



FID

Department for
International
Development

plans

Strategies for Achieving the International Development Targets

Human Rights for Poor People

February 2000

consultation
document

This draft paper forms part of a series of Strategies for Achieving the International Development Targets which are going out for public consultation. We intend to publish this paper in the summer of 2000. We would therefore be grateful for your comments by **28 April 2000**. These should be sent to:

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This paper can also be found on the DFID website (www.dfid.gov.uk) under 'What we do' followed by 'Strategy Papers', where comments can be posted. The existing draft strategy papers *Better Health for Poor People*; *Can a billion people be lifted out of poverty by 2015? Economic growth, equity and security* (previously entitled *Economic Well-being*); *Poverty Eradication and the Empowerment of Women*; and *Environmental Sustainability and Eliminating Poverty* are also available on the site. Other papers in the series (*Education for All: the Challenge of Universal Primary Education*; *Addressing the Water Crisis: Healthier and more Productive Lives for Poor People*; and *Making Government work for Poor People*) are due to be published on the same page in the next few weeks when they are ready.

February 2000

DEPARTMENT FOR INTERNATIONAL DEVELOPMENT

The Department for International Development (DFID) is the British government department responsible for promoting development and the reduction of poverty. The government elected in May 1997 increased its commitment to development by strengthening the department and increasing its budget.

The policy of the government was set out in the White Paper on International Development, published in November 1997. The central focus of the policy is a commitment to the internationally agreed target to halve the proportion of people living in extreme poverty by 2015, together with the associated targets including basic health care provision and universal access to primary education by the same date.

DFID seeks to work in partnership with governments which are committed to the international targets, and seeks to work with business, civil society and the research community to encourage progress which will help reduce poverty. We also work with multilateral institutions including the World Bank, United Nations agencies and the European Commission. The bulk of our assistance is concentrated on the poorest countries in Asia and sub-Saharan Africa.

We are also contributing to poverty elimination and sustainable development in middle income countries, and helping the transition countries in Central and Eastern Europe to try to ensure that the widest number of people benefit from the process of change.

As well as its headquarters in London and East Kilbride, DFID has offices in New Delhi, Bangkok, Nairobi, Harare, Pretoria, Dhaka, Kathmandu, Suva and Bridgetown. In other parts of the world, DFID works through staff based in British embassies and high commissions.

Department for International Development

February 2000

This paper is one of a set designed to spell out the action needed to achieve the agreed targets for international development that could transform the lives of hundreds of millions of poor people and make the planet a better and safer place for our children and grandchildren.

Over the past ten years or so, there has been a series of great international summits held by the United Nations and its specialised agencies, at which the entire UN membership has discussed the need for greater progress in poverty reduction and sustainable development. These summits have set numerous targets for measuring that progress. These have been accepted by the full UN membership.

In the past, targets have often been set and then disregarded. Some were over-ambitious. Some did not command the full support needed to achieve them. This time however the international community is giving them greater weight. In 1996 the countries of the Organisation for Economic Co-operation and Development (OECD), which includes all the main Western donor countries, committed themselves to a partnership with developing and transition countries, the success of which would be measured against key targets from the UN summits. In 1997, the new UK Government made them the centrepiece of its White Paper on International Development. More recently the World Bank and International Monetary Fund (IMF) agreed to co-ordinate their development efforts behind the targets. The purpose of the present paper and of the others in the set is to assess the challenge presented by each of these key targets, to lay out the international strategy required for achieving it, and to set out what the UK Government will do to contribute towards this international effort.

In each case, as the White Paper recognised, neither the UK, nor any other individual donor country, can achieve the targets alone. The targets are difficult, some particularly so. But if we can work together and therefore increase the effectiveness of the international community to achieve real progress, our assessment is that these targets are achievable for developing and transition countries as a group by, or in some cases soon after, the relevant date, even though they may not be achieved in each country individually. It is clear that each developing country must lead the effort otherwise

the targets cannot be achieved. The international community must provide support for the governments committed to the reform necessary to achieve the poverty eradication target. If national governments lack this commitment then civil society must press them to take action as without a local lead progress cannot be achieved. In all cases countries should be able to achieve very considerable progress towards the targets by the due date.

