

**High Level Event of the General Assembly
“Contributions of Human Rights and the Rule of Law
in the post-2015 Development Agenda”**

9 to 10 June 2014

Background

In the 2012 Declaration of the High-Level meeting of the General Assembly on the rule of law at the national and international levels, world leaders acknowledged “that the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law.” They further stated that “for this reason we are convinced that this interrelationship should be considered in the post-2015 international development agenda.”

In addition the 2010 review of the Millennium Development Goals (MDGs), entitled “Keeping the promise: united to achieve the Millennium Development Goals”, identified a number of factors, related to the rule of law and the observance of human rights which, together with political will at all levels, had contributed to reaching success in the implementation of the MDGs.

More recently, in the Outcome document of the Special Event to follow-up on efforts made towards achieving the Millennium Development Goals held on September 25th, leaders have underlined the need for a coherent approach to the elaboration of the post-2015 development agenda that integrates in a balanced manner the three dimensions of sustainable development. This approach should also promote peace and security, democratic governance, the rule of law, gender equality and human rights for all.

As a complement to the work of the Open Working Group on Sustainable Development Goals and building upon the aforementioned consensually agreed political outcomes, the President of the General Assembly will convene a high-level event to further address the contributions of human rights and the rule of law in the post-2015 development agenda.

Objective

The high-level event will examine how human rights, including the right to development, and the rule of law at the national and international levels, can support an inclusive, people centered development agenda.

To this end, the event will provide an opportunity for participants to:

1. Exchange experiences and lessons learned regarding the treatment of human rights and the rule of law in a development context including for the achievement of the Millennium Development Goals;

2. Identify gaps and challenges in this regard that will require further attention and support in a post 2015 development agenda;
3. Identify resources and capacities necessary to foster a universal approach promoting freedom from want and freedom from fear;

Format and Outcome

The high-level event will take place 9 to 10 June 2014 in New York. In accordance with the letter of the President of the General Assembly to Member States dated on December 5th, 2013, it will consist of an opening plenary, interactive, multi-stakeholder panel discussions and a closing plenary. A President's summary will be issued at its conclusion and will subsequently be made available to the Open Working Group on Sustainable Development Goals and the Intergovernmental Committee of Experts on Sustainable Development Financing for their consideration, as applicable.

Participants

Member States are invited to participate at the ministerial level and to express to the President of the General Assembly their interest in co-chairing an interactive panel discussion.

Representatives of United Nations agencies and of civil society, major groups and other relevant stakeholders will also be invited to attend.

Invitations to this high-level event, as well as the program and the details on the issues to be addressed during the plenary and the panel discussions will be sent at a later stage.

Background Note

The President of the General Assembly's High-level event on the Contributions of Human Rights and the Rule of Law in the Post 2015 Development Agenda

9-10 June 2014

Background

1. Human rights, the rule of law and the quest for sustainable development are inextricably linked. In his 2013 report on the Millennium Development Goals (MDGs) to the General Assembly, "A Life of Dignity for All", the Secretary-General built on the findings of the national, regional and global consultations, highlighting that "Lasting peace and sustainable development cannot be fully realized without respect for human rights and the rule of law."¹ In the Declaration adopted at the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels in September 2012, Member States reaffirmed that "the advancement of the rule of law [...] is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realisation of all human rights and fundamental freedoms including the right to development, all of which in turn reinforce the rule of law."² Furthermore, within outcomes specific to the development agenda namely, the 2000 Millennium Declaration³, the 2010 MDGs Review Summit⁴, and the 2012 Rio + 20 Outcome⁵, the centrality of human rights and the rule of law as well as the need for the development agenda to be consistent with international law, have consistently been re-affirmed. Still it is widely acknowledged amongst stakeholders that these political affirmations have not been translated effectively into the international development agenda.

2. In the outcome document of the General Assembly's Special Event to follow-up on efforts made towards achieving the Millennium Development Goals, Member States have agreed that the post-2015 development agenda shall be inclusive, people-centred with goals that are universal in nature and applicable to all countries, and that it should promote rule of law and human rights for all.⁶ Many consider that in defining this agenda the international community has an opportunity to address the weaknesses of the Millennium Development Goals with some specifically advocating that human rights and the rule of law cannot be ignored in the post-2015 development goals.

¹ A/68/202.

² A/RES/67/1.

³ A/RES/55/2.

⁴ A/RES/65/1.

⁵ A/RES/66/288.

⁶ A/RES/68/6.

Context

3. Several options have been advanced for the integration of human rights into the new development agenda. The UN Global Compact and the Sustainable Development Solutions Network have called for a specific goal on human rights⁷. Alternately, the Secretary-General's High Level Panel ("A New Global Partnership") and many others have suggested aligning all goals with existing human rights standards and principles. The Panel itself called for a transformative agenda, based on non-discrimination, that would ensure "... no person – regardless of ethnicity, gender, geography, disability, race or other status – is denied universal human rights and basic economic opportunities." It further recommended designing goals focused on reaching excluded groups, "for example by making sure we track progress at all levels of income, and by providing social protection to help people build resilience to life's uncertainties".

4. Likewise, the United Nations Development Group's September 2013, "A Million Voices: The World We Want" report on global consultations on the post-2015 development agenda emphasised that: "[p]eople demand that this new agenda be built on human rights, and universal values of equality, justice and security". People call for the new development agenda to be inspired by the vision of human rights, including the right to development. They also emphasise that human rights norms and standards can, and must, guide the choice and formulation of goals, targets and indicators and underpin each sectoral issue, as well as the implementation and accountability framework. Their expectation is thus that human rights not be confined to a narrative or preamble, or quarantined into a separate, stand-alone goal, but that human rights be mainstreamed throughout the entire agenda.

5. Common to all options is the attention paid to the need for the new agenda to have a balanced and universal approach that reflects not only freedom from want but also freedom from fear. At the same time, there is particular emphasis on the right to equality and non-discrimination. Various stakeholders have highlighted that despite development gains achieved within the framework of the Millennium Development Goals, some groups have been marginalised including amongst others persons with disabilities. It has been made clear that in order to ensure that no one is left behind, the agenda should aim for the elimination of all forms of discrimination, as well as of structural impediments such as unequal power relations, unequal resources and systemic biases that perpetuate gender and other inequalities, and that entrench marginalisation. Some stakeholders have further recommended that the agenda should address discriminatory social norms at local, community and national levels that impact the capacity of persons to overcome poverty and marginalisation. It should furthermore ensure all stakeholders, including marginalised, disempowered and excluded groups, have a say in developing the new agenda, in the setting of priorities and in holding decision-makers accountable to achieve those priorities. In addition, it has been stressed that integrating human rights in policy and decision-making on the environment can further advance the achievement of environmental objectives, as well as support progress in the social and economic dimensions of sustainable development. The conversation has also focused on how accountability for achieving post-2015 goals could be strengthened at global, regional, national and sub-national levels, including with respect to the private sector. Finally, member states and civil society alike have stressed the need for the new agenda to promote reform of global governance in the areas of trade, finance,

⁷ *Corporate Sustainability and the United Nations Post-2015 Development Agenda*, June 2013; *An Action Agenda for Sustainable Development*, July 2013.

investment, intellectual property, climate and other regimes to ensure that the international rules and policies are consistent with, and do not undercut, the minimum standards set by human rights, including the right to development.

6. In regard to the rule of law, there is international consensus that rule of law is critical to sustainable development not only as an essential condition thereof but also as a development outcome in its own right. There is moreover a general acknowledgment that its integration into the post-2015 development agenda can advance inclusive economic growth, reduce inequalities and build well-functioning institutions that ensure participation and the delivery of services, including providing access to justice for all, especially the poor and most vulnerable. In this way, the rule of law, poverty eradication and sustainable development have a mutually reinforcing relationship. There are growing calls amongst stakeholders for rule of law targets to be integrated into the post-2015 development agenda and for a stand alone goal on governance and the rule of law.

7. At both national and international levels, the rule of law supports good governance and accountability. Internationally, the rule of law applies to all States equally, and to international organizations, including the United Nations and its principal organs. In this regard, respect for and promotion of the rule of law accords predictability and legitimacy to State actions, and reinforces the principle of the equality of States. Nationally, it guarantees that all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws, and that all are entitled without any discrimination to equal protection of the law as well as to timely, just, fair and equitable remedies. Such accountability supports good governance, serves as an antidote to corruption and builds trust and confidence in institutions, whether in the public or private sectors. The rule of law is especially important to ensure that natural resources are managed sustainably and for shared prosperity in this area.

8. The rule of law also provides pathways for poverty reduction. Fair, stable, predictable and gender-sensitive legal frameworks generate inclusive, sustainable and equitable development, economic growth and employment, foster investment and incentivize entrepreneurship. They also assure transparency, predictability and accountability in business transactions. Similarly, the protection of land, property and other resource use rights; enforcement of contracts; regulation of labour and protection of labour rights; enhancing opportunities for decent employment; providing protection for small and medium-sized enterprises; and enforcing fair trade rules and equal access to markets and extension of social protection floors, can support inclusive economic growth.

9. Like human rights, the rule of law is an important tool to address inequalities and empower people and in so doing promote and deepen inclusive growth. An estimated four billion people live outside the protection of the law and those that live at or below the poverty line face institutional, legal and administrative barriers that limit their participation in society on equal terms⁸. Women and girls, for example, often face particular challenges in accessing legal and judicial protection. Access to justice is thus critical as is an independent judiciary and conferral of legal identity. Access will allow women and girls, as well as marginalised communities, to fully participate in a nation's development. Ensuring that all people can access expeditious, transparent, effective, fair, responsive, participatory and accountable justice systems (including informal or customary systems of justice) allows for

⁸ Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*. Volume I, 2008, United Nations, New York, p. 61.

the peaceful resolution of disputes and provides effective remedies for grievances and claims in a fair and independent manner. This provides the social stability conducive to sustainable development. At the same time, the independence of the judicial system, together with its impartiality and integrity, is an essential prerequisite for upholding the rule of law. Moreover, legal identity is required for legal protection and in many cases, access to basic services and participation in public life.

10. Finally, with the acknowledgement that there can be no development without peace, and no peace without development, the rule of law is an essential condition for peaceful and stable societies. It is critical to reducing violence, particularly against women and girls, ensuring accountability, and addressing challenges, such as transnational organized crime, trafficking in persons and illicit drugs, and illicit financial flows that flourish in the absence of effective justice systems and law enforcement. It is also critical to ensure that impunity is not tolerated for serious abuses of human rights. These can directly impact or otherwise undermine sustainable development. Providing strengthened international cooperation based on the principles of shared responsibility and in accordance with international law, together with effective and accountable law enforcement and justice institutions, can break cycles of violence and conflict and therefore underpin peace and sustainable development.

Objectives of the high-level event

11. The main objective of the high-level event is to provide a platform for Member States, UN agencies, civil society, major groups and other stakeholders to examine *how* human rights and rule of law have been applied at national and international levels to improve development outcomes and *how* the lessons learned can assist in framing and formulating goals and targets towards a transformational post 2015 development agenda.

Format and outcome of the high-level event

12. The high-level event will consist of a one-day plenary session, inclusive of an opening session on 9 June and two interactive, multi-stakeholder panel discussions followed by a closing session on 10 June. A President's summary of the key messages will be made available following the event.

Plenary

13. Based on the foregoing considerations, the plenary will be guided by the following preliminary questions for discussion:

- **What are the good practices and lessons learned in integrating rule of law and human rights, including civil, political, social, economic and cultural rights, as well as the right to development, in development processes, including for the achievement of the Millennium Development Goals?**
- **How do we translate these lessons into a post 2015 development agenda?**
- **What support is needed to foster a universal approach promoting freedom from want and freedom from fear, based on non-discrimination?**

Panel 1

Topic: “Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development”

14. This panel will examine the relevance of human rights (including the right to development) and rule of law (at the national and international level) for poverty eradication and sustainable development. It will also identify challenges that have been encountered in setting policy and the normative framework for development at the national and international level. The following questions will guide the panel discussion:

1. How has the rule of law and civil, political, social, economic and cultural rights and the right to development been integrated into development policies and programmes to address ‘freedom from want’? How has this impacted on poverty eradication and sustainable development outcomes?
2. How have rule of law and human rights related to administration of justice, public participation and personal security been integrated into national development strategies to address ‘freedom from fear’? How has this impacted on poverty eradication and sustainable development outcomes?
3. How have human rights, including the right to development, and rule of law helped address inequalities and discrimination? How have structural impediments impacted development outcomes?

