Practical approaches to rights-based SDGs that include the 3 dimensions of sustainable development

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Background paper: Session 1

Introduction and definition

According to award winning economist and social critic Amartya Sen, development is the process of expanding people's freedoms.

"These freedoms are both the primary ends and the principle means of development. They include freedom to participate in the economy; freedom of political expression and participation; social opportunities, including entitlement to education and health services; transparency guarantees, involving freedom to deal with others openly; and protective security guaranteed by social safety nets, such as unemployment insurance or famine relief."

From a rights perspective, the expansion of freedoms means living up to commitments nearly all countries have made to guarantee human rights for all, beyond need-based rights . This includes civil and political rights such as freedom from arbitrary detention as well as economic and social rights such as the right to employment and a living wage. A key question for development and human rights is the following: "How should we transform our economy such that it is creating more and better jobs for all, while putting in place safeguards to ensure that no one lives below a certain minimum standard of living?

Rights-based approaches to sustainable development incorporate the structural causes of poverty as well as the potential capacities that people may have to respond to their own crises (Russell (2009). A rights-based approach also gives preference to strategies for empowerment over charitable responses. It focuses on the beneficiaries as the owners of rights and the directors of development, and emphasises the human person as the centre of the development process. The goal is empowerment: to provide people with the capabilities and access needed to change their own lives, improve their own communities and influence their own destinies. Thus, the key distinction between a rights-based and a needs-based approach is that human rights imply duties and obligations of states and other development actors, that development is not an act of charity, but of justice. It is upon this bedrock that people have the right to participate in the sustainable development process.

The UN has defined 6 key human rights principles to apply in development policy and practice: universality and inalienability; indivisibility; inter-

dependence; equality and non-discrimination; participation and inclusion; accountability and rule of law. (UN Statement of Common Understanding on Human Rights -based Approaches to Development Co-operation and Programming, (2003). Advancing global trade, fighting tax evasion and tax avoidance, and increasing transparency were the key themes of the G8 summit, which are also key principles for development policy and practice.

Existing practical applications

At the macro level, HRBA is about prioritizing the needs of certain sets of stakeholders – poor and underserved communities, ethnic minorities and indigenous peoples, women – over those of other stakeholders – the richest communities, relatively well served populations, men. Particular attention must be paid to those affected by multiple discrimination, e.g. those who are poor, uneducated and have a disability, and to those in fragile states or those affected by conflict. Poverty is a result of power imbalances and eradicating poverty necessarily implies confronting those imbalances. In practice prioritizing the needs of the less powerful over those of the more powerful is a task most governments are not equipped to handle.

When governments do take action towards rights based development ends, it is often because communities have organized to demand their rights. In the best case, those local mobilizations can lead to national level policy change. Here are some examples taken from Action Aid's work in the education sector that contrast a rights-based approach with a needs-based approach.

An RB Approach requires accountability frameworks and the instrumental value of making social rights justiciable at national and local levels, as well as a set of definitions and a statement of commitments for a better understanding, while some regional groupings such as the AU have also set up regional HR rapporteurs, Institutions and other processes.

The existence and effectiveness of these are also relevant indicators as, for example, the establishment of a functioning national Human Rights Institution. Institutions and processes should always be transparent, and accessible to civil society, as demonstrated by the effectiveness of the Universal Periodic Review process. It has been clearly demonstrated that the systematic collection of disaggregated data is critical to an effective rights based approach, and to the measurement and analysis of the impact of laws, policies, and programmes.

Amount available	Needs-based approach: How we would have spent the money	HRBA: How we spend the money now
£20	Buying just part of a school uniform to allow one child to go to school in Kenya	Paying the travel costs of two children to go to speak to the national parliament in Kenya, as part of Global Action Week. This led to the education minister writing to 17,800 primary schools saying lack of uniform should not prevent access.
£200	Buying some textbooks and teaching materials for one school in northern Nigeria	Documenting the positive impact of community school management committees on school performance in 40 schools in northern Nigeria – leading to the government mandating formation of committees in all Nigerian schools.
£2,000	Building an extra classroom in Tanzania benefiting about 100 children	Supporting Tanzanian NGO Maarifa to do research on why children were unable to go to school. It showed that user fees were the problem. A campaign to abolish user fees led to an extra one million children enrolling.
£20,000	Opening a non-formal education centre for two years in Bangladesh, reaching 100 children	Training community audit groups in dozens of districts across Bangladesh to monitor whether the education budget arrives in practice at school level and is used appropriately. This has improved the performance of government schools, helping millions of children.

