights have also become much more prominent in the deliberations of the Security Council.

As the lead UN entity on human rights and the support structure for all of the intergovernmental debates and mandates on human rights, the Office of the High Commissioner for Human Rights (OHCHR) has been extremely busy, trying to meet the ever-rising demands while also endeavouring to strengthen the High Commissioner's own voice and initiatives.

This snapshot is of course just the tip of the iceberg. But the iceberg, literally and metaphorically, could be melting. For each of the positive trends, there are troubling contradictions.

Firstly, too often formal adherence to global norms may conceal local complexities and disagreements on underlying assumptions. Majoritarian democratic principles may mask deeply entrenched discrimination and elite domination of political processes. This reminds us of the inherent complexity of the human rights implementation challenge on the ground. Legal and institutional forms are important, and universal dictums give inspiration and succour. But they ring hollow if they do not spring from, and fully reflect, the political, moral and anthropological diversity and complexities that shape everyday realities of rights-holders and duty-bearers. News and information about these complexities and their daily manifestations are instantaneously available with today's communication technologies. But they cannot replace the in-depth understanding and effective intervention that comes only with robust on-site engagement.

Secondly, the forces of globalisation have had negative as well as positive consequences for human rights. Globalization has not turned out to be the great equalizer that many expected it to be. On the contrary, it has made the playing field even less level. Indeed, we live in a world of increasing inequalities, within and between States, rubbing harshly against the spirit of equality that lies at the core of human rights and fuelling discontent and disempowerment. Many developed as well as developing countries are faced with demonstrators in the streets demanding jobs and better living conditions. There is a pressing need for a more meaningful conception and practice of democracy that gives full effect to economic, social and cultural rights.

Thirdly, the Westphalian State is bent but not broken. For better and worse, and for the lack of likely alternatives, the State in some form or other is here to stay. But, as we've seen in recent years, more and more serious threats to human rights begin beyond borders, stemming from national regulatory failures in other countries and democratic deficits in global governance. For example, in the months following the collapse of the U.S. housing market in 2008, over 60,000 Cambodian garment workers, mostly women, lost their jobs and were pushed further into poverty. The financial instruments known as "derivatives," which are largely unregulated and yet twenty times the value of world GDP, have enormous consequences for the world economy and socio-economic rights when they go wrong. But as the major players on the global stage, some old and diminished and some new and rising, scuttle to devise coordinated responses to crisis after crisis, there is profound concern that the decades of painstaking progress in integrating the human dimension into policy thinking are being whittled away, with a return to the old, simplistic mindset of equating development and progress with aggregate growth and wealth generation.

Climate change is the emblematic, cross-border, slow-motion tragedy of everyday individuals. That human enterprise has contributed to climate change is no longer in serious doubt, and human rights threats and impacts are already evident in many countries. Climate-related water stress and livelihood threats have been associated with violent conflict and forced population movements in Darfur and elsewhere. The current food emergency in the Horn of Africa is the result of eight years of record-level droughts, but also of the failure of governments, individually and collectively.

But international human rights law, principally, regulates relations between individuals and the territorial State, and at this stage seems ill equipped to provide timely and actionable answers to questions of “climate injustice”. Human rights are not yet sufficiently “mainstreamed” into global and national climate change policy-making. Parochialism, protectionism and dysfunctional domestic politics have so far frustrated hopes for an urgent global emissions reduction deal.

International human rights law has had to be stretched to provide effective response to global threats such as these. The teeth and tools of human rights seem sharpest after the event, when violations have already occurred. The challenges will surely mount further, in the face of multiple global economic, food, fuel, water and climate crises. But how far can we swim upstream to the sources of such violations and deepening inequalities? How far can we stretch our traditional human rights principles, tools and techniques without undermining their doctrinal integrity? The needs and opportunities are clear enough, but what are the opportunity costs? These questions await the search for earnest answers detached from political calculations.

Fourth, illiberal forces stoking intolerance and close-mindedness seem to be growing at all levels. Public sentiments in many countries are becoming increasingly guarded and even hostile against minorities, asylum seekers, refugees and migrants in search of a new life and work. Religious and ethnic tension is rising in many societies. And ambitious politicians seem all too eager to exploit baser public sentiments to promote policy platforms of exclusion. In vying for moral influence in the global arena, many traditional voices for human rights and liberal values have been discredited and diminished by ignoring human rights in their own security and anti-terrorism policies. Others who would rather control and restrict than embrace and expand human rights and fundamental freedoms are quick to step into the moral vacuum.

These appear to me to be among the existential challenges for the human rights movement in our time. The legitimacy and relevance of our endeavours will depend upon how credibly and effectively we rise to these challenges. The task will by no means be easy, given the divisive geopolitical conditions, increasing competition over scarce resources, and the rising and often conflicting expectations. However this is not a cry of despair but a call for renewal of commitment and hope. The human rights movement continues to expand around the world, and the achievements have been considerable. Indeed, the authors of UDHR would be very proud to see the transformations that their words have triggered in the values and norms that humanity aspires to achieve. For the movement, I am sure that the journey of 63 years will continue to flourish. But for that to happen, each and everyone one of us who profess to work for human rights, the journey must be renewed every day. In this, more so than any other professions, I believe the commitment to truth, honesty and intellectual integrity, and humility and self-reflection must guide our work.

I congratulate you, again, on your graduation today, and look forward to working with you as we face our shared challenges in the years ahead. Thank you.