

Human Rights for All Post-2015 May 2013

Human rights have surged to the forefront of the debate about what will succeed the Millennium Development Goals in 2015. As human rights and social justice organizations worldwide, we feel compelled to lay out some of the baseline implications of embedding human rights into the core of the sustainable development agenda this time around.

At its essence, a post-2015 framework anchored in human rights moves from a model of charity to one of justice, based on the inherent dignity of people as human rights-holders, domestic governments as primary duty-bearers, and all development actors sharing common but differentiated responsibilities. Accordingly, the post-2015 framework should be **designed as a tool 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. A sustainable development framework founded in human rights can serve as an **instrument for people and countries to help unseat the structural obstacles to sustainable, inclusive and just development, and stimulate implementation and enforcement of all human rights**—civil, political, economic, social and cultural rights, the right to development and to environmental protection.

The post-2015 framework must then **at the very least respect and reflect pre-existing human rights legal norms, standards and political commitments** to which governments have already voluntarily agreed. International human rights, environmental and humanitarian law, the Millennium Declaration, as well as related international consensus documents agreed in Rio, Vienna, Cairo, Beijing, Monterrey and Copenhagen and their follow-up agreements must form its **non-negotiable normative base**.

If it is going to incentivize progress while also preventing backsliding and violations, human rights principles and standards must go beyond the rhetorical, and have real operational significance this time around. Amongst other things, **anchoring the post-2015 agenda in human rights for current and future generations implies that the framework:**



1. **Upholds all human rights for all.** The framework should stimulate improved human rights process and outcomes for all people, especially the most vulnerable, in all countries global North and global South. **Along with economic, social, cultural and environmental rights**, any successor framework must include commitments to **protect freedom of association, expression, assembly and political participation if it is to ensure an enabling environment for an empowered civil society**, and **protect human rights defenders, including women human rights defenders**, as central agents translating international political commitments into lived realities.
2. **Stimulates transparency and genuine participation in decision-making at all levels**, throughout all policies including budget, financial, and tax policies. Access to information and consequential participation is not only a fundamental human right, but will also be critical to developing, implementing, and monitoring an effective and responsive post-2015 framework.
3. **Integrates meaningful institutions and systems to ensure human rights accountability of all development actors.** Lofty aspirations for a post-2015 agenda will surely fail if proper **citizen-led systems of monitoring and human rights accountability** are not built into the very DNA of the framework, with clear and time-bound commitments of all relevant actors. While states must remain the primary duty-holder in development, all development actors, including third-party states, the private sector and international institutions should be made responsive and accountable for achieving and not undermining global goals. Integrating substantive human rights criteria into assessments of progress towards development goals and commitments means **monitoring both the policy and budgetary efforts of governments alongside development outcomes**. Any post-2015 monitoring mechanism would benefit from **constructive interaction with the existing human rights protection regime**, as well as other relevant accountability mechanisms. National mechanisms, such as judiciaries, parliaments, national human rights institutions, reinforced by regional and international human rights mechanisms such as the treaty bodies and the Universal Peer Review mechanism, can help ensure the implementation of the post-2015 commitments. Likewise, the post-2015 development agenda is well-placed to encourage governments to **improve access to justice for people living currently in poverty** by monitoring measures to eradicate existing barriers.
4. **Ensures that the private sector, at the very least, does no harm.** The post-2015 framework must reflect current international consensus that governments have a duty to protect human rights through the **proper oversight and regulation of private actors**, especially business and private financial actors to **guarantee in practice that they respect human rights and the environment**, including in their **cross-border activities**. At the very least, no governments should allow their territory to be used for illegal or criminal activities elsewhere, such as tax evasion, environmental crimes or involvement in human rights violations, no matter the perpetrator.
5. **Eliminates all forms of discrimination and diminishes inequalities, including socioeconomic inequalities must be priorities.** To start, the **timely collection and disaggregation of data** on the basis of various grounds of compound discrimination is essential to identify, make visible and respond to inequalities and violations of human rights and to increase accountability. At a national level, data should be collected and disaggregated based on country-relevant factors as defined by rights-holders.

Governments have a particular obligation under human rights law to protect the rights of the most marginalized and excluded and to take additional measures to **ensure that they enjoy their rights on an equal basis with others**. Protecting **decent work, and diminishing wage disparities** is also fundamental to reducing socio-economic inequality, as is **reforming tax policy nationally and globally** to unleash the resources necessary to finance human rights fulfillment.

6. **Specifically and comprehensively supports women's rights**. Addressing **gender-based violence**, guaranteeing **sexual and reproductive rights**, ensuring women's rights to and control over **land, property and productive resources** and their economic independence, recognizing **the care economy** and ensuring women's rights to social protection and the equal distribution of **paid and unpaid work**, and their rights to **participation in decision-making** are critical, not only to realize women's human rights and achieve gender equality, but for enabling women's full and active participation in economic, political and social life.
7. **Enable the currently disadvantaged and commonly discriminated against and excluded groups to be effective agents of their own development** by drawing on the provisions of human rights standards aimed at eliminating discrimination on grounds such as race, disability, migrant or indigenous status, age, sexual orientation, gender identity, etc.
8. Upholds the legal obligation to fulfill the **minimum essential levels** of economic, social, and cultural rights, without retrogression, which would imply a focus on "**getting to zero**" through the provision of social protection floors, universal health coverage, food security, and other floors below which no one anywhere will be allowed to live.
9. **Tackles structural drivers of inequality, poverty and ecological devastation at the global level**. A genuine and balanced global partnership then would enable people and institutions to monitor the common but differentiated responsibilities of all actors to prohibit rather than perpetuate these global obstacles. To be good-faith partners then, governments, business and international institutions must **assess the impact of their policies (e.g. corporate accountability, environment, trade, aid, tax, migration, intellectual property, debt, monetary, financial regulation) on human rights outside of their borders**. Existing human rights norms can provide a common set of standards and useful yardstick to assess policy coherence for sustainable development.

At a time of great uncertainty, multiple crises and increasing insecurity and conflict, let us not found the 21st century sustainable development framework on 'bracketed rights' and broken promises, but instead on a bold reaffirmation of human rights for all.

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A first draft of this statement was prepared by the Securing Human Rights for All work session of the Advancing the Post-2015 Sustainable Development Agenda global civil society conference in Bonn, Germany (March 2013). The statement is being circulated for endorsement by interested organizations. To get involved, please email Niko Lusiani, CESR at nlusiani@cesr.org.