

Human Development and Human Rights: what's the link?

HD Course
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1. What are human rights?
2. What is the rights based approach to development?
3. What's all the fuss?
4. What complications/drawbacks?

1. What are human rights?

Answers	More questions...
“Moral claims about Human entitlements”	But who decides?
“A vision of society”	But how do we get there?
“Inalienable, indivisible, interdependent”	So where do we start?

Three examples:

- “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”
- “Everyone, without discrimination, has the right to equal pay for equal work.”
- “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.”

The core treaties of international human rights law

- Universal Declaration of HR, 1948
- Then 6 major treaties on:
 - Racial discrimination 1965
 - Civil and political rights 1966
 - Economic, social cultural rights 1966
 - Women 1979
 - Torture 1984
 - Children 1989



HDR 2000

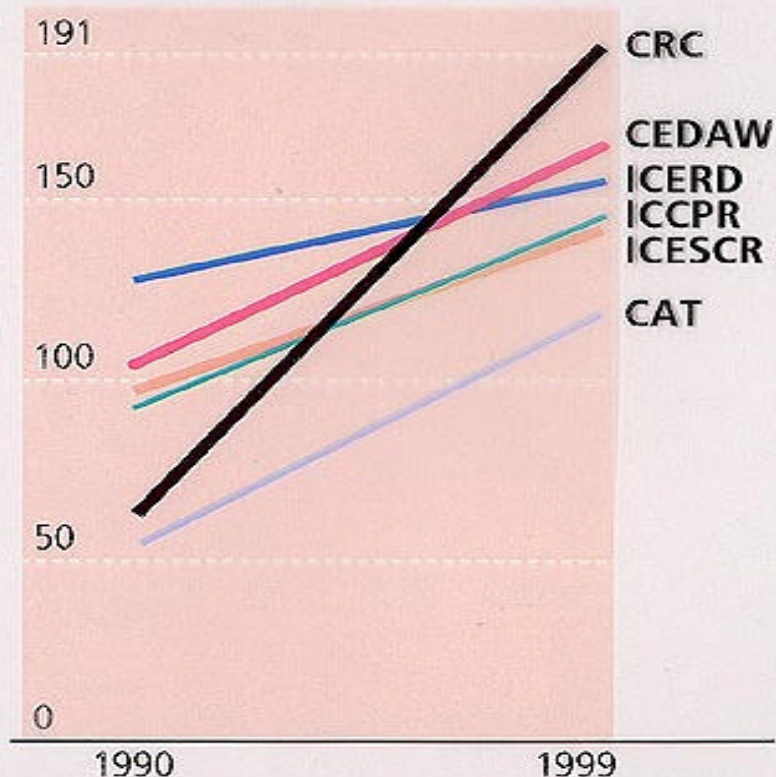
Growing commitments to human rights

Milestones in the adoption of major human rights instruments

- 1948 **UDHR**—Universal Declaration of Human Rights
- 1965 **ICERD**—International Convention on the Elimination of All Forms of Racial Discrimination
- 1966 **ICCPR**—International Covenant on Civil and Political Rights
- 1966 **ICESCR**—International Covenant on Economic, Social and Cultural Rights
- 1979 **CEDAW**—Convention on the Elimination of All Forms of Discrimination Against Women
- 1984 **CAT**—Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1989 **CRC**—Convention on the Rights of the Child

Countries ratifying the 6 major human rights conventions and covenants

Number of countries



2. What is a
rights based approach
to development?

What do human rights bring to human development?

- Internationally agreed and enforceable standards
- Legal tools and frameworks
- Accountability of actors
- Information and political voice

What does human development bring to human rights?

- Dynamic, long-term perspective
- Socio-economic context of policy making
- Systematic assessment of resource constraints
- Focus on capacity building
- Measurement and monitoring tools

3. What's the fuss?

What do we care about in assessing human rights?

Two interests:

1. The condition of people's lives –
Have their rights been realised?
2. The conduct of the state –
Has it met its obligations?

Identify state obligations!

But why is it helpful?

- Deeper meaning of “realising rights”
- Detailed assessment of state’s record
- Help NGOs identify new areas to influence, new activities, new targets
- Entry point for developing indicators

State obligations for each human right:

Three obligations of action:

- Respect rights
- Protect rights
- Fulfil rights

Four obligations of process:

- Non-discrimination
- Adequate progress
- Participation
- Effective remedy

Obligation	Meaning
Respect	The state must not interfere directly with people realising their rights
Protect	The state must stop others from interfering with people's rights
Fulfil	The state must build the legislation, institutions, norms to realise the right

Identifying state obligations – The right to education

Obligation	Example
Respect	Don't ban children from school
Protect	End child labour that blocks education
Fulfil	Build schools, train teachers
Non-discrimination	No gender bias in education budgets
Adequate progress	Raise enrolments and quality
Participation	Community role in local schools
Effective remedy	Complaint procedure accessible

Identifying state obligations – The right to a fair trial

Obligation	Example
Respect	Don't imprison without trial
Protect	Prevent bribery of judges
Fulfil	Build courts, train judges
Non-discrimination	No ethnic bias in sentencing
Adequate progress	Reduce backlog of cases
Participation	NGO monitoring and citizen jury
Effective remedy	Right of appeal against mis-trial

What use is this for NHDRs?

For assessing each right:

- Identify the specific obligations of the state in the national context
- Assess the state's record on each obligation
- Create indicators of performance
- Give multi-dimensional policy recommendations for better performance

Five shifts needed in approaches to realising human rights

From:	Towards:
Civil and political	All rights
State accountability	Multi-actor, international
International assessment	National assessment
“Expert” ratings	Local data, indicators
Punitive use	Positive use

3. So what are the complications and drawbacks?

4 problems with the “rights-based approach to development”

1. Who knows if it can be realised??
2. Isolated assessment of rights
3. No easy answers: trade-offs remain...
4. Multi-actor accountability

From nation state to global community – what guidance?

Universal Declaration of Human Rights
Article 28

**“Everyone is entitled to
a social and international order
in which the rights and freedoms
set forth in this Declaration
can be fully realised”**