Targets need to be used in an intelligent way. They cannot capture the full richness and complexity of the process of individual and collective transformation that makes for sustainable development. Individual countries can and should select and debate in the normal democratic process their own measures of achievement. But regular public assessment of how developing and transition countries as a group and region by region are performing against a simple and intelligible standard is essential in order to move to output rather than input driven development assistance. It will highlight areas of comparative success and failure, provide a form of accountability to people everywhere for the effort being put into development, and give energy to the process of broadening to everyone basic life opportunities that should be available to all.

Targets also need to be grounded in reality. Much work is needed to improve the collection of reliable and comparable data, and to strengthen local statistical capacity. We should not underestimate the value of good statistics. The political debate in Britain was strongly affected by the surveys carried out in the 19th and early 20th centuries which documented the reality of grinding poverty in our own society. A similar effort of political will is needed in many developing and transition countries if they are to give sufficient emphasis to the needs of their own poor people, and better quality and more accessible information on standards of living is likely to be one essential element in achieving that will.

Respect for, and commitment to, the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights is a constant theme throughout our work. The concern of this paper is about the human rights of poor people in poorer countries of the world. The central message of the paper is that none of the International Development

Targets can be achieved on behalf of poor people without their engagement in the decisions and processes which affect their lives. Human rights are a central part of work to achieve the International Development Targets because they provide a means of empowering all people to make effective decisions about their own lives. The paper concentrates on three strategic aims – participation, inclusion and obligation – which are central to the realisation of all human rights and, consequently, to the achievement of the International Development Targets.

These papers do not seek to set out the detailed activities which we will undertake in the pursuit of the various targets. These will follow as we continue to discuss, country by country and institution by institution, how we should work with our partners in poor countries and in the international community. Much work is already in place to this end, and we will continue to consult on and to publish our proposals in detail, in the form of Country and Institutional Strategy Papers. Our bilateral programmes have been extensively reshaped in the light of the White Paper. We and other donors are working to encourage the multilateral development institutions in the same direction. For example, the policy framework agreed during the latest replenishment of the International Development Association (IDA-12) – the concessional lending arm of the World Bank – ensures that IDA activities will revolve around the objective of poverty reduction in the context of the International Development Targets. Furthermore, the enhanced Heavily Indebted Poor Countries Debt Initiative agreed at the Annual Meetings of the IMF and World Bank in September 1999 will deliver faster, deeper and broader debt relief to countries committed to eradicating poverty, releasing resources for programmes to help the poor.

It is also important that the processes of ‘globalisation’, ie. the growth of international trade, investment and travel and rising international flows of knowledge and information, provide an effective and sustainable basis for achieving equitable growth, poverty reduction and the International Development Targets. The Government will continue to press for an agenda for the next World Trade Organisation (WTO) round of trade negotiations which fulfills the needs of developing countries, and for the wider provision of trade-related technical assistance to enable the poor in developing countries to benefit fully from the world trade system.

Against this background, the papers set out an overall approach and strategy for our own involvement which is designed to be clear, focused and realistic. Each reflects a process of consultation in the United Kingdom and overseas. I hope that you will find this paper and its companions a valuable statement of how the United Kingdom, will seek to use UK influence to make a reality of the targets to which we and the rest of the United Nations membership are committed. We stand ready to be judged against our delivery of this strategy. The whole development community – people, civil society organisations, governments, international agencies – can and should be judged against our collective delivery of the targets themselves.

Clare Short

**Secretary of State for
International Development**

This paper presents a strategy for the achievement of human rights and fundamental freedoms for poor people. The central message of the paper is that none of the International Development Targets (IDTs) are achievable on behalf of poor people without *their* engagement in development processes. The human rights approach to development means empowering people to take their own decisions about their own lives, rather than being the passive objects of choices made on their behalf. The objective of the DFID Human Rights Strategy is to enable all people to be active citizens with rights, expectations and responsibilities.

