

UN SYSTEM TASK TEAM ON THE **POST-2015 UN DEVELOPMENT AGENDA**



Towards freedom from fear and want: Human rights in the post- 2015 agenda

Thematic Think Piece

OHCHR

The views expressed in this paper are those of the signing agencies and do not necessarily reflect the views of the United Nations.

May 2012



Following on the outcome of the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, the United Nations Secretary-General established the UN System Task Team in September 2011 to support UN system-wide preparations for the post-2015 UN development agenda, in consultation with all stakeholders. The Task Team is led by the Department of Economic and Social Affairs and the United Nations Development Programme and brings together senior experts from over 50 UN entities and international organizations to provide system-wide support to the post-2015 consultation process, including analytical input, expertise and outreach.

Towards freedom from fear and want: Human rights in the post-2015 agenda

1. We the people: Demand from the ground

The ability to peacefully express one's views and grievances, freely and without fear, is a fundamental human right, an imperative for effective development processes, and central to most people's conceptions of a dignified life. Magnified and echoed by new communications technologies and an increasingly organized civil society, the exercise of that right is changing the world around us at unprecedented speed.

As we approach the 2015 watershed, from Tunis, to New York, to Santiago, a resounding call is being heard for a social, political and economic order that delivers on the promises of "freedom from fear and want." Civil society everywhere is calling for meaningful participation, higher levels of accountability from governments and international institutions, an end to discrimination and exclusion, a better distribution of economic and political power, and the protection of their rights under the rule of law. "The Peoples of the United Nations" are speaking, often at great personal risk, and the degree to which their legitimate concerns are heard and reflected in the post-2015 agenda will significantly determine both the legitimacy and the success of that agenda.

2. Fear and want: Twin development challenges for the 21st century

Compared with previous approaches to development, this represents a true paradigm shift. Indeed, some of the most celebrated "MDG success stories" since 2000 are now sites of mass protest decrying wide-spread deprivation, repression and inequalities masked by the narrow models of economic analysis that have characterized development approaches in the pre-2015 period. Their message is clear: economic growth is not an adequate measure of development. Rather, equality matters, the environment matters, and human rights matter. The real test, to a growing global population demanding a life of dignity, is the degree to which they are able to enjoy freedom from fear and want, without discrimination.

3. Expanding the lens: A new development analysis

Indeed, the narrow models of economic analysis that characterized development approaches in the pre-2015 period have proved inadequate in many respects. It should by now be seen as axiomatic that economic growth, where accompanied by significant inequalities, environmental degradation, repression, and structural indignities, is neither sustainable in the long term, nor morally acceptable in the immediate term. Nor can a focus on any narrow and selective set of socio-economic indicators satisfy the real demands of development. Rather, as Nelson Mandela famously said, the people must have both bread and ballots.

4. Symmetry and legitimacy: A balanced framework and a human rights-based approach

Thus, a balanced development framework, reflecting the full range of international standards for civil, cultural, economic, political and social rights, is essential. This means that development includes considerations of decent work, health care, adequate housing, a voice in public decisions, fair institutions of justice, and a sense of personal security. The United Nations has repeatedly reaffirmed the importance to development of respect for all human rights and fundamental freedoms, including the right to development. And the increasing global embrace of human rights-based approaches to development, based on the principles of participation, accountability, non-discrimination, empowerment and the rule of law, offers hope that a more enlightened model of development is now emerging. This must be the core of the post-2015 agenda.

Under their human rights treaty commitments, States are already obliged to aim for universal access to at least a basic level of social rights, dismantle discrimination and achieve substantive equality (beyond mere formal equality of treatment, which may include positive measures or affirmative action for excluded and marginalized groups), and ensure the availability, accessibility, affordability, acceptability, adaptability and quality of services. They are as well bound to undertake positive measures to ensure access to justice, participation in public affairs, personal security, and free expression, association and assembly. These requirements should be integrated as far as practicable into the post-2015

framework of global goals, targets and indicators, with the ultimate goal of realizing all human rights for all.

