



Putting Development to Rights

Integrating Rights into a Post-2015 Agenda

By David Mepham

Before Tunisia's popular uprising erupted in late 2010, many in the international community saw the country as a development success story. Economic growth was close to 4 percent, 9 in 10 children went to primary school, and life expectancy was an impressive 75 years.

But for many Tunisians this progress was clearly not enough: higher incomes and better access to services did not compensate for the ills and costs of corruption, repression, inequality, and powerlessness. Nor did it satisfy aspirations for greater justice, freedom, and dignity. In January 2011, popular protests ousted Zine el-Abidine Ben Ali from the presidency after 23 years in power.

While Tunisia's struggle for rights-respecting democracy continues, its recent experience exposes the narrowness and inadequacy of many existing approaches to development. It also provides a compelling case for development to be reframed more broadly, not just as higher income (important as this is), but as the creation of conditions in which people everywhere can get an education, visit a doctor, and drink clean water, and also express themselves freely, be protected by a fair and accessible justice system, participate in decision-making, and live free of abuse and discrimination. These are some of the basic economic, social, cultural, civil, and political rights that governments are obligated to honor but deny to hundreds of millions of people.

Many of those who are most impoverished belong to society's most marginalized and vulnerable social groups—women, children, people with disabilities, ethnic minorities, people infected with HIV—who often lack the power, social or legal standing, or access to decision-making that allows them to challenge their disadvantaged status or improve their circumstances.

For the most part, development policy and programs have ignored the critical interdependence of economic and social rights with civil and political rights, and so have failed to challenge systemic patterns of discrimination and disadvantage that keep people in poverty. As a result, many poor people have been excluded, or have failed to benefit, from development programs. More disturbingly still, people have been harmed by abusive policies carried out in the name of development: forced from their land to make way for large commercial investors, compelled to toil long days for low pay in dangerous and exploitative conditions, or exposed to life-threatening pollution from poorly regulated industries.

Development can also be unsustainable, achieved at considerable cost to the environment—including carbon emissions, soil erosion, pollution, depletion of fresh water supplies, over-fishing, or damage to biodiversity—which then damage people’s rights, including those to life, health, safe food, and clean water.

More than a decade ago, in 2001, world governments set about addressing such problems by agreeing on eight Millennium Development Goals (MDGs). Set for achievement by 2015, they included halving the proportion of people suffering from extreme hunger, reducing child and maternal mortality, and achieving universal primary education.

With this date fast approaching, a United Nations-led process is under way to agree on successor goals. This is a crucial opportunity to change the daily reality for millions of people currently overlooked, disadvantaged, or damaged by development efforts. Despite growing civil society support for rooting development in human rights standards, many governments, especially authoritarian ones, remain hostile to them, and will seek to minimize and marginalize the role of rights in any new international agreement.

To counter this threat and build wider international support for rights, it is essential and urgent to show how their fuller integration can contribute to improved development outcomes—promoting a form of development that is more inclusive, just, transparent, participatory, and accountable, precisely because it is rights-respecting.

An Unfulfilled Vision

The UN Millennium Declaration of 2000 was strong on human rights and democratic principles. World governments endorsed it in September 2000, asserting that freedom,

equality, solidarity, and tolerance were fundamental values. Making progress on development, they said, depended on “good governance within each country,” adding that they would “spare no effort” to promote democracy, strengthen the rule of law, and respect internationally recognized human rights and fundamental freedoms.

Strong words. But the Millennium Declaration’s vision, and the important principles it contained, never found their way into the new Millennium Development Goals (MDGs), which emerged from a UN working group in early 2001 and soon became the dominant framework for international development cooperation.

While drawn from the Millennium Declaration, the MDGs were far more circumscribed. They prioritized an important set of economic and social issues, which were seen as less political and easier to measure, such as child and maternal mortality and access to primary education. These issues were defined in technical terms rather than as a set of rights obligations. Nor did the MDGs set any goals or targets related to political freedom or democratic participation, equality for ethnic minorities or people with disabilities, freedom from violence and abuse in the family and community, freedom of expression, or rights to peaceful protest and assembly.