Panel 2

Topic: “Towards a transformational development agenda: integrating human rights and rule of law in the post 2015 development agenda with a view to improving development outcomes”

15. This panel will build on country experiences and lessons learned in setting development policy and programs to identify good practices and propose options for integrating human rights and the rule of law into the post-2015 development agenda. The following questions will guide the panel discussion:

1. How can human rights, including civil, political, social, economic and cultural rights and the right to development be effectively integrated into the post-2015 development agenda, inclusive of the sustainable development agenda and an effective accountability framework?
2. How can the rule of law most effectively be integrated into the post 2015 development agenda? What are the key targets related to rule of law that support the sustainable development agenda and an effective accountability framework?
3. How can the post-2015 development agenda address the diverse and intersecting inequalities that jeopardize sustainable development prospects – inequalities related to income, gender, age, race/ethnicity, and disabilities, among others?

4. How can human rights, including the right to development, and the rule of law at the national and international levels contribute to a renewed global partnership for sustainable development and promote coherence of trade, financial and investment agreements, and public-private sector partnerships as well as other forms of partnerships with international norms and standards?
5. What resource and capacities should the post-2015 development agenda address in order to enable the integration of human rights and the rule of law? What further support can be provided?

General Assembly High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development

Agenda

*Trusteeship Council Chamber
United Nations Headquarters, New York*

9-10 June 2014

Draft Programme

9 June 2014

Time	<i>Morning</i>
1000 – 1045	Opening Session <ul style="list-style-type: none">• H.E. Mr. John Ashe, <i>President of the General Assembly</i>• H.E. Mr. Ban Ki-moon, <i>United Nations Secretary-General</i>• H.R.H. Crown Princess Mette-Maritt, <i>UNAIDS International Goodwill Ambassador</i>• Mr. Anthony Lake, <i>Executive Director of the United Nations Children’s Fund</i>• H.E. Ms. Navanethem Pillay, <i>United Nations High Commissioner for Human Rights (Video Message)</i>
1045 – 1300	Plenary
	<i>Afternoon</i>
1500 – 1800	Plenary cont’d
1800	Adjournment of Meeting

10 June 2014

Time	<i>Morning</i>
1000 – 1300	<p>Panel Discussion: 1</p> <p>Topic: “Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development”</p> <p><i>Chair/Moderator:</i> Ms. Irene Khan, Director-General, International Development Law Organization</p> <p><i>Keynote Speaker:</i> H.E. Mr. Jan Eliasson, Deputy Secretary-General of the United Nations</p> <p><i>Panellists:</i></p> <p>Honourable Dr. Asha-Rose Migiro, Minister of Justice and Constitutional Affairs, Tanzania</p> <p>Mr. Christoph Strässer, Federal Government Commissioner for Human Rights Policy and Humanitarian Aid, Germany</p> <p>Mr. Martin Kreutner, Dean of the International Anti-Corruption Academy</p> <p>Mr. Nicholas Lusiani, Director – Human Rights in Economic Policy Program, Center for Economic and Social Rights</p> <p><i>Discussant:</i></p> <p>Mr. Thomas Hughes, Executive Director, Article 19</p> <p>Ms. Kinatankara Balasubramanian Pooja Parvati, Wada Na Todo Abhiyan</p>
	<i>Afternoon</i>
1500 – 1730	<p>Panel Discussion: 2</p> <p>Topic: “Towards a transformational development agenda: integrating human rights and rule of law with a view to improving development outcomes”</p>

	<p><i>Chair/Moderator: His Excellency, Mr. Juan Manuel Gómez-Robledo, Vice Minister for Multilateral Affairs and Human Rights of Mexico</i></p> <p><i>Panellists:</i></p> <p>Honourable Mr. Zlatko Lagumdžija, Deputy Chairman of the Council of Ministers and Minister of Foreign Affairs of Bosnia and Herzegovina</p> <p>Ms. Saraswathi Menon, Director, Policy Division – Policy and Programme Bureau, UN-Women</p> <p>Mr. James Goldston, Executive Director, Open Society Justice Initiative</p> <p>Ms. Amal Al Basha, Chairperson, Sisters Arab Forum for Human Rights</p> <p><i>Discussant:</i></p> <p>Ms. Neva Frecheville, Lead Policy Analyst, CAFOD</p>
1730 – 1800	<p>Closing Session</p> <ul style="list-style-type: none"> • Chairs’ Summaries • Remarks by H.E. Mr. John Ashe, <i>President of the General Assembly</i>

Summary of the Key Messages

High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda

9 – 10 June 2014
United Nations Headquarters, New York

Overview

The High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda was held on 9 and 10 June 2014 at the United Nations Headquarters in New York.

The Event's main objective was to provide a platform for Member States, United Nations (UN) agencies, civil society, major groups and other stakeholders to examine how human rights and rule of law have been applied at national and international levels to improve development outcomes and how the lessons learned can assist in framing and formulating goals and targets towards a transformational post 2015 development agenda. A background note and programme for the Event are available on the PGA's website.

The Event featured a plenary debate including 72 speakers, and two panel discussions featuring presentations from Member States, UN agencies, civil society, and academia.

The President of the General Assembly, H.E. Mr. John W. Ashe presided over the opening session of the Event which featured statements by the Secretary-General of the United Nations, H.E. Mr. Ban Ki Moon; HRH Crown Princess Mette-Maritt, UNAIDS International Goodwill Ambassador; Mr. Anthony Lake, Executive Director UNICEF; and H.E. Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights (video message).

The first panel discussion examined the relevance of human rights (including the right to development) and the rule of law (at the national and international level) for poverty eradication and sustainable development. It also sought to identify challenges that had been encountered in setting policy and the normative framework for development at the national and international level.

The second panel discussion focused on good practices and options for integrating human rights and the rule of law into the post-2015 development agenda, building on country experiences and lessons learned in setting development policy and programs.

Overall, there was general agreement that human rights and the rule of law are critical to achieve poverty eradication and sustainable development. Thus it was acknowledged that for our development efforts to succeed, they must address freedom from want and freedom from fear.

Highlights of the Plenary Session

The following messages and themes emerged during the Plenary:

Lessons Learned

1. Participants recalled that the linkages between development, human rights and the rule of law are widely recognized, including in the Millennium Declaration.
2. Significantly, participants acknowledged that human rights and the rule of law were not fully integrated into the Millennium Development Goals (MDGs) despite this recognition. They further observed that for the post-2015 agenda to be transformative, inclusive and people-centered, it will have to be rooted in the principles of non-discrimination, equality, participation and accountability and reflect the range of international standards for civil, political, economic, social and cultural rights. In this connection, they emphasized that equitable and sustainable development requires a socially inclusive and participatory approach with a focus on the most vulnerable and marginalized, including women, children and youth, people with disabilities, minorities, rural populations, indigenous people and migrants.
3. They also highlighted the absence of a strong accountability framework in the MDGs, and suggested that a mechanism to review implementation will be critical in order to build a strong global partnership with mutual accountability for development.
4. Interventions also highlighted the contributions of the rule of law at the national and international levels in enabling investments and inclusive growth, promoting predictability and stability, combatting corruption, illicit exploitation of natural resources and illicit financial flows and crime, and building trust between the State and its citizens, as well as between the State and its development partners. Likewise, many described how transparent and capable institutions, mechanisms for inclusive participation, good governance and democratic accountability can serve

as drivers of peace and stability, equality, well-being and facilitate the sustainable and equitable use of resources. In this way, participants emphasized that human rights and the rule of law should not be considered as a conditionality of development but rather as an enabler of development.

Contributions to Intergovernmental Processes

5. Reflecting upon the exercise of identifying goals for the post-2015 development agenda, some participants pointed out that there is no need for a dedicated goal on human rights, arguing instead that the agenda as a whole including the choice of goals, targets, and indicators should be compliant with human rights and should provide the necessary support particularly for countries with special needs as SIDS, to enable such compliance at all levels.
6. The new agenda will also have to be based on international law and on the rule of law at both the national and international levels. In this regard, the rule of law requires respect for the Charter of the United Nations and principles of international law, including non-selectivity in the application of international law, equitable representation in international organisations and it has to be consistent with internationally agreed human rights.
7. It will also require an effective global partnership with a rules-based and open multilateral trading system as well as the fulfilment of existing commitments on debt relief and financing for development.
8. There were differing views on whether the rule of law should be included as a stand alone goal or integrated across all goals in a cross-cutting manner. Nevertheless, many noted that the strengthening of the rule of law and good governance not only support the process of development but are development outcomes in their own right.
9. Furthermore, while the question of measurability was raised, evidence was shared on how elements of the rule of law are presently being measured at the national and international level and how indicators could be combined for purposes of the post-2015 development agenda.
10. In order to strengthen the rule of law at the national level, national ownership and adaptation to local context were deemed critical while retaining the overall universally agreed foundations. At the international level, some noted the importance of strengthening global governance, including through reforms in the international decision-making bodies. The roles of civil society and of the private sector were also underscored in promoting participation and social inclusion, and development through improved economic opportunities and trade.

11. It was considered important to include, inter alia, the following targets: clear legal frameworks and effective, transparent and accountable institutions; elimination of discriminatory laws; access to independent justice; combatting illicit financial flows, corruption and impunity; meaningful public participation; individual security; sustainable management of natural resources and secure tenure to property on a non-discriminatory basis; legal identity and universal birth registration; elimination of child labour; respect for rights of migrant workers and their families; strengthening a rules-based equitable multilateral system; and respect for international law and international commitments. Gender equality was also discussed as a stand alone goal and as a cross cutting issue.

Issues for further consideration

12. Many participants reflected upon the inter-linkages between human rights and the rule of law and other goals and targets, including gender equality, peaceful and stable societies, poverty eradication, health, disaster preparedness and response, and sustainable management of natural resources.

Highlights of the Panel Discussions

Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development

1. Drawing on lessons learned from the shortcoming of the Millennium Development Goals (MDGs), participants emphasized the **need to put people at the centre of development, to tackle inequalities, with a focus on the most vulnerable and marginalized** (for example women, children and youth, people with disabilities, minorities, rural populations, indigenous people and migrants) **and to address the structural impediments to sustainable development**. They considered that the efforts towards achieving the MDGs could have been enhanced by ensuring the goals consistency with agreed human rights standards and by placing stronger emphasis on the rule of law and well-functioning institutions anchored in human rights. They also highlighted **participation and accountability** as means for legal empowerment and important elements for the new development agenda.
2. It was proposed thus that the **whole development agenda should be based on human rights**. It was also proposed that human rights can contribute in the way the development goals are designed, in the means of financing those goals and in the infrastructure to ensure accountability of all development actors.