5. Breaking down the walls: A universal development agenda

In the 21st century, old distinctions between North and South, developed and developing, are beginning to lose their meaning. Today, emerging economies and middle-income countries are helping to redefine the global economy, growing poverty and inequalities in rich countries are challenging economic stereotypes, and south-south and triangular cooperation are eroding traditional distinctions between “donors” and “beneficiaries.” Migration and population aging are transforming demographic indicators in all regions, transnational economic interdependence is a fact of life, and the many manifestations of globalization- both positive and negative- are chipping away at the relevance of national boundaries.

Migrants, minorities, indigenous peoples, women, and vulnerable, excluded or marginalized groups require a specific, equitable and rights-based development approach wherever they live, and governments and institutions in all countries and at all levels have responsibilities in this regard. As such, the universally agreed, and universally applicable, normative framework of human rights is more relevant than ever to the global challenges of development. A post-2015 development agenda must therefore be a global agenda, based on universal norms and universal objectives.

6. Digging deeper: The equality imperative

The central challenge of 2015 is the challenge of equality. The overly-narrow focus on economic growth that has dominated development analysis in recent years, without adequate attention to notions of equity, has, in the wake of successive crises, widening disparities, and growing social unrest, by now been widely discredited. And, beyond aggregate economic disparities, the spectre of discrimination against minorities, indigenous peoples, women, older persons, persons with disabilities, migrants and others has the dual

effect of a denial of the human rights of those persons and a reduction of their potential contribution to the economic development of the societies in which they live.

Thus, the post-2015 agenda must be designed to advance the three closely-related concepts of equity (fairness in distribution of benefits and opportunities), equality (substantive equality, of both opportunity and results, with full protection under law), and non-discrimination (prohibition of distinctions that are based on impermissible grounds and that have the effect or purpose of impairing the enjoyment of rights).

Doing so requires efforts to disaggregate data to determine who is benefitting, and who is not, to analyse the social and political conditions in which people live, to close gaps in the enjoyment of civil, political, economic, social and cultural rights, and to take proactive positive measures to dismantle entrenched patterns of discrimination, particularly on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Indeed, so important is the removal of inequalities to sustainable development, that achieving equality should be both a self-standing goal for the post-2015 agenda, and explicitly integrated across all other goals, through data collection and disaggregation, equality benchmarking, and equality monitoring for each.

7. Stopping the buck: Toward higher levels of accountability

A human rights approach is built around the explicit identification of rights-holders (people) and the duty-bearers (governments and others) that are responsible for delivering on the associated rights. This approach moves development analysis from the more amorphous realm of charity to the more measurable and enforceable realm of obligation. Such accountability is increasingly demanded by communities, social movements and democracy campaigners world-wide, and helps to ensure that any commitments agreed in 2015 will be honoured in practice.

Accountability strengthens political commitment, promotes a culture of justification of policy choices and resource allocations, and improves incentives for fair delivery of social

services. It requires transparent, objective and public justification of policy choices, the identification of duties owed under international human rights standards, accountability mechanisms at the global and national levels (including administrative, political, judicial, quasi-judicial and independent national institutions, and facility-level accountability mechanisms in the context of service delivery), and active benchmarking, monitoring and reporting on progress (or retrogression), thereby ensuring transparency and allowing for necessary adjustments in policies and programmes.

8. The international dimension

In recent years, normative demands for international reform rooted in international human rights instruments like the Universal Declaration of Human Rights (art. 28) and the Declaration on the Right to Development (arts. 3 and 4) have been increasingly echoed by civil society, governments, and economic and policy experts alike.

In the wake of the global financial, food and climate crises, and the relative failure of so many development approaches in the recent past, no post-2015 agenda would be complete without due attention to the need for strengthened modes of international cooperation and meaningful reform of global governance institutions, processes, and policies in the political, legal, economic, social, environmental, trade and development spheres, to ensure greater equity, higher levels of democratic participation and accountability, and fuller coherence with international human rights standards.

So too must human rights-based policy coherence be pursued across the international sphere. The MDGs have been criticized for undermining such coherence. A critical priority for a post-2015 agreement must be the strengthening of coherence between development, trade, investment, intellectual property and other key policy regimes, at global and national levels. International human rights standards, as legally binding standards and higher order policy objectives representing the ultimate ends of development, should be the yardstick for policy coherence at both global and national levels, drawing from experience of human rights assessments of trade agreements and other fields of economic and social policy.