Despite these limitations, the MDGs have contributed to real progress for many people. They have embodied and helped generate substantial international consensus about the focus of development cooperation. And in many countries they have facilitated higher levels of public investment in health and education, contributing to significant increases in school enrolment rates and big reductions in child mortality over the last decade. Since 1990, for example, child mortality has almost halved globally, plummeting from 12 million to 6.6 million in 2012, while the number of primary school-age children out of school has fallen from 102 million in 1990 to 69 million in 2012.

But the neglect of human rights by many governments, donors, international institutions, and the MDG framework has been a serious missed opportunity, which has greatly diminished development efforts and had other harmful consequences for poor and marginalized people, as elaborated below.

Unequal Development

Even before the MDG framework was established, many governments were unwilling or unable to address discrimination and exclusion in their development strategies and their broader social and economic policies. Authoritarian governments were obviously reluctant to empower restless minorities or disadvantaged groups that might threaten their grip on power, and were generally unwilling to address sensitive issues around ethnic or religious conflict. Such governments also often refuse to accept that women, girls, indigenous people, or other marginalized social groups deserve equal status under the law.

But development donors and international institutions like the World Bank also shied away from the more complex and politicized approach to development implied by an explicit emphasis on rights. The MDGs, with their stress on measuring development in terms of average or aggregate achievement of particular goals, for example on child and maternal mortality, did little to change these calculations and meant that marginalized communities continued to be overlooked.

Indeed, because it is often more difficult or expensive to assist poor and marginalized communities, the MDG framework may have actually worked against them, incentivising a focus on people who are easier to reach and assist, such as those living in cities rather than far-flung rural areas.

Nowhere is unequal development better documented and more visible than in the widespread and systematic discrimination against women and girls. Most development organizations have identified gender discrimination as a major obstacle to inclusive development and there is a growing international consensus on the need to tackle it. For example, the World Bank, the European Commission, and the United Kingdom's Department for International Development (DFID) have all made strong statements on the importance of combating gender inequality and empowering women and girls. As the World Bank's Chief Economist Justin Yifu Lin put it in 2012, "Blocking women and girls from getting the skills to succeed in a globalized world is not only wrong but economically harmful. Sharing the fruits of growth equally between men and women is essential to meeting key development goals."

Nonetheless, development agencies often underreport or fail to address properly many forms of gender discrimination. In Bangladesh, for example, where considerable progress has been made (at the aggregate level) towards some MDGs, Human Rights Watch has documented entrenched discrimination in the country's Muslim, Hindu, and Christian laws governing marriage, separation, and divorce. These often trap women or girls in abusive marriages or drive them into poverty when marriages fall apart, contributing to homelessness, reduced incomes, hunger, and ill-health.

Our 2012 report *"Will I Get My Dues Before I Die?"* for example, documented the disastrous consequences of this discrimination for Shefali S., a Muslim woman who was abandoned by her abusive husband while pregnant and, according to the country's laws, not entitled to maintenance from 90 days after notice of divorce. Without income, she was plunged into poverty and dependence, and was forced to live with her in-laws who beat her.

Many of the 1 billion people with disabilities worldwide—80 percent live in the developing world—also experience unequal development. Human Rights Watch's research on education in Nepal and China has documented widespread discrimination against children with disabilities, who are much less likely to be in school than other children. This is despite the fact that both countries are state parties to the UN Convention on the Rights of the Child (CRC), which affirms the right to education, and to the UN Convention on the Rights of Persons with Disabilities (CRPD).

Our 2011 report, *Futures Stolen*, documented how in one school in the far west of Nepal, a 16-year-old boy had to crawl to his classroom due to lack of ramps, and—unable to use the toilet by himself, and unaided by teachers—was forced to wait until he got home, or have another child run home to fetch his mother to assist him. Other children, afraid to sit near him, left him isolated in a corner. These patterns of discrimination are replicated across the world and explain why people with disabilities are disproportionately represented among the world's poor people. And yet, the MDGs make no reference whatsoever to disability.