- a. In the design of goals, the new agenda should **support human rights comprehensively**. All rights are indivisible, and interdependent, including the right to development such that the right to participate and freedom of expression are as important for development as the right to food.
 - b. It was recommended that a human rights framework includes useful principles as **equality, non-discrimination and non-retrogression** that can support the design of goals and targets for a sustainable development agenda. Applying these principles in the context of development can provide useful guidance on how to adequately allocate resources to realize the human rights of all individuals. **Disaggregation of data** and specific targets for those left behind would be critical to help orient action toward the marginalized and vulnerable or otherwise those most in need.
 - c. In the financing of goals, it was suggested that human rights could **support a financing strategy that ensures sufficiency, equality and accountability of resources**.
 - d. A final point raised was that the rule of law at the national and international level can greatly **improve the means by which all development actors are held accountable** for their sustainable development performance.
3. Participants also emphasized that the rule of law is not an abstract concept. **Concrete elements of the rule of law are powerful drivers of development at the local, national and international level**. Several examples were given of areas where the rule of law, based on human rights, has contributed to inclusive and sustainable development outcomes **in all three dimensions of sustainable development**.
4. **Clear legal frameworks** are the basis for legality, transparency and accountability. Laws should be clear and should be consistent with human rights – they need to be just and fair. Moreover in their application and enforcement, human rights should be respected.
5. **Open and accountable institutions** are the vehicle for the delivery of services across sectors. Critically important for the effectiveness of our efforts is to **prevent and combat corruption and illicit financial flows**, as they can severely undermine development. It is important to have **accountability mechanisms** at all levels, **for all development actors, including the private sector**. Examples can be drawn from existing mechanisms such as peer review mechanisms as well as existing legal instruments as the United Nations Convention against Corruption, or the United Nations Guiding Principles on Business and Human Rights.
6. **Access to justice, public participation in decision-making and individual security** was repeatedly raised as fundamental to tackle root

- causes of poverty and violence. **Legal empowerment and access to justice** are necessary to enforce rights. National experiences were shared with respect to land rights, thus highlighting the relevance to development of other related rights, such as right to property and decent work.
7. Having a **legal identity** was highlighted as a critical step toward ensuring equal access to services and enforcement of rights. This is yet another area where the already marginalized and vulnerable populations are often disproportionately affected. Governments need **accurate population information to be able to adequately plan and target services**.
 8. Impunity, corruption, violence and organized crime undermine the conditions needed for development. **Strengthening the rule of law and institutions to ensure compliance with international norms and standards, establishing an independent judiciary, ensuring adequate checks and balances, and establishing strong anti-corruption mechanisms, were proposed as measures for conflict prevention, peacebuilding, stability and good governance.**
 9. Good governance is important not just at the national but also at the international level. **Many highlighted the need to work towards a more democratic international governance framework** as well as the need to enhance the participation and voice of developing countries in international institutions with some delegations specifically referring to international financial institutions and United Nations bodies as the Security Council. **At the same time, some highlighted the importance of democracy itself, as a factor conducive to the rule of law and human rights.**
 10. Several speakers also highlighted the importance of ensuring that global policies relating to trade, investment, intellectual property and international cooperation should be consistent with human rights, including the right to development.
 11. Participants shared national experiences on **tools for measuring** the rule of law. It was also demonstrated **how human rights could help guide the design of a transparent monitoring and accountability framework** with a set of minimum requirements, focusing not on the aggregates but **revealing disparities and inequalities.**
 12. Participants also observed the **diversity of contexts** in which development takes place while noting that human rights and the aspirations for justice, security and well-being are universal values. Likewise, they acknowledged that the rule of law is founded on universally accepted norms and standards. **The universally agreed human rights can guide us to a universal, transformative, people-centred agenda.**

Towards a transformational development agenda: integrating human rights and the rule of law into the post 2015 development agenda with a view to improving development outcomes

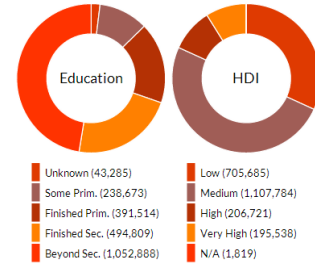
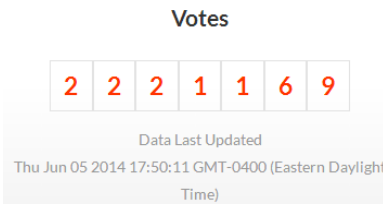
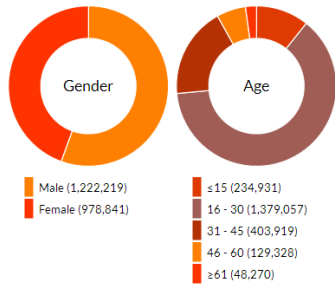
1. It was argued that **human rights and the rule of law enhance the process of development**, as well as its outcomes. **Participation, access to information, equality, non-discrimination, transparency and accountability are key principles** that should guide the process of development. Several participants provided striking findings that **inclusive and equitable processes produced better results in almost all areas from health to education and to peace and security**.
2. It was stressed that instead of including a separate goal on human rights, **human rights standards and principles need to guide the establishment of all goals, targets and indicators**. Some laudable examples from the work of the Open Working Group on Sustainable Development Goals were shared in this regard. It was highlighted repeatedly that a balanced framework needed to aim for both freedom from want – human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, sanitation, health care and education – and freedom from fear – human rights relating to access to justice, participation in public affairs and personal security. Clear criteria to select goals, targets and indicators that reflect human rights were also recommended.
3. Several examples were given on how key aspects of the rule of law are already included in the national development strategies. It was affirmed that whilst founded on universal values, **national ownership is key, as the national development challenges of each country are unique**.
 - a. For some countries, the rule of law has been instrumental to access and foster integration into global trade. Strengthening institutions has also been beneficial to economic development at the national level.
 - b. In many countries, better access to justice has empowered otherwise marginalized parts of society, such as women or minorities.
 - c. There were also many examples demonstrating that democratization and development are mutually reinforcing as is the participation of civil society in decision-making and the freedom of the media, of expression and of association and assembly.
4. It was suggested that the following areas should be considered as targets in the post-2015 development agenda:
 - a. Elimination of discriminatory laws, practices and policies;
 - b. Access to justice, meaningful public participation and individual security;

- c. Capable and accountable (and democratic) institutions, at all levels (local, national, regional and international);
 - d. People's right to information and government data, as a requirement for effective participation and accountability;
 - e. Secure tenure of property on a non-discriminatory basis;
 - f. Measures against corruption and impunity;
 - g. Legal identity;
 - h. Decent work;
 - i. Elimination of child labour
 - j. Respect for the rights of migrant workers and their families.
5. It was also commonly suggested that gender equality should be integrated throughout the targets, in addition to being a separate goal.
6. Participants reiterated that the **rule of law at the international level has to be an integral part of the agenda**. An enabling environment for the global efforts requires respect for the Charter of the United Nations and international law. It requires good global governance and inclusive participation in decision-making at the international level.
7. Options to tackle the question of measurability were also discussed, namely:
- a. The importance of **disaggregated data** for goals targets and indicators was reinforced as an important tool for **addressing inequality**.
 - b. It was pointed out that **many governments already use indicators and gather information** on human rights, justice (such as data on the volume and duration of cases) and governance.
 - c. In addition there are **several existing mechanisms for data collection available from the United Nations, academia and civil society**.
 - d. It was suggested that it would be useful to **use a combination of administrative, objective and perception indicators** and further national examples were provided in this regard.
8. Finally, ensuring respect for human rights and the **rule of law at the national and international levels require effective accountability mechanisms**.
- a. Development actors including Governments at the local, national, regional and global levels should be held accountable.
 - b. A post-2015 accountability framework needs to **draw on existing mechanisms at all levels**. To make use of synergies and to reduce countries' reporting burden, it will be important to facilitate effective interaction between existing mechanisms, for example between the international human rights protection regime

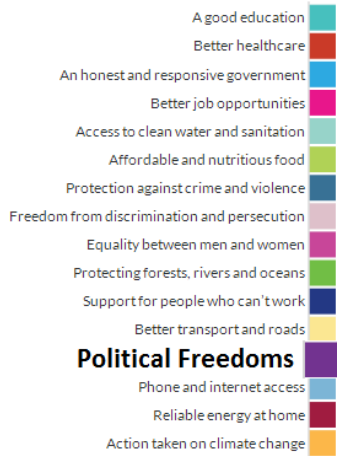
(Universal Periodic Review, treaty bodies, Special Rapporteurs, etc.) and the sustainable development accountability mechanisms (in particular the High Level Political Forum). Existing mechanisms such as the Human Rights Council's Universal Periodic Review can also provide useful lessons on how to organize a successful global peer review.

- c. With the increasing involvement of the private sector in development, it will be important to ensure **accountability of the private sector**, for example through the application of the UN's Guiding Principles on Business and Human Rights.
- d. And there needs to be a **global partnership for development with a strong mutual accountability framework**.

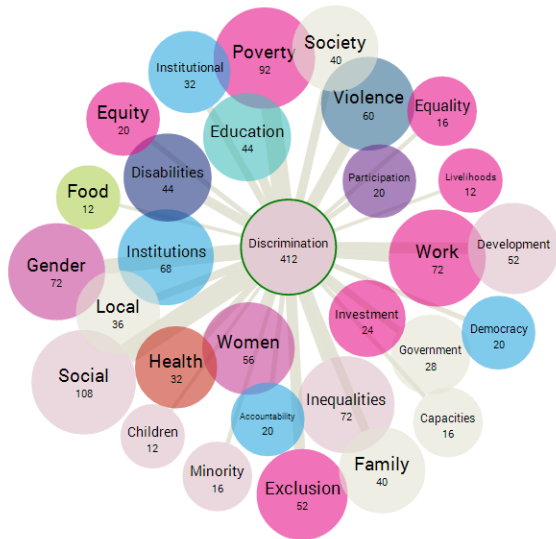
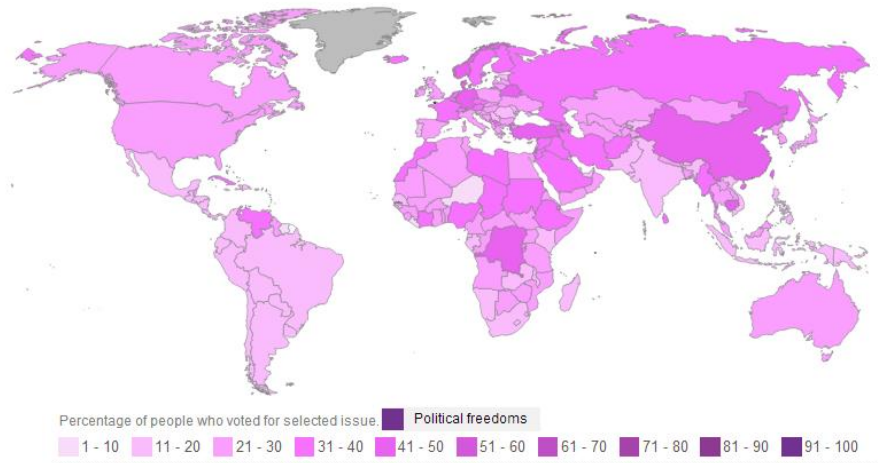
People's Voices on Human Rights and Rule of Law



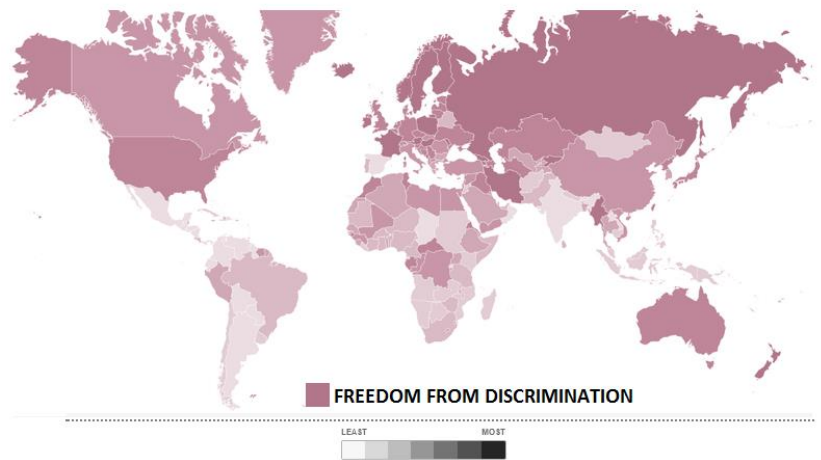
MY World Global Results



Heat Map for votes on "Political Freedoms"



World Map of Post-2015 Conversations on Twitter



The Participate Initiative dataset shows conversations with the most marginalized, in other words, the perspectives of the poorest. There is a strong connection between the issue of Discrimination and issues that concern Employment, Institutions, Violence, Gender, Social Issues, Women, Poverty.

The World Map of Twitter Conversations shows a real-time breakdown of online twitter activity around "Freedom from discrimination" in the context of the Post-2015 Agenda. The database examines real-time global twitter posts and presents the results against the each of the sixteen MY World priorities.