9. Why human rights in development?

Human rights are solemn legal obligations of governments, inalienable entitlements of people everywhere. But if that is not reason enough, it is also true that the failure of the MDGs to take human rights into account has been associated with a number of specific shortcomings. These include: an unbalanced development framework; poor specification of the global goals, targets and indicators; inappropriate adaptation of global goals to the national level; non-participatory processes; weak accountability for both process and outcomes; and failure to address discrimination and increasing inequalities.

This failure also represents countless lost opportunities for better development outcomes. Indeed, violations of civil and political rights have been related to lower growth rates, efforts to reach excluded communities have been linked to broader economic benefits, and inequalities have been shown to generate violent conflict, undermine growth and poverty reduction, and threaten sustainability. Up to a million human life years are estimated to have been saved through human rights litigation resulting in court-ordered dispensation of anti-retroviral medications South Africa, and an additional 350,000 girls are estimated to be attending school annually as a result of meal programmes introduced in response to a right to food campaign in India.

But if human rights can contribute to the realization of Post-2015 goals, so too can the post-2015 agenda help to achieve human rights. If properly grounded in human rights norms, that agenda could well serve as a powerful platform for public advocacy helping to inform and incentivize national planning processes, facilitate monitoring, improve data collection and statistical methods, and increase policy coherence and international cooperation.

Unfortunately, the MDGs were not explicitly aligned with international human rights standards. This had consequences. Goal 2, intended to achieve universal primary education, did not include the human rights requirement that primary schooling be free, without which universal access is unachievable. Goal 3, which was to promote gender equality and empower women, did not address the human rights question of violence against women, with predictable impact. And civil and political rights areas such as personal security, justice administration, and political participation were not included all.

What's more, the quality of the goals to be delivered was not well defined. Under their human rights treaty commitments, States are obliged to aim for universal access to at least a basic level of social rights, dismantle discrimination and achieve substantive equality (beyond mere formal equality of treatment, which may include positive measures or affirmative action for excluded and marginalized groups), and to ensure the availability, accessibility, affordability, acceptability, adaptability and quality of services.

Finally, a human rights approach will look at both conduct and result. The MDGs focused almost exclusively on outcomes. However, outcomes can occur by accident as well as by design, for example, when the value of a key export rises significantly, or when an environmental disaster strikes. International human rights treaties contain obligations of conduct as well as result, to ensure that States justify their outcomes by reference to their actual effort expended. The obligation to commit "maximum available resources" to socio-economic rights, without retrogression, is an example of an obligation of conduct. If a post-2015 agreement is to incentivize better performance, then it will be critical to monitor a feasible number of indicators of commitment and fiscal, policy and budgetary effort in addition to, and to help interpret, States' progress towards their agreed outcomes.

10. The end game: Rights-sensitive goal setting

A post-2015 agenda that is truly transformative will need to be set against a timeframe that accommodates long-term change, while also fostering accountability and progress in the immediate and medium terms. Five-year benchmarks and reporting, and reviews at ten-year intervals would thus be appropriate. But setting these intervals in a longer-term, transformative agenda for achieving freedom from fear and want would require the building of a global movement for change, with an end-date further in the future. For example, 2048 will mark the 100th Anniversary of the Universal Declaration of Human Rights, with its explicit Article 28 promise of "a social and international order in which all the rights in the Declaration can be fully realized."

In the mean time, human rights standards require free, active and meaningful participation in matters of public affairs, including development planning. As such, the setting of goals for a post-2015 agenda must occur through a participatory process in which all voices are

heard, including civil society, human rights groups, women, minorities, indigenous peoples, and the voices of the most excluded and vulnerable.

The overall framework, while comprising a reasonably limited number of goals, should be balanced in its incorporation of economic and social categories, justice, personal security and political participation elements. In identifying individual goals, consideration should be given to whether the issue in question is the subject of legally binding obligations under UN human rights treaties. The enabling power of some rights, such as education, decent work, social security, and sanitation, to help advance other development goals, would also weigh in favour of their selection. Additionally, identified MDG bottlenecks (such as maternal mortality) might be addressed through the application of certain proven enablers (such as emergency obstetric care).

In addition, a goal setting should focus both on ends and means, and both quality and quantity. End goals are essential. But there are also risks in relying entirely on reductive quantitative expressions of complex human development phenomena. Both qualitative and quantitative measurement methods will be needed in the post-2015 agenda. An important variable in a global agreement can itself help to generate demand for data and measurement. Statistical parameters should therefore be seen as a servant rather than master of people's legitimate aspirations for the post-2015 agenda.