Visualizing the impact in 15 years of RB SDGs

HRBA means putting the people's needs first. At the national level, this means that communities who have been traditionally marginalized – ethnic minorities, indigenous peoples, women, and others – have a greater say in decisions that influence their own lives and livelihoods, and that resources are progressively allocated their way to empower them to define their own destinies. Extreme poverty would be eliminated, disparities between rich and poor would significantly decrease, and consumption patterns would change significantly, especially in light of increasingly evident constraints on the harvesting and mining of natural resources. Responsible business enterprise would contribute to achieving the SDGs, aided by the discipline of proper oversight and government regulation to guarantee in practice that businesses respect human rights and the environment, including in their cross-border activities.

How to include RBA in narrative and/or SDGs

a) The existing set of international human rights standards, which states have already committed to upholding, can provide an integrated, holistic, universal and transformative framework to inform the content of the goals, targets and indicators for just, equitable and sustainable development, as well as the post-2015 accountability and financing systems. Goals and objectives should thus reflect and reinforce human rights standards, for example, the existing guarantee of basic minimum essential levels of economic, social and cultural rights universally, which supports setting

targets aimed at universal access to essential social services, as well as 'zero targets' for such issues as the reduction of preventable maternal or child death, chronic malnutrition, or lack of access to safe drinking water and sanitation, extreme poverty and gender-based violence.

b) To be effective, post-2015 commitments on economic, social and cultural rights (e.g. decent work, health, education, food) and the environment should be always mutually reinforced by explicit civil and political rights commitments to protect the rights to freedom of opinion and expression, association, participation, information, transparency and access to justice, so as to enable people to own and monitor a transformative sustainable development process.

c) Human rights accountability systems should be incorporated into the structure of the framework to empower and enable people—individually and collectively—to monitor and hold their governments, other governments, businesses, international institutions and other development actors to account for their conduct as it affects people's lives within and beyond borders. Integrating accountability and the rule of human rights law into the SDG process can help very practically to reinforce the capacity of an active, organized civil society to transform local and global commitments into lived realities. Human rights standards can also provide a much-needed yardstick to evaluate policy coherence for sustainable development at both international and country levels.

Concluding Questions for the session

1) How practically can human rights norms inform the content of SDGs, targets and indicators?

2) How can the principle of Common but taking in consideration the Differentiated Responsibilities as they are recognized in Rio+20 be made more operational by relating it existing human rights norms?

3) How can human rights norms serve as a common yardstick to evaluate policy coherence for sustainable development, especially as related to corporate accountability, environment, trade, aid, tax, migration, intellectual property, debt, monetary, and financial regulation?

4) What kinds of penalties can the international community impose on those who are not yet ratified the covenants related to international human rights laws for not attending to their human rights obligations? How can (economically and politically) weaker countries ensure that stronger countries also comply with international human rights law and international human rights standards?

5) Research evidence shows positive links between accountable government, equality and non-discrimination, inclusive growth and sustainable development– why would this be the case?

6) What would be the positive multiplier/ripple effects of a Rights Based Approach to development?

7) Why would data on overall educational attainment and investment in schools not tell us whether the right to freedom from discrimination is being upheld?

Important links

1) Much of the material here including the table on needs-based vs rights based interventions is taken from "People's Action in Practise: ActionAid's Human Rights Based Approach 2.0" http://www.actionaid.org/publications/peoples-action-practice

- Joint Statement of 49 leading civil society voices: 'Human Rights for All Post-2015'
- CESR briefing: 'A Matter of Justice: Securing Human Rights in the Post-2015 Sustainable Development Agenda' in English and in Spanish.
- Joint CESR/OHCHR publication: 'Who Will be Accountable?: Human Rights and the Post-2015 Agenda' in English, Spanish, French, Russian, Chinese and Arabic.
- Amnesty International, 'From promises to delivery – putting human rights at the heart of the Millennium Development Goals'
- IBON International, 'Reforming Global Sustainable Development Governance: A Rights-Based Agenda'
- Center for Women's Global Leadership, 'The Integration of Gender and Human Rights into the Post-2015 Development Framework'

References

Russell, C. 2009. Communities in Control: Developing Assets, Carnegie Foundation report on the first European ABCD Summit.
(http://www.abcdinstitute.org/docs/From%20Needs%20to%20Assets%20-Charting%20a%20Sustainable%20path%20towards%20Development%20in%20Sub-Saharan%20African%20Countries.pdf)