*For more information please visit worldwewant2015.org/trends

High-Level Event of the General Assembly: Keynote speech

Speech delivered by Her Royal Highness The Crown Princess on “Human Rights and the Rule of Law in the Post-2015 Development Agenda” at a High-Level Event of the General Assembly at United Nations Headquarters in New York, June 9 2014

President of the General Assembly,
Secretary-General,
Excellencies,
Distinguished Guests,
members of civil society,
Ladies and gentlemen,

Good morning. Thank you for inviting me to speak here today – it is a great honour.

The event today is indeed very important, and it addresses issues that affect the daily life of millions of people all around the world.

Ending AIDS is of fundamental importance if we are to safeguard human rights for all. For many people, it is a question of their basic right to life and right to live in dignity.

Combating HIV/AIDS is vital to creating healthy societies that can grow and prosper.

We need to finish the “unfinished” agenda for MDG 6.

We need to maintain a strong focus on health beyond 2015.

As UNAIDS Goodwill Ambassador, I have been supporting the AIDS response and human rights issues for many years. It has been important for me to engage with young people affected by HIV, to listen to their experiences and support them in their work. I would like to advocate that young people should be better included in forming policies.

The world currently holds the largest generation of young people in history, with 1.8 billion adolescents and youth making up one quarter of the world’s population. In sub-Saharan Africa, more than 40 % of the population is under 15 years old.

Despite this, young people’s health and needs remain largely ignored. While we can celebrate recent progress in the response to HIV, young people are being left behind.

Every day, there are 2 100 new HIV infections among young people between the ages 15 and 24 across the world.

In sub-Saharan Africa, only 36 % of young men – and even more alarmingly – only 28% of young women are able to demonstrate comprehensive knowledge about HIV.

While HIV mortality is decreasing in all other age groups, it remains the second biggest contributor to adolescent mortality globally. HIV testing and counselling is the critical entry point to the continuum of care for adolescents living with HIV, yet the majority are still unaware of their HIV status.

In nine of the world’s highest prevalence countries, less than 20% of young boys and 30% of young girls have been tested and know their HIV status.

Various factors contribute to this situation. Stigma, and moral and social judgements on the part of communities and service providers have a negative impact on young people, particularly young people living with HIV.

Stigma and discrimination undermine our efforts in the response to AIDS.

When managing the health and wellbeing of young people living with HIV, their sexual, reproductive and other human rights must be a key focus.

We should take a holistic approach to prevention and treatment, and work to promote both simultaneously.

It is clear to me that we need to continue to invest in the leadership of young people. Young people have in-depth knowledge of the challenges in their own communities and are often able to establish contact with those who are hardest to reach.

In my own work, I have focused particularly on empowering young people and supporting the development of leadership skills.

I am proud to say that over the past few years, we have seen an incredible expansion of the youth movement in the AIDS response.

A strong international group of youth leaders have formed the PACT for social transformation, a coalition of 25 youth organisations, working together and better organised than ever before.

They are linking local and global level advocacy for treatment scale-up.

They are addressing the legal barriers and policies that prevent young people from accessing services in many countries.

And they are working to ensure that there is a commitment to ending AIDS in the post-2015 era.

The AIDS response is unique:

in that civil society movement to a large extent drives it;

in the unprecedented resources it has mobilised;

in the multi-sectorial partnerships between scientists, activists, communities, and the public and private sectors;

in its effective advocacy for change in public policies;

and, most importantly, in the impact it has had on delivering health, welfare and human dignity to millions of people.

Activism has changed the way health services are delivered. It has shown that tackling the determinants of HIV risk, poverty, and vulnerability is the key to healthier and more secure societies.

Across the world, and in the case of high-burden epidemics in particular, we have seen a drop in the number of new HIV infections. This tells us that sustained, evidence-informed prevention programmes, which address the immediate as well as the social determinants of risk, are having an impact.

Now more than ever, no one should be left behind.

We cannot afford to allow the global AIDS response to lose its momentum.

We need to maintain a strong vision, remain committed to our ideals and be decisive in our actions.

Ending the AIDS epidemic is possible in the post-2015 era.

And it is indeed an issue of human rights.

In closing, I would like to quote Eleanor Roosevelt, who once said:

"Where, after all, do universal human rights begin?"

In small places, close to home - so close and so small that they cannot be seen on any maps of the world.

Yet they are the world of the individual person, the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination.

Unless those rights have meaning there, they have little meaning anywhere."

FINAL
06-09-2014

Anthony Lake, UNICEF Executive Director
President of the General Assembly High Level Dialogue on
“Contributions of Human Rights & the Rule of Law
in the Post-2015 Development Agenda”
New York, NY
June 9, 2014

Throughout history, the advance of civilization has been closely tied to the idea that all people have rights. In religious traditions, the call to treat others as you would be treated yourself reflects not just our common conception of fairness, but a recognition that if I have a right to be treated fairly, so do you. Or as President Abraham Lincoln said: “As I would not be a slave, so I would not be a master.”

The health and soul of a society depend on how the human rights of its children are recognized — and acted upon.

Which is why the Convention on the Rights of the Child — 25 years old this year — was such an important milestone. It explicitly acknowledged, for the first time, that the world’s youngest have rights — rights to health, protection, and equal opportunity...without regard to gender, economic status, ethnicity, religious belief, disability or geographic location.

And it is why the rule of law based on all the rights recognized in the Universal Declaration of Human Rights is fundamental to our common conception of human civilization.

But an articulated right is not necessarily an executed right. Children's rights are brought to life not through pronouncements... but through political commitment. Not through intention...but investment. Not through words...but through action. Without action — without results — the best aspirations codified in the Convention on the Rights of the Child amount to little more than words on paper. Which debases the value of the words themselves.

So UNICEF's mandate is, at its heart, based on rights — a mandate to translate the rights of every child to health, protection and hope into practical programmes and services that help her realize these rights. We do this through our organization-wide “equity agenda.”

Since the Convention came into force, the world has made undeniable progress. More children than ever before are surviving their fifth birthdays...more are receiving vaccinations against diseases like polio, which is nearly eradicated...more are benefitting from improved access to education, sanitation, water and nutrition...and more governments are designing programmes, laws and policies to protect children.

But not every child is benefitting. The plight of too many is lost to view when we use national statistical averages to measure development's progress. I'm thinking of the children left behind because they live in hard-to-reach areas — in rural communities or urban slums...in communities torn by conflict or natural disasters. Or because of systemic prejudice and discrimination — based on gender, ethnicity, disability, religion or skin colour.

When this happens, children's rights are cruelly betrayed.

When a child is denied an education because of her gender, her right to a fair start in life is being violated. When a boy goes without a vaccine or proper nutrition because he lives in a remote area, his right to health is being violated. When children are torn from their families, recruited into armed groups, and made to fight and die for causes they can barely understand, their rights to safety and protection are being violated.

The post-2015 development agenda offers a signal opportunity to address these violations. It's a chance to put equity and children's rights at the centre of an agenda of action for all children — including those lagging in the march of progress.

Making progress for these lives is not only a moral imperative — it's a practical opportunity to accelerate this progress, because it is cost-effective. Studies show that when we design policies and programmes not around the easiest, but around the hardest-to-reach, we achieve more results. Yes, there are additional costs in doing so. But our analyses show that these costs are outweighed by the additional results.

As we brighten the futures of children, we brighten our own, too. Investing in the most disadvantaged children is a strategic imperative for all of us. A UNICEF study suggests that the regions that have narrowed gaps in equality across income levels have also made the fastest reductions in child mortality. And a 2013 Lancet study found that reductions in mortality in low and middle income countries accounts for about 11 per cent of recent economic growth in those countries.

When we invest in children's health, nutrition, education and protection, aren't we also investing in a country's future entrepreneurs and workforce? Those who will drive their country's economy forward?

And aren't we also building the next generation of parents and leaders? Having grown up healthy, well-educated and protected, won't they be more willing and able to guide future generations?

Thus, for example, the No Lost Generation campaign, dedicated to so many Syrian children within and beyond Syria's borders. The world cannot afford a lost generation of Syrian children — unhealthy, uneducated, undernourished, traumatized and tragically unprepared to someday rebuild their shattered country. And growing up viewing the world through a lens of mistrust, conflict and violence — perhaps someday perpetrating on others the suffering they're enduring today.

So the campaign is bringing partners together to provide these children with the education and counselling they need to repair their bodies, minds and hearts — preparing them for the task of rebuilding the country they love.

Just as an investment in the children of Syria is an investment in the future of Syria, an investment in the children of the world is also an investment in the future of the world.

So, for reasons moral, economic and humanitarian — and as a means to promote peace and opportunity for every person, even or especially in countries riven by conflict — children's rights to health, education, protection and equal opportunity should be embedded in the post-2015 agenda.

The Convention on the Rights of the Child states that in all actions concerning children, “the best interests of the child shall be a primary consideration.”

If we put those interests at the heart of our agenda for the future, we serve not only the rights of the children — but constructively shape our own future, as well.

Check against delivery

**The President of the General Assembly's
High-level event on the Contributions of Human Rights
and the Rule of Law in the Post 2015 Development Agenda**



Video Statement by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

9 June 2014, 10:00

Venue: New York City

Mr. President, Mr. Secretary-General, Excellencies, distinguished representatives, ladies and gentlemen,

It is a privilege to join you for this important event. I thank the President of the General Assembly for organising it, and for his leadership in reinforcing this crucial message: human rights must be central to the post-2015 development agenda.

Your deliberations over the coming two days will cover two key topics – human rights and the rule of law.

With regard to human rights, allow me to make a few brief points, many of which are closely linked to my own experience.

Over the past decade – spanning the Millennium Summit; the MDG reviews in 2005 and 2010; and the Rio+20 Summit – member States have repeatedly emphasized their commitment to development that realizes human rights: by aiming for the realization of civil, cultural, economic, political and social rights, as well as the right to development, by reducing inequalities and discrimination, and by ensuring accountability. They have recognised, in other words, that human rights are relevant to every item on the development agenda. Thus, for the post-2015 agenda, we do not need a stand-alone human rights goal. Rather, all goals must reflect human rights standards and principles – and explicitly so.

To clarify, let me offer four suggestions that respond to some of the questions you will be discussing over the next two days.

First, the new agenda must address both sides of the development challenge: freedom from want and freedom from fear. We have witnessed over the past few years how freedom from want without freedom from fear is unsustainable and vice versa. In order that development goals can achieve “freedom from want”, the Open Working Group is currently discussing targets that reflect human rights standards. On education, for example, current targets aim for primary education free of charge, access to inclusive education without discrimination and education of good quality, thus reflecting key dimensions of the human right to education.

But we also need to integrate freedom from fear. People around the world are crying out for real guarantees of personal security, fair administration of justice and meaningful public participation in decisions that affect their lives. The rule of law is an important principle in this regard. But it is important to remember that rule of law, as understood by the United Nations, is not value free. Not every law is a good law. And not every effort to enforce a law protects people’s human rights. As a South African, this is something I know only too well. Under apartheid, we certainly had a strong system of law, but it did not uphold human rights – it legalized discrimination and injustice; it was arbitrary and unfair. We had “rule by law”, but not “rule of law”. In short, the rule of law without respect for human rights is an empty shell.

Secondly, the new framework must be underpinned by the human rights principles of equality and non-discrimination. We cannot allow ourselves to be blinded by the same focus on averages and aggregate progress that blighted the MDGs. Imagine if, under apartheid, we had focused only on averages and aggregates. You can see immediately how this would have obscured the bitter reality of injustice and profoundly unequal development and entrenched

discrimination. I applaud the Open Working Group's commitment to a goal that prominently addresses inequalities, and I encourage you to retain this focus.

Thirdly, the new agenda must include a strong global partnership which ensures that international policy is coherent with human rights, including the right to development. This means, for example, that we need to address power imbalances in global governance. We must create an enabling environment for development – one that ensures that the international regimes for trade, investment, intellectual property and international cooperation are consistent with, and respectful of, human rights standards.