In our 2008 report *A Question of Life or Death*, we similarly documented barriers to treatment for women and children in Kenya living with HIV, violating their right to health. Mothers and children suffered discrimination, abuse, and abandonment by husbands and relatives, and many lived in precarious conditions after being kicked out of their homes. In

addition, HIV policies prioritized HIV care for adults, and HIV care for children was not widely available. Many children died as a result.

Ethnic and religious minorities also often experience serious discrimination, sometimes rooted in basic prejudice towards them on the part of other groups; at other times linked to hostility towards the political or separatist agendas of particular ethnic groups. This discrimination can worsen levels of poverty and prevent these groups from benefiting from development opportunities. The London-based Overseas Development Institute (ODI) suggested in a recent report that two-thirds of the world's poorest people live in households headed by a member of an ethnic minority, with these families more likely to be sick, illiterate, and malnourished.

Abusive Development

The neglect of human rights in many development strategies and programs, as well as in the MDGs, has another serious, adverse consequence. Incongruous as it may sound—especially to those who view development as a uniformly benign process—large numbers of poor, vulnerable, and marginalized people around the world are harmed by policies carried out in the name of development. These abusive patterns occur because basic rights—including the right to consultation, participation, fair treatment, to join with others in a trade union, and to just and accessible legal processes—are missing.

In China, for example, the government maintains that its development progress is extraordinarily successful. Income poverty has indeed fallen very rapidly in recent years, with the UN estimating a decline in extreme poverty from 60 to 12 percent from 1990 to 2010. But the record is decidedly less impressive if development is defined, as it should be, to include freedom from fear, violence, ill-health, life-threatening environmental pollution, and abusive employment practices, as well as the opportunity to be protected from abuse, or seek remedy for abuse, through a fair and accessible justice system.

In our 2011 report, *My Children Have Been Poisoned*, Human Rights Watch documented the devastating effects of lead poisoning on children who could no longer talk or walk, had stopped eating, or were constantly sick. This poisoning epidemic in four provinces—Shaanxi, Henan, Hunan, and Yunnan—is rooted in tension between the Chinese government's goals for economic growth and its stated commitments and international

obligations to protect its citizens' health and well-being. Without institutions to protect their rights and hold local officials accountable for abuses, hundreds of thousands of Chinese children have had their right to health violated and have suffered appallingly, including from reading and learning disabilities, behavioural problems, comas, and convulsions. Some have even died.

Aspects of Ethiopia's development model have similar problems. The country has made commendable progress in relation to the MDGs on health and education, but other elements of its development strategy have led to serious rights abuses. Our 2012 report *"Waiting Here for Death,"* documented rights violations linked to the "villagization" resettlement program in Gambella region. Ethiopia's government justifies the program in development terms, and says it is voluntary. Some 1.5 million people in five regions are being relocated to new villages with the stated aim of giving them better infrastructure and services. But our research into the first year of the program in one of those regions found people were forced to move against their will and that government security forces beat and abused some who objected. Moreover, new villages often lacked promised services and adequate land for farming needs, resulting in hunger, and even starvation.

Our 2012 report *What Will Happen if Hunger Comes?* also documented that the Ethiopian government is forcibly displacing indigenous peoples from southern Ethiopia's Lower Omo Valley to make way for large-scale sugar plantations. The cost of this development to indigenous groups is massive: their farms are being cleared, prime grazing land is being lost, and livelihoods are being decimated. While failing to meaningfully consult, obtain their free, prior, and informed consent, compensate, or discuss with these affected communities, and recognize their rights to land, the Ethiopian government has used harassment, violence, and arbitrary arrests to impose its development plans.

Workers are particularly vulnerable to abusive development. They include the more than 50 million domestic workers worldwide, most of them women and girls, who are employed as cooks, cleaners, and nannies. In many countries, such workers lack basic legal rights and protection. Yet their work provides essential services to households and enables the economic activity of others. Human Rights Watch's research over 10 years, in countries as diverse as Indonesia, Saudi Arabia, Morocco, Guinea, and El Salvador, has exposed many examples of abuse, including employers insisting on extremely long working hours;

withholding or providing low wages; confiscating passports; and subjecting workers to beatings, verbal abuse, and sexual violence.