Section 1 of the paper explains why the human rights framework is central to the achievement of the IDTs. Human rights define both a set of objectives and provide a tool for enabling citizens to ensure that the values embodied in the Universal Declaration are realised. All DFID's Strategies for Achieving the International Development Targets incorporate this approach.

All people are entitled to all human rights. These rights include economic, social and cultural rights, such as rights to the highest attainable standard of health and education, as well as civil and political rights such as rights to life and liberty. All these rights share the characteristics of indivisibility and universality. Participation, inclusion and obligation are identified as the three operational principles which apply to the achievement of all human rights for all. This strategy paper is concerned with the application of these principles in international development policies and practice.

Section 2 describes the international human rights framework. It identifies the key challenge as translating human rights agreements into practical action through the integration of human rights into development. It reviews the current situation and problems relating to achieving people's empowerment to take control of their lives, in tackling social exclusion and discrimination, and in protecting them from violence and injustice. It notes the absence of quantitative data and briefly summarises some of the key issues.

Section 3 considers recent experience in efforts to improve the human rights situation of poor people and identifies some key lessons learnt by the international community in seeking to promote human rights. It notes the large gap between the aspirations of the Universal Declaration of Human Rights and the reality of the lives of many people in poorer countries. The paper notes the significance of progressive realisation of rights and the importance of target-setting in countries where government budgets are severely limited. This section also considers the responsibilities of non-state parties, including the private sector, and describes experience with efforts to enhance poor people's participation in holding states accountable. It notes that the international community's promotion of human rights requires an understanding of the challenges facing governments in poorer countries.

The second part of this section considers the current strengths and limitations of the international community in promoting poor people's human rights and finds that the trend is positive.

Section 4 identifies what is required from the international community to ensure that development enables all people to be active citizens with rights, expectations and responsibilities. At the local level it means empowerment of the poor to ensure greater participation in decision-making processes and increased capacity to claim their rights. At the national level it requires reform of legal frameworks, policies and service delivery to protect and promote human rights and to respond to the needs, interests and rights of all. Internationally, there must be a commitment to making a reality of the human rights framework, with a particular focus on the rights of poor and excluded people. This section identifies very broadly the roles and responsibilities of the key actors at international, national and local level to meet this challenge.

Section 5 is concerned with priorities for DFID in supporting this agenda. Overall, we shall give priority to linking poor people's perspectives with national and international policy processes. We shall do this within a strategic framework of integrating the human rights approach into development based on three cross-cutting principles:

- **Participation:** enabling people to claim their human rights through the promotion of the rights of all citizens to participation in, and access to information relating to, the decision-making processes which affect their lives.
- **Inclusion:** building socially inclusive societies through development which promotes all human rights for all people.

- **Obligation:** strengthening state policies and institutions to ensure that obligations to protect and promote all human rights are fulfilled.

We identify the specific actions we propose to take now within this strategic framework, as members of the international community, and as partners of national governments and national and international civil society.

Section 6 considers how to measure progress against our priority objectives and looks at the various means available at the international and national levels, including the treaty monitoring bodies, national statistical institutions and participatory human rights assessments.

STRATEGIES FOR ACHIEVING THE INTERNATIONAL DEVELOPMENT TARGETS: HUMAN RIGHTS FOR POOR PEOPLE (CONSULTATION DOCUMENT)

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1.1 The UK's policy on international development is based on a commitment to an internationally agreed set of development goals and time-bound targets. The primary function of this International Development Strategy is to mobilise the international community around the vision of the eventual elimination of extreme poverty. The International Development Targets (IDTs) are indicators which provide a measure of progress towards the goal of poverty elimination. These targets cannot be achieved on behalf of people or without their engagement in the decisions and processes which affect their lives.