Finally, the Post-2015 agenda must be based on a strong accountability framework, which includes accountability for actors in the private sector. The lack of accountability for progress has been a key reason that the MDGs have fallen short of their potential. Fortunately, we can build on existing accountability mechanisms at national and international levels.

Excellencies, we have a unique opportunity to redefine the very idea of global development in the 21st century. Political decision-makers, technical experts, economic actors – for all of us, there can be no work more meaningful than this. As we continue to define the new development framework, I trust that all of us will stay true to the words and the spirit of one of the greatest achievements of the 20th century – the Universal Declaration of Human Rights: Let us aim for development as *freedom from fear and freedom from want for all people, without discrimination*.

Thank you.

Statement for the General Assembly High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda

delivered by the German Commissioner on Human Rights and Humanitarian Affairs

Mr. Christoph Strässer

Excellences,

It is a pleasure for me to participate in this event on contributions of human rights and the rule of law in the post-2015 development agenda. I wish to thank the PGA for organizing this series of high-level events on a topic so highly relevant to the future development agenda.

The goal we want to achieve with the post-2015 development agenda is clear: to allow every person in the world to live a life in dignity, free from fear and want. Traditional perspectives on development tend to focus on a narrow view of development as economic development. Yet development is far more than that: it includes a person's ability to effectively influence his or her fate by voicing his or her concerns, and being heard by those in power with regard to those concerns.

Germany, like many other stakeholders, is convinced that the answer to this challenge lies in putting human rights in the center of the post-2015 development agenda by adopting a human rights-based approach to development, reflecting the full range of civil, political, economic, social and cultural rights, and a strong commitment to the rule of law. The advantage of such an approach is clear: recognizing human rights implies that there are right-holders and duty-bearers. This fosters accountability on the side of public authorities, and empowerment on the side of individuals. Existing human rights structures, such as national human rights institutions, can play an important part in this regard.

However, adopting such a human rights-based approach can seem challenging, as it represents a paradigm shift in the way we view both development cooperation and human rights. This paradigm-shift does not constitute an unreasonable expectation: the vast majority of States have accepted universal, indivisible and interrelated

human rights obligations under international law. In turn, the universality of human rights makes then the ideal starting point for a universal development agenda, not least by providing legitimacy to development goals by connecting them to existing legal obligation from human rights treaties. It is therefore important that we remain assertive in our request that human rights find their adequate reflection in any future development agenda, as well as credible by ensuring the realization the human rights of all persons within our own countries.

In addition to requiring a profound change in the way we address things, determining how to design and implement measures in accordance with human rights law can appear daunting even to the most willing of actors: what measures can legitimately be prioritized in a context of very limited resources? How can participation take place in practice, in particular in societies where the mere distribution of information can prove challenging? Of course, the answers to these questions are always context-based, and there are no "one size fits all solutions".

Fortunately, the international human rights framework provides us with some clear requirements, as well a considerable amount of flexibility of the framework beyond these requirements. The hard core of any human rights-based approach is that the design and implementation of measures must be guided by the principles and standards derived from international human rights treaties at all times. As a consequence, any encroachment on a human right requires proper justification, subject to verification in accordance with the rule of law.

Like the development framework, human rights demand for transparent monitoring and provide a set of minimum requirements that such monitoring has to fulfill. These requirements can contribute to shaping potential new targets and indicators of sustainable development. Moreover, the human rights framework includes a set of principles which can provide useful guidance in the design of targets and indicators to measure the achievement of goals.

Among these are the principles of equality and non-discrimination can provide useful guidance on how to adequately prioritize resources to realize the human rights of all individuals. This is especially relevant where the fulfillment of the MDGs has not reached large parts of the population: in those cases, new resources must therefore

be allocated in priority to individuals belonging to vulnerable and otherwise marginalized groups in society on the basis of adequately disaggregated data.

Furthermore, the principle of non-retrogression implies that States have the obligation to maintain human rights standards once attained. This principle already finds its reflection in the universal claim for sustainability, which has proven a major concern over the past years. At the same time, the principle of progressive realization with regard to economic, social and cultural rights ensure that States obligations are defined by and limited to by what they can provide with the means they have.

There are many more aspects to consider in this context, and I look forward to hearing your perspective on the issue. Let us translate our conviction the post-2015 framework must be guided by human rights into action, and make freedom from want and fear for all people, without discrimination, a reality.

**UNGA High-level Event on
Contributions of Human Rights and the Rule of Law
in the Post-2015 Development Agenda**

Panel:

*“Exploring the contributions of human rights and the rule of law
in supporting national and international efforts towards
poverty eradication and sustainable development”*

Intervention by

Mr. Martin Kreutner

Dean & Executive Secretary to the Assembly of Parties
of the International Anti-Corruption Academy (IACA)

United Nations Headquarters, New York

10 June 2014

Check against delivery

Madame Chair,
Your Excellencies,
Dear Ladies and Gentlemen,
Dear Colleagues and Friends,

I am most honoured to be here with you again, having had the opportunity to listen and discuss with many of you the important topics surrounding the Post-2015 Development Agenda. The challenges facing us have changed in the course of globalization, but the devastating effects of corruption have remained. I will not sit here and lecture you on the havoc corruption wreaks on the common good of humanity, on economic, social, and political prosperity, on the environment, on security, etc. But let us, however, recall that – from a global perspective – a staggering two-digit percentage of GDPs’ wealth are constantly and continuously syphoned away into illegitimate corrupt channels.

It is impossible to look at corruption through any lens and miss the intrinsic link to human rights and development. In a study by the Global Think Tank *Carnegie Endowment for International Peace*, published this week, it reads: *“Acute corruption should be understood not as a failure [...] of government but as a functioning system in which ruling networks use selected levers of power to capture specific revenue streams. [...] Such systematic corruption evokes indignation in populations, making it a factor in social unrest and insurgency. It contributes to other international security threats, such as symbiotic relationships between states and transnational organized crime networks, facilitation for terrorist organizations, permeable international security regimes, and acute economic disruptions. Corruption [...] combines with other risk factors, such as ethnic, religious, or linguistic rifts in a population or severe economic disparities, to increase the likelihood of a security challenge.”* Let us also be reminded that many national and regional conflicts and uprisings of the recent past – including the Arab Spring movement and developments in the Ukraine – have been triggered or were at

least supported by the levels of corruption that the respective populace was no longer ready to accept.

The global economic crisis has further undermined trust in government and institutions. According to a study by the OECD, only four out of ten citizens in OECD countries today, state that they have confidence in their national authorities. Furthermore, Transparency International's Global Corruption Barometer (2010, 2013), a survey conducted in more than 100 countries, found out that six out of ten interviewees believe that corruption has increased in the recent three years. What is more, 54% of all contenders think that their government is largely or entirely run by groups acting in their own interests rather than for the benefit of the citizens. The executive branch and the legislative, to be closely followed by the judiciary and the media, are generally perceived to be among the institutions being the most prone to corruption. It is these powers, however, that our concept of the modern state, of democracy, is being based on. Governments and political institutions must therefore find ways to demonstrate and improve their reliability and accountability and, ultimately, even their legitimacy vis-à-vis the concerns of the citizens. They must show integrity and honesty in the way they operate and deal with their constituents and in the way they serve, preserve, and maintain the common good entrusted to them.

To fill the gaps and accelerate progress we need renewed global commitment and greater collective action among all sectors of society. As no man is an island, our world cannot function as a patchwork of isolated areas alone, and it is our moral responsibility not to leave anyone behind. The MDGs are our promise to those less privileged to do all we can to alleviate their suffering. We do not want to go down in history as the generation that made it worse before it could start getting better. As Desmond Tutu once said, *"Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world"*.

The MDGs have rendered mixed results, but as the United Nations Secretary-General rightly pointed out in his report, *A life of dignity for all*, of August last year, we have nevertheless made remarkable progress: “*The target of halving the percentage of people suffering from hunger by 2015 is within reach*”. As we embark towards the post-2015 era and build on the commitments made in Rio de Janeiro, we must not get distracted in finishing what we started. Still, we can end extreme poverty within a generation.

Madam Chair, there is growing awareness of corruption’s intertwined nature, the multitude of international legal instruments at our disposal, private–public partnerships, and the efforts for robust action. I particularly welcome and commend the United Nations Convention against Corruption (UNCAC) and its 2009 achievement of implementing a state–owned review mechanism; the important Fourth Evaluation Round of GRECO – the Group of States against Corruption of the Council of Europe; the supply–side oriented OECD Anti–Bribery Convention; as well as the recent declaration of the Global Organization of Parliamentarians against Corruption (GOPAC), adopted in the framework of the 5th Conference of the States Parties to the UNCAC, which shines a new light on the nexus between human rights and grand transnational corruption.

But we must go further. Corruption is the antithesis vis–à–vis human rights. Anti–corruption, as a consequence, needs to be an even greater component of our work here at the United Nations and beyond, both for contributing to the MDGs and in creating a new and strong responsive framework in the Post–2015 Development Agenda.

I look at the vision of the Post–2015 Development Agenda and the proposed Sustainable Development Goals with hope. I welcome the work of the Open Working Group of the General Assembly and, in particular, the inclusion of proposed goal 16, “*Achieving peaceful and inclusive societies, rule of law, effective and capable institutions*”. But I must also confess some concerns. All the aforementioned universal goals, which we all agree on, run the risk of being severely undermined by corruption. It

is therefore obvious that the prevention of and fight against corruption needs to constitute a more prominent and explicit component of this ambitious agenda, from social inclusion to economic growth and poverty alleviation. If we are to strengthen the accessibility, availability, and sustainability of human rights, relevant goods and services, and bring poverty to an end, we must openly, steadily, and straightforwardly staunch corruption. And to avoid any misunderstandings or wrongful (self-) perceptions: This is true in every nation and in every region.

Excellencies, Ladies and Gentlemen, let us also be frank and forthright. In several countries, including some in the so-called developed world, we continue to see – what one might have felt anachronistic – discussions on questioning the separation of powers, on dispensing or neglecting the fundamental principles of the rule of law. Some states still witness debates to bring under the control of one power, i.e. the government or the parliament, the other pillar, i.e. the judiciary, including the prosecution services, and/or the media. Instead of reducing or abolishing immunity and impunity regimes for privileged groups of society, including the political sphere, some states still witness deliberations on extending and enlarging them. What is more, such impunities and immunities are apparently too often striking and attractive for power-holders to hide behind and thus become de-facto extra- or supra-legal. Such developments, however, distinguished delegates, are diametrically opposing fundamental global values. They deeply disrespect the concepts of equality and equity, of justice and fairness, human dignity, and run the risk of reverting any forward trajectory to square one.

This brings me to another point. How can we possibly oversee the implementation of the Sustainable Development Goals? Apart from all the international, regional, and other inter-state mechanisms and fora, countries may wish to consider developing instruments to review and scrutinize their own implementation. They may do so by strengthening and working with, e.g., Supreme Audit Institutions, independent anti-corruption authorities or other relevant independent national bodies. IACA, as an independent international organization which provides neutral ground, stands ready to

contribute as well. We stand ready to empower professionals, to provide technical assistance, and to guide states, organizations, and corporations in achieving their full potential.

Much of what we as a global community will do in the upcoming months and years is contingent on financial resources. In these unsure times of a global financial crisis which has had severe effects on national budgets and international development aid, we must consider alternative ways of funding. At IACA, for example, which relies on voluntary contributions by its Parties, we promote the *“let crime pay principle”* as one of these options. It is also a means to an end unanimously approved by our own constituency last December in Bangkok, Thailand, and also recognized by the UNCAC (in its Art. 62). Member States may give special consideration to contributing a percentage of the money or a corresponding value of proceeds of crime or property confiscated to this cause. We are aware of the limitations, but if only a single-digit percentage of these criminal proceeds could eventually be dedicated and facilitated accordingly, programmes would be well-funded for decades and poverty eradication soon a worry of the past.

Likewise, in providing neutral ground and on a voluntary basis, international organizations as the UN, IACA or others could offer a clearing and facilitating position in guiding penalties and settlements (between one body and another) resulting from corrupt offences. In other words, the organizations could be instrumental in consulting how such penalties and settlement money is handled in accordance with international rules and frameworks. They could at the same time offer their services if parts of such money are allocated to support anti-corruption, capacity building, and poverty eradication initiatives and trainings at these institutions or elsewhere.

