

**Louise Arbour, High Commissioner on Human Rights, *Human Rights Made Whole* (OHCHR, 2008)**

On June 18, the United Nations' intergovernmental Human Rights Council took an important step toward eliminating the artificial divide between freedom from fear and freedom from want that has characterized the human rights system since its inception. By giving the green light to the Optional Protocol to the 1966 International Covenant on Economic, Social, and Cultural Rights, the Council has established an important mechanism to expose abuses that are typically linked to poverty, discrimination, and neglect, and that victims frequently endure in silence and helplessness.

It will now be up to the UN General Assembly to provide final approval of the Protocol. If adopted, this instrument can make a real difference in the lives of those who are often left to languish at the margins of society, and are denied their economic, social, and cultural rights, such as access to adequate nutrition, health services, housing, and education.

Sixty years ago, the Universal Declaration of Human Rights recognized that both freedom from want and freedom from fear are indispensable preconditions for a dignified life. The Declaration unequivocally linked destitution and exclusion with discrimination and unequal access to resources and opportunities. Its framers understood that social and cultural stigmatization precludes full participation in public life and the ability to influence policies and obtain justice.

Yet this unified approach was undermined by the post-World War II logic of geopolitical blocs competing over ideas, power, and influence. Human rights were also affected by such Cold War bipolarity. Countries with planned economies argued that the need for survival superseded the aspiration to freedom, so that access to basic necessities included in the basket of economic, social, and cultural rights should take priority in policy and practice.

By contrast, Western governments were wary of this perspective, which they feared would hamper free-market practices, impose overly cumbersome financial obligations, or both. Thus, they chose to prioritize those civil and political rights that they viewed as the hallmarks of democracy.

Against this background, it was impossible to agree on a single, comprehensive human rights instrument giving holistic effect to the Declaration's principles. And, unsurprisingly, it took almost two decades before UN member states simultaneously adopted two separate treaties – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights – encompassing the two distinct baskets of rights. However, only the former treaty was endowed with a follow-up mechanism to monitor its implementation.

In practice, this discrepancy created a category of “alpha” rights – civil and political – that took priority in the influential and wealthy countries' domestic and foreign policy agendas. By contrast, economic, social, and cultural rights were often left to linger at the bottom of the national and international “to do” lists.

Addressing this imbalance between the two baskets of rights, the new Protocol establishes for the Covenant on Economic, Social, and Cultural Rights a vehicle to expose abuse, known as a “complaint mechanism,” similar to those created for other core human rights treaties. This procedure may seem opaque, but by lodging a complaint under the Protocol's provisions, victims will now be able to bring to the surface abuses that their governments inflict, fail to stop, ignore, or do not redress. In sum, the Protocol provides a way for individuals, who may otherwise be isolated and powerless, to make the international community aware of their plight.

After its adoption by the General Assembly, the Protocol will enter into force when a critical

mass of UN member states has ratified it. This should contribute to the development of appropriate human rights-based programs and policies enhancing freedoms and welfare for individuals and their communities.

Not all countries will embrace the Protocol. Some will prefer to avoid any strengthening of economic, social, and cultural rights and will seek to maintain the status quo. The better and fairer position, however, is to embrace the vision of the Universal Declaration of Human Rights and promote unambiguously the idea that human dignity requires respect for the equally vital and mutually dependent freedoms from fear and want.