1.2 Human rights are a central part of work to achieve the IDTs. They provide a means of empowering all people to make decisions about their own lives rather than being the passive objects of choices made on their behalf. This paper

sets out the practical ways in which the human rights framework contributes to the achievement of the objective of enabling all people to be active citizens with rights, expectations and responsibilities.

1.3 The human rights framework is built on the principle that all human rights are for all people. The Universal Declaration of Human Rights (UDHR), and subsequent instruments, set out those human rights which have been internationally agreed under the auspices of the United Nations. These rights include economic, social and cultural rights, such as rights to the highest attainable standard of health and education, as well as civil and political rights such as rights to life and liberty. All these rights share the characteristics of indivisibility and universality.

BOX 1: THE INTERNATIONAL DEVELOPMENT TARGETS ARE DESIGNED TO PROVIDE MILESTONES AGAINST WHICH PROGRESS TOWARDS THE GOAL OF POVERTY ELIMINATION CAN BE MEASURED.

Economic Well-being

- a reduction by one-half in the proportion of people living in extreme poverty by 2015.

Human Development

- universal primary education in all countries by 2015.
- demonstrated progress towards gender equality and the empowerment of women by eliminating gender disparity in primary and secondary education by 2005.
- a reduction by two-thirds in the mortality rates for infants and children under age five and a reduction by three-quarters in maternal mortality, all by 2015.
- access through the primary health-care system to reproductive health services for all individuals of appropriate ages as soon as possible and no later than the year 2015.

Environmental Sustainability and Regeneration

- the implementation of national strategies for sustainable development in all countries by 2005, so as to ensure that current trends in the loss of environmental resources are effectively reversed at both global and national levels by 2015.

While not amenable to quantification, there is a range of qualitative elements of development that are essential to the attainment of the quantitative targets. These include democratic accountability, the protection of human rights and the rule of law.

BOX 2: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

Internationally agreed human rights provide a common set of principles for tackling the many facets of poverty and inequality. The human rights set out in the UDHR and international legal instruments include:

- the rights to life and liberty
- the rights to a standard of living adequate for health and well-being of the individual and his/her family, including food, water and housing, and the right to continuous improvements of living conditions
- the right to social protection in times of need
- the right to freedom from discrimination
- the right to the highest attainable standard of physical and mental health
- the right to work and to just and favourable conditions of work
- the rights to privacy and family life
- the right to education and access to information
- freedoms of religion, opinion, speech and expression
- freedom of association
- the right to participate in political process
- the right to participate in cultural life
- freedom from slavery and servitude
- the rights to be free from arbitrary arrest or imprisonment, and to a fair trial freedom from torture and from cruel, inhuman or degrading treatment or punishment
- the right of civilians to be protected in times of armed conflict
- the right of international protection from persecution

1.4 Human rights are indivisible because the violation of one right will often affect the respect of several other rights. Access to education, for example, affects employment opportunities as well as use of information, public voice in decision-making processes, vulnerability to violence and access to justice. The realisation of civil and political rights is interdependent with the achievement of economic, social and cultural rights. All rights are equally important as a means of ensuring that all people can live a life of freedom and dignity.

1.5 Universality means that all people have the right to claim agreed economic, social and cultural, civil and political entitlements. Universality also means that all people have equal rights. In practice, it is often particular groups of people who cannot claim their rights in different areas of their lives. Policies and practices of governments, civil society and the private sector may discriminate on the basis of class, gender, age, ethnicity, disability or other social

status. The consequent inequities in education, health, employment, income and political representation perpetuate the powerlessness of the excluded. High levels of inequality generate social division, constrain sustainable development and are the most common cause of violent civil conflict.

1.6 The UN framework of all human rights for all provides a powerful lever for promoting policy change because the treaties, customs, declarations, guidelines and principles that define these rights are legally, politically and morally binding on states. The fact that human rights are enshrined in international legal instruments and consensus documents means that concerns, when conceived of as rights, are elevated from the realm of promises, to a level of entitlement requiring national and international response.