Finally, once established, global goals and targets should not be transposed bluntly and literally to the national level. National capacities, circumstances and starting points differ greatly, and must be factored in. The misapplication of the MDGs as a common yardstick for national progress generated unfair criticism for some, unfair praise for others, and unfair comparisons between countries. And, in a human rights approach, the subject is not countries, but rather the people living in those countries.

11. Some conclusions

Dominant models of economic analysis and development in recent years have tended to focus too narrowly on growth or on a selective set of economic and social indicators. As a result, even among presumed “MDG success stories,” situations of gross deprivation,

repression and inequality can be found. A new development paradigm is called for, directed to securing freedom from fear and want for all, without discrimination. This would require the adoption of a balanced framework, encompassing economic and social rights, personal security, political participation and justice administration, implemented through a rights-based approach, with higher levels of participation, accountability, equality and non-discrimination, empowerment, and the rule of law. Such an agenda would be universally directed, and would include benchmarks for reform at the international level as well.

To these ends, the post-2015 agenda should be explicitly aligned with the international human rights standards and mechanisms, developed in a participatory process, measure both means and outcome, allow for disaggregation to reveal exclusion and inequalities, and be attached to meaningful accountability mechanisms. Clear, transparent and objective criteria should guide the task of selecting a manageable number of global goals, targets and indicators within a post-2015 agreement, and these should be aligned to human rights treaty obligations.

UN System Task Team on the Post-2015 UN Development Agenda

Membership

Department of Economic and Social Affairs (DESA), Co-Chair

United Nations Development Programme (UNDP), Co-Chair

Convention on Biological Diversity (CBD)

Department of Public Information (DPI)

Economic Commission for Africa (ECA)

Economic Commission for Europe (ECE)

Economic Commission for Latin America and the Caribbean (ECLAC)

Economic and Social Commission for Asia and the Pacific (ESCAP)

Economic and Social Commission for Western Asia (ESCWA)

Executive Office of the Secretary-General (EOSG)

Food and Agricultural Organization of the United Nations (FAO)

Global Environment Facility (GEF)

International Atomic Energy Agency (IAEA)

International Civil Aviation Organization (ICAO)

International Fund for Agricultural Development (IFAD)

International Labour Organization (ILO)

International Maritime Organization (IMO)

International Monetary Fund (IMF)

International Organization for Migration (IOM)

International Telecommunication Union (ITU)

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Non-Governmental Liaison Service (NGLS)

Office of the Deputy Secretary-General (ODSG)

Office of the High Commission for Human Rights (OHCHR)

Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS)

Office of the Special Advisor on Africa (OSAA)

Peace building Support Office (PBSO)

United Nations Children's Fund (UNICEF)

United Nations Conference on Trade and Development (UNCTAD)

United Nations Convention to Combat Desertification (UNCCD)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
United Nations Entity for Gender Equality and Empowerment of Women (UN Women)
United Nations Environment Programme (UNEP)
United Nations Framework Convention on Climate Change (UNFCCC)
United Nations Fund for International Partnerships (UNFIP)
United Nations Global Compact Office
United Nations High Commissioner for Refugees (UNHCR)
United Nations Human Settlements Programme (UN-HABITAT)
United Nations Industrial Development Organization (UNIDO)
United Nations International Strategy for Disaster Reduction (UNISDR)
United Nations Institute for Training and Research (UNITAR)
United Nations Millennium Campaign
United Nations Office for Outer Space Affairs (UNOOSA)
United Nations Office for Project Services (UNOPS)
United Nations Office on Drugs and Crime (UNODC)
United Nations Population Fund (UNFPA)
United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA)
United Nations Research Institute for Social Development (UNRISD)
United Nations System Chief Executives Board for Coordination Secretariat (CEB)
United Nations University (UNU)
United Nations Volunteers (UNV)
United Nations World Tourism Organization (UNWTO)
Universal Postal Union (UPU)
World Bank
World Food Programme (WFP)
World Health Organization (WHO)
World Intellectual Property Organization (WIPO)
World Meteorological Organization (WMO)
World Trade Organization (WTO)