Similarly, millions of migrant workers in more visible sectors of the economy, like construction, suffer abuses. Ironically, these are often most egregious in the context of hugely expensive and high-profile construction projects intended to showcase economic achievements and encourage investment and tourism. In our 2012 report, *Building a Better World Cup*, Human Rights Watch documented pervasive abuses against migrants as they build sleek hotels, state-of-the-art infrastructure, and other glossy construction projects in Qatar linked to the 2022 World Cup. Abuses include arbitrary wage deductions, lack of access to medical care, and dangerous working conditions. A recent investigation by the UK's *Guardian* newspaper found that 44 Nepalese workers died from work-related accidents in Qatar between June and August 2013, more than half of them from heart attacks, heart failure, or workplace accidents.

Human Rights Watch has also exposed the terrible abuses and right to health violations—including fevers, nausea, and skin conditions that leave fingers corroded to stumps, and flesh prematurely aged, discolored, and itchy—that many thousands of people suffer while working in tanneries in and around Hazaribagh, a neighbourhood of Bangladesh's capital, Dhaka. Our 2012 report, *Toxic Tanneries*, shows that these abuses are occurring in what is the backbone of the country's lucrative leather industry. The tanneries employ some 15,000 people—some as young as seven-years-old—and export millions of dollars' worth of leather goods to around 70 countries worldwide. Our 2013 report on Tanzania *Toxic Toil* documented similar abuses in Tanzania, especially affecting young children working in small-scale gold mines. Many are exposed to toxic mercury and vulnerable to mercury poisoning.

Rights-Respecting Development

Making rights integral to a post-2015 global development framework would have a number of clear benefits, not least by:

- **Ensuring focus on the poorest and most marginalized communities.** The MDGs include global targets for percentage reductions of child and maternal mortality and hunger. By contrast, a rights approach to development would need to set universal goals for providing effective and accessible healthcare and nutrition for

all women and children, including the poorest and most disadvantaged, alongside specific targets for reducing disparities between social groups and improving the conditions of the worst off. Progress would be greatly aided and incentivised by disaggregating national and international data, making it possible to measure policy impact on different social, income, and age groups.

- **Prompting action to address root causes of poverty**—such as inequality, discrimination, and exclusion—by requiring legal and policy reforms and challenging patterns of abuse, as well as harmful cultural practices like child marriage. Governments and donors should be obliged in a new development framework to bring their policies and practices into line with international standards on non-discrimination and equality. Concerted action is also needed to tackle formal, informal, and cultural barriers that prevent women, ethnic minorities, people with disabilities, and indigenous peoples in particular from owning and having equal access to land, property, assets, and credit; inheriting and transferring property; and accessing education and health services.
- **Making people agents and not subjects of development** by emphasising empowerment, participation, transparency, the rule of law, and access to justice. A rights approach requires that poor people are fully consulted about development projects or programs that affect them. Indigenous peoples, for example, have the right to give or withhold consent to development projects on their traditional lands before they are approved and after receiving all relevant information. Such safeguards would help prevent the kind of abusive, environmentally harmful patterns of development already cited. But abusive development also occurs in places like China because basic civil and political freedoms are not respected more generally and because the legal system is politicized and discriminatory. Commitments to civil and political rights should be integral to the post-2015 development agenda, including to freedom of speech, assembly, and association, the ability of people to participate in free elections, and access to fair and effective justice systems. Transparency and free flow of information are critical too, creating space for informed debate about use of the national budget, exposing mistakes and environmental harm, and allowing communities to mobilize for social change and redress for abuse and malpractice.
- **Tackling corruption.** Each year, senior government officials or powerful private individuals steal hundreds of millions of dollars that were intended to benefit the