1.7 Human rights instruments set out the internationally agreed responsibilities, or duties, of states, to protect, promote and fulfill the rights of all citizens. The fulfillment

of these duties is monitored by the Treaty Monitoring Bodies that are serviced by the Office of the High Commissioner for Human Rights (OHCHR) and, in the case of core labour standards, by the International Labour Organisation (ILO). As members of the UN, states have also undertaken to take joint and separate action to promote human rights globally. Furthermore, Article 28 of the Universal Declaration states that everyone is entitled to a social and international order so that their rights can be realised.

1.8 The counterpart of states' obligations is the right of all people to make particular claims on governments. All people have a right to demand that governments fulfill their duties to respect, protect and promote economic, social and cultural, civil and political rights. The fact that these obligations are internationally agreed and monitored creates powerful political, legal and moral channels that citizens can call on to hold their governments to account. The human rights framework of agreements and institutions provides a means of globalising accountability. It links the local with national and international mechanisms. Article 29 of the Universal Declaration makes clear that human rights are not just a matter of citizen-state relations. Everyone has a duty to the community.

1.9 Human rights define both a set of objectives and provide a tool for enabling citizens to ensure that the values embodied in the Universal Declaration are realised. All DFID's Strategies for Achieving the International

Development Targets describe the way in which we can make greater progress to achieve human rights for all. The other papers in this series set out the strategies for pro-poor economic growth, efficient government, service provision and sound management of the environment which are necessary to ensure that all countries are able to substantively meet the rights and needs of all citizens.

1.10 The human rights approach to development can be used as a means of empowering all people to claim their rights to the opportunities and services made available through pro-poor development. There are three underlying principles, integral to the realisation of all human rights and the achievement of the IDTs:

- **Participation:** enabling people to claim their human rights through the promotion of the rights of all citizens to participation in, and information relating to, the decision-making processes which affect their lives.
- **Inclusion:** building socially inclusive societies through development which promotes all human rights for all people and encourages everyone to fulfill their duty to the community.
- **Obligation:** strengthening state policies and institutions to ensure that obligations to protect and promote all human rights are fulfilled.

HUMAN RIGHTS

2.1 This section describes the international human rights framework. The key challenge is to translate human rights agreements into practical action through the integration of human rights into development.

2.2 Human rights are commonly understood as being those rights which are inherent to the human being. Human rights are legally guaranteed by human rights law, which consists of the treaties and customs as well as declarations, guidelines and principles that have been agreed under the auspices of the United Nations since 1945. A treaty is an agreement by states to be bound by particular rules. General principles of human rights law, to which most states would agree, are often stated in declarations, proclamations, standard rules, guidelines, recommendations and principles. These documents include the Declarations and the Programmes of Action agreed at major UN world conferences. While not legally binding on states, they nevertheless represent a broad consensus on the part of the international community and have a strong moral force on the practice of states. The human rights framework provides a basis for both legal measures to promote institutional change and interventions to create consensus around the values and norms they represent.

2.3 UN human rights instruments have been developed on the basis of international government and civil society debate and agreement. The increasing openness of the UN system to civil society perspectives means that human rights law responds to the views, interests and needs of many different groups of people around the world. The UN human rights institutions continue to evolve and this is reflected in the development of agendas within human rights law, such as agreements on standards and guidelines in relation to reproductive rights and issues of child labour. The interpretation and application of these instruments change and develop over time and are subject to political controversy and debate, globally and within countries, communities and families.

2.4 The end of the Cold War has removed many of the ideological barriers to governments' acceptance of the human rights principles of the interdependence of all rights and the equality of all people. Every country in the world has ratified at least one of the six principal UN human rights treaties. Ratification of a convention means that the State has committed itself legally to doing everything within its capacities to meet a variety of human rights standards. Few governments, however, have taken these obligations sufficiently seriously. This has meant that although globalisation has increased the opportunities and resources available, existing institutions, practices and social values have prevented equal access to all to these benefits.