Madam Chair, I am especially honoured to be part of this important panel as Dean of the International Anti-Corruption Academy (IACA), an international organization located outside Vienna, Austria. It was established to address deficiencies in anti-

corruption and provide technical assistance for countries, organizations, and corporations seeking to strengthen their anti-corruption and compliance regimes. As a young intergovernmental organization, we have enjoyed the richness of the fabric of our constituency of 55 Parties (having originally started with 53 Signatories) that represents half of this planet's population and stretches from every corner of the globe. We have been an observer to this forum since December 2013, in addition to the same with the Council of Europe's Group of States against Corruption (GRECO), and our consultative status with the United Nations Economic and Social Council (ECOSOC).

In his opening speech yesterday, the Secretary-General stressed the importance of the empowerment of the individual. Also knowing this, we have incorporated both the standards set out in the United Nations Convention against Corruption (UNCAC) and the Universal Declaration of Human Rights in our efforts at the organization. We have integrated the best from the public and private sector and built on good practices to support national, regional, and international efforts towards good governance and sustainable development. We have empowered and continue to empower professionals who will pass these lessons on and act as multipliers.

In concluding, I would like to take the liberty of reiterating our invitation to all UN Member States and international organizations which have not done so yet to join IACA – an ever-growing group of states cooperatively working together in the important global endeavour of fighting corruption.

Excellencies, Ladies and Gentlemen, complement and augment the rule of law with integrity and credibility, with a fair structure of checks and balances, as well as a sincere system of separation of powers, strong anti-corruption mechanisms, and credible compliance frameworks, and you will have what we all call and seek for: good governance. Good governance including a strong anti-corruption commitment, however, is a most essential anchor and lighthouse of national and international efforts towards

poverty eradication and sustainable development, and a fundamental component of the Post-2015 Development Agenda.

Thank you very much for your kind attention.

President of the General Assembly’s High-level Event on “Contributions of Human Rights and the Rule of Law in the post-2015 Development Agenda”

Panel Discussion: 1 “Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development”, 10 June 2014

Mr. Nicholas Lusiani, Director – Human Rights in Economic Policy Program,
Center for Economic and Social Rights

Thank you Madame Chair, Excellencies, esteemed panelists and delegates-

My organization the Center for Economic and Social Rights, has worked at the borderlands between human rights and human development for over two decades, and as co-convener of the broad-based Post-2015 Human Rights Caucus from all regions across constituencies, we come to you today with one clear message.

Human rights, including the right to development, **can** and **must** have real operational significance in guiding sustainable development policy and practice this time around.

Let me start briefly with the why.

Besides being standing legal obligations states voluntarily agreed to, human rights **provide value in improving outcomes, tackling inequalities and addressing structural impediments to sustainable development.**

Improving outcomes by transforming the asymmetrical relationships of power that keep people poor, by converting passive ‘beneficiaries’ of development into active rights-holders and drivers of their own destiny; recasting transparency, meaningful participation and public scrutiny of the development process as basic legal imperatives throughout the policy cycle--allowing for course-correction, strengthened accountability and placing the burden of proof on those in power to justify their decisions.

Tackling inequalities of all kinds by an unrepentant focus on the most disadvantaged and deprived in society, rather than the general (aggregate) welfare alone. Human rights instruments provide a sort of a charter for combating ***inequality*** and discrimination on various grounds— a normative cornerstone for our efforts to “leave no one behind” in this age of extreme inequality. Mechanisms for enforcing these instruments meanwhile — from Constitutional courts to people’s budgets to UN Special Rapporteurs—are used daily by disadvantaged communities in countless contexts to fight back against discrimination, and to actively include themselves in societies and economies they would otherwise be expelled from.

Addressing the structural impediments to sustainable development by demanding more democratic and equitable relationships between actors at the international level through human rights-based global governance. With the intense interdependence of today’s global economy, some particularly powerful public and private institutions enjoy inordinate, if not illegitimate, say over the structural conditions for sustainable development. Human rights including the right to development can provide critical checks and balances against the misuse of public and private power trans-nationally, partly by more clearly delineating the common but differentiated duties (and responsibilities) of all development actors across the environmental, economic and social pillars of sustainable development.

Indeed, imagine the counterfactual: human rights-free development, characterized by widespread discrimination and displacement, workers' abuse, increasing inequality and impoverishment, uninformed and authoritarian decision-making by and for those who enjoy the privilege of power. This is what passed for development for too long. It is neither inclusive nor sustainable. And it is the reason why so many civil society voices—and indeed many governments—continue to call resoundingly for the future development framework to be anchored in human rights.

So, the question, in our view, is not *what* human rights can contribute to the post-2015 sustainable development framework and *why*. The question is, in fact, *how* the post-2015 framework and its program of action can be designed to reflect and reinforce existing human rights norms.

I'd like to suggest three key ways in which the post-2015 framework can contribute to human rights-centered sustainable development – in the way the goals are designed, in the means of financing the Goals, and in the infrastructure put into place to ensure accountability of all actors in sustainable development.

First, **human rights can guide how the sustainable development goals, targets and indicators are set.** As the Post-2015 Human Rights Caucus, we are releasing today a new Litmus Test tool. This provides a set of 8 basic questions and more detailed assessment criteria enabling all those involved in the design of the SDGs to more objectively assess whether the proposed post-2015 goals, targets and indicators respect and reflect pre-existing human rights legal standards, including obligations of both a domestic and an international or global nature.

The test aim to assess whether the post-2015 proposals support human rights comprehensively, taking into consideration the *universality* and *mutual interdependence* of economic, social and cultural rights on the one hand, and civil and political rights on the other, in particular the freedoms of expression, association, peaceful protest, political

participation, and guarantees for an enabling environment for civil society and human rights and environmental defenders.

The Test also inquires whether proposals stimulate *full transparency and meaningful participation of all people* without fear in the design, implementation and monitoring of all relevant policies and programs, from local to the global.

We would also need to assess whether goals, targets and indicators as designed ensure *human rights accountability of all development actors*, including the private sector. This would involve provisions on the right to effective remedy at the national level, as well as internationally when state policies and practices have adverse spillover effects across borders. It would also involve mandating independent assessments and periodic public reporting of the human rights and sustainable development impacts by large businesses.

The Litmus Test also asks whether proposals effectively combat inequality and discrimination in all its forms, prioritizing a more ambitious rate of progress for those most disadvantaged groups, and including specific commitments to combat economic inequality within and between countries by protecting fundamental worker's rights, for example, and tackling cross-border tax evasion and other tax and financial abuses.

The degree to which SDG proposals specifically and comprehensively support the human rights of women and girls is also a key criterion. This entails amongst other things including access to sexual and reproductive health services, the prevention of gender-based violence, women's control over productive and natural resources, and reductions in women and girl's burdens of unpaid care work.

In line with governments' immediate duty to ensure the minimum essential levels of economic, social and cultural rights, the Litmus Test also provides a tool to evaluate whether current proposals secure a minimum floor of socioeconomic wellbeing to all, in particular by guaranteeing a quality social protection floor for all, in line with human rights norms and ILO recommendation 202.

Lastly, and as important as all the others, the key question is posed whether post-2015 proposals ensure that any global partnerships for development are aligned with human rights duties of an international nature. This would require amongst other things that human rights-guided policy coherence is ensured, with governments and international financial institutions mandated to conduct independent and periodic public assessments of the human rights and sustainable development impacts of their policies and agreements. Logically, clear, time-bound commitments for all actors in development would also need to be delineated, including by high-income countries, international institutions and large businesses, unlike the MDGs.

And this provides a great segway into the question of how human rights can fruitfully inform the means of implementing the SDGs. We know that a perfect set of post-2015 commitments are just ink on parchment without effective means of implementation—in particular whether the financing strategy is robust and fair, and whether the accountability framework is credible and just. Human rights can usefully support both.

Human rights offer a critical tool for improving how these new goals can be paid for. It is hard to see how an ambitious and transformative set of renewed goals will be realized without putting in place a financing strategy to ensure the sufficiency, the equality and the accountability of resources for sustainable development. Human rights can boost these three fundamental conditions of an effective sustainable development financing strategy.

Starting with *sufficiency*, governments have a legal duty to mobilize the maximum of available resources for human rights—individually and through international cooperation. In our recent study with Christian Aid, ‘A Post-2015 Fiscal Revolution,’ we found that a range of complementary domestic and global fiscal commitments—all buttressed by governments’ human rights duties—could together unleash at least US\$1.5 trillion per year in additional, stable and predictable public funding for sustainable development,

reducing the scramble for private financing without threatening other macroeconomic imperatives or pushing costs onto the general public.

The distributive impacts of how resources are raised and spent are as critical as the amount raised, and so the *equality* of resourcing is thus a second dimension of an effective financing strategy. Human rights law obliges governments to conduct tax and fiscal policies in ways which effectively alleviate the tax burden on the poorest, and progressively increase the low levels of income, capacities and access to essential services which prevent the full realization of human rights of disadvantaged groups. So, concrete steps to more fairly distribute the burdens and the benefits of resourcing sustainable development would have significant value in reducing corrosive levels of socio-economic inequality in all countries.

At the heart of all of these fiscal challenges lie stark imbalances of power in decision-making over how resources are raised and spent which cannot be left unaddressed. *Accountable* financing of sustainable development—the third condition for an effective financing strategy—requires the highest standards of transparency, participation and public and judicial oversight of tax and fiscal policy-making in domestic and global spheres—all of which can be significantly bolstered by existing human rights instruments and institutions.

The third and final point is really the lynchpin of them all. **Human rights (and in fact the rule of international human rights law) can greatly improve the means by which all development actors are held to account for their sustainable development performance.** As evidenced in our publication with the OHCHR last year, “Who’ll Be Accountable?” success or failure in the design of effective accountability mechanisms for the post-2015 development framework will mark the difference between real transformation and yet another set of unfulfilled promises.

Rather than one single new silver-bullet accountability mechanism, we at CESR are proposing a systems-approach, or web of sustainable development accountability where failures in one place are communicated throughout. At present sadly, the development accountability framework still suffers from tremendous fissures and silos between mechanisms, each with their own specific functions and communities but unable to meaningfully engage with others. We need more constructive interaction between different mechanisms at different levels, accounting for the conduct of different actors (states, international institutions and the private sector), providing different functions (monitoring, reviewing and providing remedies), as well as potentially focusing on different sectoral goals (such as health, water and sanitation). One place to start could be at the international level where the accountability gaps are arguably greatest. Benefitting from their respective and in many ways complementary mandates, constructive interaction between the international human rights protection regime (UPR, treaty bodies, Special Rapporteurs, etc.) and the SDG accountability mechanisms (in particular the HLPF) could drive improved accountability. The treaty bodies for example are already monitoring and producing recommendations on governments' extraterritorial conduct, an incredibly rich source of norms and jurisprudence the HLPF could benefit from, and leverage its mandate to strengthen the political will to live up to these recommendations.

Conclusion: Incentivizing SDG achievement through human rights

To conclude, framing the new sustainable development commitments in line with human rights obligations, re-envisioning how these commitments are financed, and bringing the mechanisms of human rights enforcement to bear in boosting performance are surely among the most powerful ways to incentivize the achievement of sustainable development, before it's too late.

[ENDS]



**General Assembly High-level Event on Contributions of
Human Rights and the Rule of Law in the Post-2015 Development¹**

Comments by Thomas Hughes, Executive Director, ARTICLE 19

10 June 2014

Thank you Madame Chair, your Excellencies, ladies and gentlemen.

In my role as a discussant on the panel I will frame my comments to the presentations made today around two themes:

1. how human rights and rule of law have been applied in development to date;
2. how the lessons learnt can assist the post-2015 development agenda.

I'd firstly like to mention that ARTICLE 19 is here today as a member of Beyond 2015, which represents over 1,000 civil society organisations from 132 countries, a majority of which are from the Global South, as well as the Post-2015 Human Rights Caucus and the Global Forum for Media Development.