poor through development programs in health, education, nutrition, or water. In our 2013 report on Uganda, *Letting the Big Fish Swim*, Human Rights Watch documented a lack of political will to address corruption and the harmful consequences of this. Ugandan anti-corruption institutions have been crippled by political interference, as well as harassment and threats to prosecutors, investigators, and witnesses. Most recently, US\$12.7 million in donor funds was discovered to have been embezzled from Uganda's Office of the Prime Minister. This money had been earmarked to help rebuild northern Uganda, ravaged by a 20-year war, and to help development in Karamoja, Uganda's poorest region. Rights-respecting development would help to tackle corruption of this kind by emphasizing budget transparency, freedom of information, and free media; strengthening efforts to prosecute those responsible for corrupt practices, including the highest ranking members of the government; and supporting anticorruption civil society organizations.

- **Bringing rights standards into the work of business and international institutions.** In the debate about the post-2015 development agenda, there has been little discussion about the responsibilities of either the private sector or international financial institutions to protect, respect, and fulfil rights. Over the years, Human Rights Watch has documented many cases of corporate complicity with human rights violations, including a Canadian mining company using forced labor, via a local contractor, in Eritrea; out-of-control mining operations fuelling corruption and abuse in India; and sexual violence by private security guards employed by a Canadian company in Papua New Guinea. Governments should introduce mandatory requirements for corporations to report publicly on human rights, and the social and environmental impact of their work. Similarly, international financial institutions such as the World Bank, which influence development in many countries by providing millions of dollars-worth of development assistance and loans, should have to respect human rights in all their work and be held accountable if they fail to do so, as set out in our 2013 report, *Abuse Free Development*.
- **Strengthening accountability.** Accountability is fundamental to rights-respecting development: rights are of limited value if no one is charged with guaranteeing them or if citizens whose rights are denied have no opportunity to seek redress or remedy. The post-2015 development agenda should therefore require all those involved in development—governments and international bilateral donors, international financial institutions, the business sector, private foundations, and

NGOs—to be more accountable and transparent about implementing their commitments and the impact their policies have on the rights of the poor, including through feedback and complaints mechanisms and regular reporting at the local, national, and global level.

- **Affirming the universality of the global development agenda.** Low income is not an excuse for governments of poor countries to abuse their citizens' rights, and many developing country governments have scope to make different choices about how they allocate national resources. Still, low income and limited capacity can make it harder for well-intentioned governments to meet their rights obligations. A post-2015 development agenda should therefore place two important obligations on the world's wealthier governments:
 - To do no harm, by ensuring that existing policies and practices do not directly or indirectly contribute to human rights violations, unequal development, or abusive development elsewhere, through policies on trade, tax, investment, intellectual property, arms sales, and transfers of surveillance technology. These governments have an obligation to respect and protect human rights and to remedy any violations.
 - To proactively help to advance rights-respecting development in other countries, including through support for inclusive development in areas like health, education, nutrition, and sanitation, as well as support for the rule of law, and police, justice, and security sector reform.

Bringing Rights to the Fore

How human rights issues will be dealt with in any new post-2015 development agreement remains unclear. Support for rights emerged as a priority among civil society participants in the UN-sponsored global consultations on post-2015, and there were strong references to human rights in the reports of the High Level Panel of Eminent Persons on the post-2015 Development Agenda and the UN secretary general's report on the same topic in June 2013.

But many governments remain hostile. With the process now at the stage of intergovernmental negotiations, we can anticipate serious efforts to marginalize the role of rights or chip away at progress that has been made. Some will no doubt continue to invoke the tired old argument that poor people care mainly about material improvements and that

wider human rights entitlements, like freedom of speech and association or access to justice, are not necessary to secure these.

But this position has been thoroughly discredited, not least by ordinary peoples' own actions and expressed preferences. Across the globe, people are striving not only for economic improvement, but also for an end to indignity and injustice, for their voices to be heard, and for the opportunity to shape their future.

As UN Secretary General Ban Ki-moon stated in July 2013, "Upholding human rights and freeing people from fear and want are inseparable." A post-2015 development agenda that embraces this essential truth will help promote development that is more inclusive and just, and advances basic rights and freedoms for all.

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