BOX 3: THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK

The UDHR was the starting point for the development of legally binding international human rights treaties. The consequent International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) came into force in 1976. Currently there are some 140 States Parties to the ICCPR and 137 to the ICESCR. In addition to the two covenants, there are four core thematic human rights treaties: The Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. There are a number of other UN instruments setting accepted human rights standards in particular areas, e.g. aspects of the treatment of prisoners, rights of persons belonging to minorities, right to development, and the ILO Conventions on workers' rights.

BOX 4: REGIONAL HUMAN RIGHTS CHARTERS

Regional human rights charters are based on the principles of the UDHR and other conventions. They provide a means of bringing international law and standards closer to people in different parts of the world. Regional charters include the African Charter on Human and Peoples' Rights, the American Convention on Human Rights and the European Convention on Human Rights.

The African Charter on Human and Peoples' Rights was adopted by the Organisation of African Unity (OAU) in 1981 and entered into force in 1986. It is a legally binding treaty to which, by August 1997, there were 51 State Parties. It contains civil, political, economic, social and cultural rights. It also includes various peoples' rights, such as the right to a healthy environment, which are not reflected in other international or legally binding instruments. Implementation of the African Charter is supervised by the African Commission on Human and Peoples' Rights which was established in November 1987. An African Court of Human Rights has yet to be established.

The American Convention on Human Rights was adopted by the Organisation of American States (OAS) in 1969 and has been ratified by 25 countries. The Inter-American Commission on Human Rights, one of the principal organs of the OAS, reviews complaints and communications relating to the Convention. Governments and the Inter-American Commission may submit cases to the Inter-American Court of Human Rights. The European Convention on Human Rights was adopted on 4 November 1950. The Human Rights Act of 1998 committed the UK Government to incorporate the Convention into domestic law. Asia does not currently have either a regional charter or a court of human rights.

THE PRESENT POSITION

2.5 This section reviews the current situation and barriers to people's empowerment, to tackling social exclusion and discrimination, and to states meeting their obligations to the realisation of all human rights for all.

PARTICIPATION

2.6 The concept of participation has been widely used to mean participation in the community or in development projects. Participatory methods have been used to ascertain local-level needs and priorities. These findings, however, have not always been fed into state policy and budget formulation processes. Formal political processes provide one means of enabling citizens to have some say in the policies of their country. An increasing number of countries have adopted the mechanisms of democratic political

participation – voting, political parties and lobbying. Even where they operate in a relatively free and fair manner, however, experience suggests that these mechanisms are not sufficient to empower poor people. One of the key findings from the World Bank's series of consultations with the poor is that many people in developing countries, including those with democratically elected governments, consider themselves to be powerless and lacking influence over the key decisions which affect their lives¹.

2.7 Participatory studies indicate that people are not only concerned with having a say in decision-making processes. A series of public debates about human rights and poverty, held in South Africa in 1998, indicated that people wanted much more information about the decisions that had been made at national and local levels as well as more feed-back on the activities of political representatives and government workers².

¹ Global Synthesis. Consultations with the Poor. World Bank 1999

² Poverty and Human Rights. National Speak Out on Poverty Hearings, March to June 1998.

BOX 5: PARTICIPATION AND THE HUMAN RIGHTS FRAMEWORK

Participation is central to enabling people to claim all their human rights. The key challenge is to ensure that actions to increase citizens' participation in decision-making processes empower the poor and not just local elites. The UDHR defines people's rights to take part in formal political processes (UHDR 21). Article 20 affirms the right to freedom of association and Article 23 includes the right to form and join trade unions. Both the Copenhagen and Beijing declarations emphasise the importance of promoting the participation of excluded people in governmental processes and bodies. Rights to participation are linked to information rights. Article 19 of the UDHR defines the right to freedom of opinion and expression. This right includes the right to receive and impart information and ideas through any media regardless of frontiers.

2.8 A free press and media are important for ensuring access to information about the activities of government and non-government organisations at both local and national levels. A free press can be central to famine prevention³. Poverty and social exclusion both tend to accompany limited access to media and information. Illiteracy, language barriers, physical remoteness, poor transport and social isolation can all create communication difficulties even where the press is free.