1. Human rights and rule of law in development to date

Reflecting the comments of Minister Migiro, in the pre-2015 development context, economic growth was often held as the main benchmark of development, but this alone cannot work for sustainable development if it is deliver 'freedom from fear and want'.

As is widely acknowledged, the MDGs were created through a top down process and failed to adequately take human rights into account. This shortcoming has been repeatedly linked to a number of failings²:

As Commissioner Strässer stressed, ARTICLE 19 also welcomes the increasing global recognition over the past years of a human rights-based approach to development, founded on the principles of participation, accountability, non-discrimination, empowerment and the rule of law.

Moreover, such a rights-based approach is also consistent with member states existing duty to undertake positive measures to ensure access to justice, participation in public affairs, personal security, freedom of expression, access to information, and association and assembly³.

¹ Panel discussion on "Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development"

² An unbalanced development framework; poor specification of the global goals, targets and indicators; inappropriate adaptation of global goals to the national levels; non-participatory processes; weak accountability for both process and outcomes; and failure to address discrimination and increasing inequalities - Towards freedom from fear and want: Human rights in the post-2015 agenda (Thematic Think Piece, OHCHR, May 2012)

³ Towards freedom from fear and want: Human rights in the post-2015 agenda (Thematic Think Piece, OHCHR, May 2012)

Evidence across numerous development sectors, from health to education, or water to food, show that a rights-based approach promoting access to information, independent media and participatory decision-making, are essential for securing better social and economic development outcomes for all, including the most marginalised and vulnerable populations. Moreover, a recent study by the World Bank in the Dominican republic found that access to information was improved both community participation and trust of local governments.

ARTICLE 19 thus believes that there is substantial evidence to support the need for a governance and rule of law goal, and that this has been widely recognised in the various reports and resolutions of the General Assembly, Open Working Group, High-level Panel, Secretary General, and others. As the Costa Rica delegate highlighted, the Right to Development also specifically provides an underpinning for human rights and the rule of law for sustainable development.

In May 2014, an unprecedented 31 UN Special Rapporteurs and Experts including those on extreme poverty, water, health, environment, indigenous persons, and housing, issued detailed recommendations on how media freedom, access to information, freedom of expression and freedom of assembly and association are fundamental for the achievement of development goals and must be recognised in the Post 2015 framework.

Moreover, based on ARTICLE 19 direct experience, working with national governments and local civil society around the world, we have seen the crucial role freedom of expression, access to information and civil society play in sustainable development, whether that be on education in Indonesia, environment in Bangladesh, water in Kenya or indigenous communities in Brazil.

The post-2015 framework must also recognise the important role civil society plays in promoting sustainable development, as established in international policy for nearly 30 years - from the Brundtland Commission report, to the 1992 Rio Declaration, the Millennium Declaration, Agenda 21 and most recently in the Rio + 20 “The World We Want” Declaration.

Additionally, the use of ICTs to promote and underpin sustainable development must be included in the goals, both in terms of access to the internet and human rights online.

2. How lessons learnt can assist the post-2015 development agenda

If sustainable development in the post-2015 era is to deliver ‘freedom from fear and want’, then it must reflect the full range of international standards for political, civil, economic, cultural and social rights. As UN Deputy Secretary-General, Jan Eliasson, stressed these human rights are universal. Only then can sustainable development be achieved.

To accomplish this, ARTICLE 19 would like to see a free standing goal on governance and rule of law that covers all aspects of the development agenda to ensure accountability. It should be based on international human rights law and the commitments made in the 2000 Millennium Declaration and the recommendations of the High Level Panel.

This goal should include targets on access to information, freedom of expression, freedom of association, freedom of assembly, and protection of human rights defenders and media from attacks and unlawful limits on their activities.

Such a free standing goal on governance and the rule of law would provide a strong measurable framework for countries to adapt to their local circumstances and empower individuals and communities to achieve better development outcomes.

In line with Dean Kreutner's comments, ARTICLE 19 is also pleased to see the free standing goal 16 to "Achieve peaceful and inclusive societies, rule of law, effective and capable institutions" in the Zero Draft of the Open Working Group.

In response to the question of the Australian delegate, we have also made recommendations for improving the language of the Zero Draft of the Open Working Group, which are available at www.empoweringdevelopment.org (please also see Annex 1).

In conclusion, I'd like to use three quotes made by the panel today. As the chair, Ms. Irene Khan, stated, "poverty is about the denial of human rights" and as Minister Migiro was quoted as saying, realising human rights and the rule of law in sustainable development "is a matter of simple justice". Finally, as Deputy Secretary-General Eliasson said, "people are the best drivers of their own development".

Many thanks again for the invitation to be here today.

Annex 1: ARTICLE 19's recommendations for amending language in the OWG Zero Draft

ARTICLE 19 urges that targets related to transparency, public access to information, promotion of freedom of media, association, and speech, participatory decision-making and the role of civil society be strengthened.

We especially welcome target 16.4, “by 2030 increase inclusive, participatory and representative decision-making at all levels, taking into consideration the interests of present and future generations”. Inclusive and public-participatory decision making within a strong civil society that is unobstructed or hindered in accessing resources is an essential enabler of sustainable development.

We also recommend strengthening the language of the targets related to access to information and freedom of media, association and speech, to ensure they are robust and effective. To do this we propose amending the Zero Draft to read:

Transparent and accountable institutions

- 16.11 By 2025, establish and implement regimes to ensure effective, accountable and transparent public institutions at all levels
- 16.14 By 2020, establish and implement effective regimes for public access to information and government data.

Freedom of speech

- 16.17 By 2020, ensure legal frameworks guarantee freedom of media, association, assembly, and expression

ICTs

- 17.16 By 2030, achieve universal access to ICT, including access to affordable broadband, for all women and men, including as a means of promoting women's empowerment

Participation

- 15.10 Ensure free prior informed consent of indigenous peoples and local communities in decision making and natural resources management, and promote the use of their traditional knowledge
- 16.4 By 2030 ensure inclusive, participatory and representative decision-making at all levels, taking into consideration the interests of present and future generations

Annex 2: Topic and panellists

Topic: “Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development”

Chair/Moderator: Ms. Irene Khan, Director-General, International Development Law Organization

Keynote Speaker: H.E. Mr. Jan Eliasson, Deputy Secretary-General of the United Nations

Panellists:

Honourable Dr. Asha-Rose Migiro, Minister of Justice and Constitutional Affairs, Tanzania

Mr. Christoph Strässer, Federal Government Commissioner for Human Rights Policy and Humanitarian Aid, Germany

Mr. Martin Kreutner, Dean of the International Anti-Corruption Academy

Mr. Nicholas Lusiani, Director – Human Right in Development, Center for Economic and Social Rights

Discussants:

Mr. Thomas Hughes, Executive Director, ARTICLE 19

Ms. Kinatankara Balasubramanian Pooja Parvati, Wada Na Todo Abhiyan

June 10, 2014

WNTA Input into the PGA High Level Event on Human Rights and Rule of Law (June 10, 2014)

The issue of human rights and rule of law remains fundamental for the new development agenda to be successful.

Be it the case of Irom Sharmila, a woman in India's Manipur state who's been on a hunger protest for the last 13 years demanding repeal of a law that gives armed forces the power to shoot and kill with absolutely no one to answer to;

Or, the alarmingly increasing brutal rape crimes across India. Be it the gang-rape of Delhi girl Nirbhaya who succumbed to her injuries last year or the more recent incident where 2 teenage girls were raped and hanged from a tree, which drew condemnation even from the UN Secretary-General but was justified by Indian ministers as ``boys will be boys".

Or, the Boko Haram crimes in Nigeria that uses terror to hold people to ransom.

All of these are but manifestations of inability of the state to ensure fundamental human rights to all its citizens, particularly women and the most marginalized communities and the failure to provide effective legal redress.

These are also in no unclear terms guided by the macroeconomic framework that influences policy perspectives and the attendant policy actions – a case in point being the impact of neoliberal policies on women. These policies may provide new economic opportunities, but they also perpetuate patriarchal controls, restrict women's social and reproductive rights and lead to crimes and violence against women.

Priority 'Asks'

As the panelists have already thrown light on some of the critical issues, I will focus on 7 specific 'asks' related to what we want to do about some of these challenges. Following recommendations are the outcome of consultations organized by *Wada Na Todo Abhiyan* with specific disadvantaged communities such as Muslims, women, persons with disabilities, *Dalits*, *Adivasis*, the youth and children:

It is important that the Post-2015 SDG agenda address root causes of violence and conflict and build on existing commitments to promote sustainable development and peace. We also believe it is imperative to stress '**justice-based**' governance as a tool to enable better institutionalisation of rule of law and other practices to foster peaceful societies. We put forth 7 action points for the post-2015 agenda:

1. **Ensure security of all people** particularly women, minorities, indigenous people, those affected by caste discrimination and untouchability, through recognition and acceptance of different identities; freedom to practice diverse religions; and recognition of gender based crimes – by strengthening wide ranging reforms in law enforcement mechanisms, including the judiciary and police. Recognition of women's role in peace processes also remains crucial.
2. **Access to justice for all** – recommendations include: ensuring availability of free quality legal resources for the most marginalized; reducing time taken in justice delivery; independence in judicial appointments; and professional policing. Also critical are independent accountable police based on protection of rule of law and citizenship rights; and putting in place appropriate checks and balances

Wada Na Todo ABHIYAN

Holding The Government Accountable to Its Promise to End Poverty & Social Exclusion

in countries where police systems have plenipotentiary powers. Above all, greater emphasis on training police in human rights.

3. **Rights-based non-discriminatory universal access to basic public goods and services for decent human existence** - including but not limited to health, education, water and sanitation without conditionalities. Also vital are regulatory and accountability mechanisms for partnership as a whole and more specifically of private players involved in public service delivery.
4. **Transparent and accountable governance processes, practices and mechanisms to promote free and equal participation of all stakeholders to review decisions taken at local, national, regional and global levels.** **Transparency mechanisms** would **include** people's right to information; accessible, disaggregated database to monitor budget provisions, taxation policies, outputs and outcomes, to enable track benefits to most-disadvantaged groups of population. **Accountability mechanisms** would **include** strengthened legislative oversight and integrating civil society oversight mechanisms such as participatory budgeting, independent budget analysis, citizen's report cards and social audits (as found in India and Brazil).
5. **Inclusive and responsive processes, mechanisms and institutional apparatus to implement equitable governance practices that address concerns of the most marginalized communities** – a case in point being effective gender responsive budgeting. Further, addressing systemic weaknesses and capacity constraints in terms of staffing, infrastructure and implementation will be necessary. A constant refrain we hear is lack of public resources to address these concerns. Taking India's case, even if half of the tax revenue foregone due to a plethora of tax exemptions to businesses and other sectors by the Central government are withdrawn, it would generate additional tax revenue worth 3% of GDP which could significantly address infrastructural and staffing gaps in critical sectors like health and education.
6. **Promotion of integrity in public life and eliminate corruption** through establishing oversight mechanisms to check corruption incorporating UN Convention against Corruption norms. Citing three specific ways to do this: checking tax evasions, plugging illicit financial flows and increase transparency in the global financial systems through process reforms. Two examples of such process reforms are country-by-country reporting of sales, taxes, profits paid by MNCs and automatic exchange of tax information on personal and business accounts between countries.
7. Finally, it is imperative that the post-2015 SDG agenda **integrate a rights-based and justice framework within all governance processes and mechanisms** in order to ensure public participation in all democratic processes as indicated in the Millennium Declaration and prescribed in the Universal Declaration of Human Rights (articles 6, 8, 19, 21). It is only then that the voices of women like Irom Sharmila and the brutalities inflicted on the numerous Nirbhayas world over will be truly heard.