2.9 As the World Bank's series of consultations with the poor indicates, many people in developing countries are concerned with issues of corruption among government officials at both local and national levels. Access to information enables citizens to monitor the actions of government workers and guard against corruption.

BOX 6: CORRUPTION AND THE RIGHT TO INFORMATION

The Mazdoor Kisan Shakti Sangathan (MKSS), or Association for the Empowerment of Workers and Farmers, is a civil society movement which grew in response to evidence of local government corruption in the north Indian state of Rajasthan. The group promotes the idea that citizens have a right both to know how they are governed and to participate actively in the process of auditing their representatives. Work with poorer sections of society in the early nineties highlighted the role of government corruption in keeping wages low when it became clear that local authorities were billing central and state governments for higher amounts than were being paid to workers. Their work also showed that goods delivered through the Public Distribution System, designed to provide subsidised essentials for poor people, were being diverted and sold on the open market. In response to these findings, MKSS developed a method of collective 'social audit' to analyse official information. In a series of 'public hearings', local people have been invited to give testimony which highlights discrepancies between the official record and their own experiences as labourers on public-works projects, applicants for the means-tested anti-poverty schemes or consumers in ration shops⁴.

³ Dreze and Sen. *Hunger and Public Action*. Oxford University Press

⁴ Jenkins and Goetz. *Accounts and Accountability. Theoretical Implications of the Right-to-Information Movement in India*. 1999

2.10 Civil society action provides a pivotal means of putting pressure on governing organisations to act in accordance with agreed human rights principles and obligations. Groups in civil society can facilitate links between government and communities and increase the involvement of excluded people. Civil society may also possess critical ground-level information on human rights violations and the causes and dynamics of conflicts, as well as traditional tools which can be used to promote human rights and support conflict resolution. Civil society action can also play an important role in early warning and in promoting inter-community dialogue. A desire by civil society to protect or improve their environment can often be a catalyst to efforts to enhance participation by poor people in decision-making. Civil society provides an important link between local, national and international levels. International civil society has until recently been unfocused on work to promote economic, social and cultural rights of poor people. There are some important exceptions to this observation. Some lobbying groups and civil society organisations promote division, represent the interest of elites or misrepresent the interests of the poor. Overall, however, both the international advocacy work and grass-roots education and empowerment efforts of civil society have been skewed in favour of civil and political rights. Their lack of attention to the interdependence of all human rights represents an important missed opportunity.

2.11 The right to freedom of association is central for achieving just and fair conditions at work. A 1999 survey by the International Confederation of Free Trade Unions (ICFTU)⁵ shows that 123 trade unionists were murdered in 1998, 1,650 individuals were attacked or injured, 3,660 were arrested, and over 21,000 were sacked for trade union activities. The survey cites a record number of 119 countries where either the right to organise is still formally denied or informally abused. The great majority of poor women and men working in the informal sector in developing countries are only just beginning to learn to organise themselves and defend their rights at work – very often through grass-roots and community-based organisations.

INCLUSION

2.12 Social exclusion, which results in poverty and undermines development can be understood as those processes that deprive people of their rights. Political commitment to the principle of the universality of all rights provides a basis for the development of socially inclusive societies.

BOX 7: INCLUSION AND THE HUMAN RIGHTS FRAMEWORK

A socially inclusive society is one in which all people are able to claim all their rights. The principle of equality of all rights for all people forms the basis of the definition of social inclusion agreed at the 1995 Social Development Summit in Copenhagen. This definition is based on the first and second articles of the UDHR, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Right to Development defines the right of all people to inclusion in economic, social, cultural and political development.

⁵ 1999 ICFTU Annual Survey of Violations of Trade Union Rights

2.13 It is often particular groups within societies which suffer from multiple deprivation of rights. Work to understand issues of gender inequality provides insight into the causes of discrimination more generally. Discrimination may be the product of legal inequalities in status and entitlements. Discrimination also occurs where the needs and rights of particular people are not recognised in policies or provided for through budgetary allocations. Social values and norms may result in discriminatory practices in the implementation of policies, as well as in people's relationships within households and communities. In many countries, people receive differential treatment from government officials because of their class, religious identity, ethnicity or skin colour.

2.14 In cases such as the Roma in Eastern Europe, exclusion has led in the recent past to denial of citizenship rights because they are seen by the majority as 'undesirable'. In its most extreme form racism, and discrimination on the basis of ethnicity, have led to conflict and genocide. Addressing the rights of the excluded is central to the prevention of conflict and the promotion of socially inclusive societies in which all people can live lives of freedom and security.

2.15 Tackling violence against women is essential to ensure that women and girls are able to realise their human rights. Gender-based violence is one of the greatest barriers worldwide to women's participation in social, economic and political life. The 1993 Vienna Conference on Human Rights broke new ground by recognising that violence against women is a human rights violation and must be addressed as such. In 1993 the UN adopted the declaration on the Elimination of Violence Against Women which recognised that violence by private actors is a human rights violation.

OBLIGATION

2.16 Where economic, social and cultural rights are not constitutionally protected or recognised in the policies and practices of service providers, people are unable to claim entitlements to their rights, even where resources are available. Legislation, however, is not sufficient. Constitutional commitments often remain as abstract principles because governments fail to address their obligations through budget and policy formulation processes which allocate resources to particular sectors and define the levels and standards of provision that all citizens can expect. At the local level, people need a clear understanding of what particular rights mean in terms of concrete entitlements in order to be able to claim them.

BOX 8: OBLIGATION AND THE HUMAN RIGHTS FRAMEWORK

States have obligations to respect, protect, promote and fulfill human rights. International and national human rights institutions provide channels for monitoring violations of human rights. Legal action provides another channel for ensuring citizens are protected. The UDHR defines individuals' rights to equality before the law, to protection from arbitrary arrest, detention and exile and to a fair and public hearing by an independent tribunal (UDHR, 8,9,10,11). States' obligations, however, also require positive action to promote human rights. Clear performance standards, civil society action and political mechanisms are central to ensuring the accountability of the state for its obligations to promote all human rights. States also have international obligations to promote human rights globally.

2.17 Human rights institutions provide a means of influencing government to promote rights more vigorously and to address rights violations where they occur. Their capacity to do this varies according to the type of institution, its powers of enforcement, levels of resourcing and the degree of independence from government. Human rights institutions also provide a means of enabling poor people to access international law and institutions and therefore hold their government to account. To date, however, such institutions have tended to concentrate on civil and political rights and give less emphasis to all the human rights of poor people.

2.18 As noted, in practice there is a greater recognition of the need for promotion of civil and political rights than economic and social rights. In many countries national legal frameworks do not include economic and social rights. In some countries the right to education is not included in the constitution.

2.19 Protecting and promoting human rights during violent conflict is one of the most difficult challenges for the international community. The nature of violent conflict has changed. Where conflicts used to be 'set-piece' battles

between armies, civilians are now most likely to become war casualties, made homeless or maimed. Most of these are women and children. Also, most armed conflicts are now internal, not international. Sometimes they are 'civil war'; sometimes they are acts of aggression by one party (often states) against the civilian population. The mechanisms to protect civilians are also developing, mostly contained within International Humanitarian Law (IHL). Sometimes, people who flee conflict go to other countries, where they are entitled to international protection. More often, people stay in their own country, although they usually leave their own home at least for a while. Where they flee to neighbouring countries, those countries may need assistance to cope with a large influx of people in desperate conditions.

2.20 As the international community recognises that the human rights of civilians are violated in conflict, distinctions between International Humanitarian Law, Human Rights Law and refugee law are blurring. UN agencies such as the Office of the High Commissioner for Human Rights and the UN High Commission for Refugees are having to develop their strategies in this respect.