**The President of the General Assembly's High-level event
"Contributions of Human Rights and the Rule of Law to the
Post-2015 Development Agenda"
New York, 9-10 June 2014**

- Mr President, Excellencies, Ladies and Gentlemen. It is an honour to be with you today, and let me start by expressing my gratitude to his Excellency, Ambassador Ashe, for organizing this high level meeting on human rights and rule of law in the post-2015 development agenda and for his leadership in reinforcing the message that human rights are central for the post-2015 development agenda.
- We have heard a loud and clear demand from all regions of the world that human rights standards and principles should be firmly integrated into our next development agenda. We have heard this message from over a million people in the global and thematic consultations that were held over the last few years. Member States themselves have recognized this human rights imperative – in the Millennium Declaration of 2000, and in the 2012 Rio+20 Outcome Document which reaffirmed the importance of the Universal Declaration of Human Rights and emphasised the responsibilities of all States to “respect, protect and promote human rights and fundamental freedoms for all, without discrimination”. An increasing number of Member States also recognize, from their own national experience, the centrality of human rights in sustained development. And we have seen a growing consensus that this be a central priority of the new goals, including in the work of Member States in the Open Working Group on Sustainable Development Goals.
- The question now, therefore, is no longer *if* human rights should be included in the new agenda, but rather we must address the *how*. And this is the question that this panel is

addressing today – how can human rights be effectively integrated into the post-2015 development agenda?

- I would like to make four key points that relate directly to the questions asked by this panel in the background note.
- Firstly, we must have a holistic understanding of human rights. Human rights include economic, social and cultural rights, as well as civil and political rights, and the right to development. The new framework must comprehensively reflect all human rights to ensure both freedom from want – human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, sanitation, health care and education – and freedom from fear – human rights relating to access to justice, participation in public affairs, personal security, and free expression, association and assembly. The indivisibility of rights is a key issue because the challenges faced by people are complex and interconnected. For example, the right to food is linked with women's access to land and access to water, as well as access to affordable energy sources to process and prepare food and the time to do all this work. There is a need to go beyond a silo approach to ensure a more integrated and holistic approach. If we have an holistic understanding of human rights, it becomes clear that human rights should be intimately linked with all goals, targets and indicators, rather than a stand-alone goal separate from the other goals.
- This means that a goal on education or health should reflect the key elements of the right to education, or the right to health. In fact, we have already seen evidence of this understanding in the drafts of the Open Working Group which have articulated that a goal on education should be related to the right to education, and the targets that un-

derpin it should reflect key human rights elements, such as availability, accessibility, affordability and quality of education. The right to education entails more than building schools, it means ensuring a quality education for all people, without discrimination, and schools that are safe for girls and provide sanitary facilities, so that that all can have equal opportunities for a life of human dignity.

- It also means that goals or targets on governance and the rule of law should reflect the human rights elements and aim to protect personal security, secure high standards in the administration of justice and protect people's rights to participate in political and public life. It includes committing to end, not just reduce, conditions such as poverty, violence, preventable deaths, malnutrition and denial of basic service access through, for example, "reduce to zero" targets. And it means ensuring the new framework is universally applicable because there is no country that is immune to poverty, inequality and discrimination.
- This is how we can begin to integrate human rights into the Post-2015 agenda.
- Secondly, it will be critical to ground the new agenda on the human rights principles of equality and non-discrimination. Many types of inequalities have worsened since the Millennium Declaration was adopted. At present the richest 1 per cent of the world's population owns 40 per cent of global assets, while the bottom half owns just 1 per cent. By not devoting sufficient attention to inequalities, the success of the MDGs rode on the back of widening social and economic inequalities both within and between countries. Inequalities are not just problems for the people whose lives are most directly affected – those who are most disadvantaged and marginalized. They have

broader consequences for society and harm us all. The diminished productive potential of all who are excluded is a clear loss to society. Higher levels of inequality make it more difficult for economic growth to be translated into poverty reduction. And inequalities weaken social cohesion and security often feeding political intolerance, xenophobia, and violence.

- A life lived in dignity is every individual's human right, and inequalities and discrimination are the most severe barriers to a life lived in dignity.
- In the context of rising inequalities it is critical that the imperative of equality should underpin the entire framework, and the framework should provide the impetus to end inequality and discrimination in our lifetime. The new framework should move beyond formal equality to substantive equality; challenge structural impediments such as unequal power relations, unequal resources and systemic biases that perpetuate inequalities and disparities; commit to end, not just reduce, conditions such as poverty, violence, preventable deaths, malnutrition and denial of basic service access; ensure all stakeholders, including marginalized, disempowered and excluded groups, have a say in developing the new agenda, in setting priorities and in holding decision-makers accountable to achieve those priorities. As you will be well aware, one of the key failings of the Millennium Development Goals was the focus on average statistics and aggregate progress, which has meant that progress bypassed the poorest and most marginalized. The new framework must therefore ensure that data is disaggregated by social groups for all goals, targets and indicators; and ensure that progress is monitored for each group, to ensure that no one is left behind. The post-2015 framework should drive

new data collection and analysis for effective policy making and accountability. Otherwise we will continue to be trapped in averages which hide the real lives and aspirations of people. The framework should include explicit targets not only to reduce inequalities but also to eliminate all forms of discrimination - in laws, policies and practices – as discrimination is a fundamental driver of inequalities.

- We commend that in the current draft of the Open Working Group, there are two proposed goals – one on ‘gender equality’ and another on ‘promoting equality’ more broadly to address other kinds of social, economic and environmental inequalities.
- Gender equality, women’s rights and women’s empowerment must be central to the new framework because gender inequality and discrimination are the most pervasive violation of human rights. There is widespread acknowledgement that women’s empowerment and gender equality are essential to environmental, social and economic progress. However, across the many consultations that have been held it is clear that women feel less safe, less listened to and less ‘counted’ (in the case of statistics) than men. Gender equality and women’s empowerment and rights must be addressed in a stand-alone goal which addresses three core areas: first, freedom from violence for women and girls; second, equality in human capabilities, access to opportunities and resources; and third, equality in agency, voice and participation across the full range of decision-making arenas, be they within public or private institutions.
- In addition to these three core areas, gender concerns and targets should be comprehensively integrated across all goals. While some issues such as violence against women and girls, women’s unpaid care work burdens, ownership of property and voice and

participation should be addressed in the stand-alone goal, it is important that other goals such as those on poverty, health, education, hunger and food security, water and sanitation and so forth include gender-specific targets and indicators. While deciding which issue to mainstream, it is important to take a comprehensive look at the entire framework and ensure that issues that are not addressed in the stand-alone goal are addressed in other goals. UN Women has developed a recommended set of gender-responsive targets and indicators for mainstreaming gender equality across the framework, covering, apart from these issues, access to safe and sustainable water, sanitation and hygiene, access, control and sustainable management of natural resources, women's participation in national and global governance, and promoting women's full participation in post-conflict peacebuilding.

- Thirdly, the new agenda must include a strong accountability framework, including accountability of the private sector, which identifies rights holders and corresponding duty bearers as well as mechanisms at the international, national and local levels. Such framework must hold all States – developed and developing countries alike – accountable for their commitments in a universal agenda while taking into account the different levels of development of Member States. With the growth of public-private partnerships and the increasing involvement of the private sector in development, it will also be important to ensure responsible business practices, through the exercise of due diligence, use of human rights impact assessments and the full application of the UN's Guiding Principles on Business and Human Rights.
- Lastly, human rights are relevant not only at the national level but also at the international level, [through commitments to the right to development and to international

cooperation in accordance with the Universal Declaration on Human Rights to secure a national and international order in which all human rights can be realized (Art 28)].

Human rights can help to guide and shape a goal on global partnership and the means of implementation. This means extending human rights, with the rule of law, to the international level, including through democratising the institutions of international governance for the full participation of all Member States. In addition, it means international cooperation to secure an international environment that is conducive to the realization of human rights, including ensuring the policy space and coherence so that international trade, finance, investment and intellectual property agreements are consistent with and respectful of human rights. MDG8 on global partnership did include some useful indicators in this regard on aid, trade, debt, technology transfer, and these can be further extended.

- In closing, let me reiterate that in order to ensure a people-centred, equitable and truly sustainable and transformative development framework, human rights must be at its core. And only then can we ensure real progress for all women and men and girls and boys.

- I thank you.

Justice for development: integrating justice and human rights into the post-2015 development framework - June 10, 2014

Remarks to the President of the General Assembly's High-level Event on "Contributions of Human Rights and the Rule of Law in the post-2015 Development Agenda"

James A. Goldston

H.E, Mr. John Ashe, President of the General Assembly,

Excellencies

Distinguished representatives,

Ladies and gentlemen,

Thank you for this opportunity to offer remarks on the importance of human rights and the rule of law in the post-2015 development framework.

My organization, the Open Society Justice Initiative, works to promote access to justice and the rule of law around the world through advocacy, litigation, research, and community based justice services. At the same time, we are centrally engaged in a debate about the next global development agenda. Over the past year, member states, working through the Open Working Group, have made much progress. And yet, a major question remains: what role will justice play in the next generation of development goals?

For people around the globe, it is no secret that the rule of law, good governance, and human rights are necessary preconditions to peaceful, stable, and prosperous societies.

The day-to-day consequences of barriers to justice are practical and restrictive:

- Without secure property rights or means for claiming them, poor people cannot invest.
- Without reliable and responsive criminal justice institutions, people do not feel safe to send their children to school or go to market to trade.
- Without legal identity, one cannot access services, open a bank account or, in some countries, acquire a mobile phone.
- Rule of law deficits – corruption, armed conflict, inefficient public institutions – perpetuate poverty and inequality.

And it's not only people who understand the link between justice and development. States get it too. Just last September, the General Assembly affirmed that the rule of law is of

“fundamental importance for ... the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development.”

In short, we now understand that justice and governance are no less important to equitable and sustainable development than good schools, functioning health clinics, and passable roads.

And yet, what do we do with this knowledge? How concretely do we integrate justice and governance in the development agenda?

I will address these questions in three ways: First, I will recall the many positive impacts that justice and good governance have had on development. Second, I will discuss how justice and governance can—and must—be incorporated into targets in the new development framework. And finally, I will respond to the concern that justice and good governance are not measurable.

I. *Justice and governance are critical for development*

In 2011, the World Bank’s World Development Report heralded an end to the divide between justice and development. This landmark study found that addressing injustice and insecurity is fundamental to poverty reduction. In the years since, evidence of the links between justice and development has only expanded.

Just a few weeks ago, the legal empowerment organization Namati, which Open Society Foundations supports, published a comprehensive evaluation of nearly two hundred access to justice and social accountability programs. The findings are striking. When government and civil society groups support people to understand and claim their legal rights, development processes are not only more inclusive and equitable; they also drive better health, stronger educational outcomes, and wealthier communities.

Allow me to give you some examples.

Over the course of one year, in 25 villages in Uganda, the government, the World Bank and local organizations partnered to improve health outcomes by fostering greater community engagement in health service delivery. Armed with more information about health policies, local residents developed scorecards rating the performance of health clinics and met with service providers. In just one year, under-five child mortality was 33 percent lower; vaccination rates improved; and community members utilized more health services with lower waiting times.¹

An Indian NGO helped over 300 people access their public food grain records through a new right to information law, then analyzed the information to expose inconsistencies with the amount of subsidized grain actually received. Public hearings and other pressure helped

¹ (Namati Evidence Review, citing Martina Bjorkman and Jakob Svensson, “Power to the People: Evidence from a Randomized Experiment on Community-based Monitoring in Uganda,” *Quarterly Journal of Economics* 124:2 (2009), 735-769.)

improve grain distribution to poor families. Based on this success, the Delhi local government incorporated public participation mechanisms into the city's Public Distribution System.²

In Mozambique, Uganda and Liberia, community based paralegals have contributed to more secure and equitable land governance, and to resolving intra-communal and territorial disputes.

In Bangladesh, efforts focused on raising women's awareness of rights and responsibilities around marriage have been reported to help decrease the size and frequency of illegal dowry payments.³

In Ecuador, the expansion of access to legal information and advice helped address physical violence against women.⁴

People in many countries have used a judicially enforceable right to information to monitor public spending and advocate for change.

- in Chiapas, Mexico, rural community members found out through Rti requests that a government sewage project had been contaminating local water. With that information, they successfully advocated for authorities to halt the project and install proper filter systems.⁵

Legal identity documentation has been found to be a “determining and aggravating factor for social, economic, and political exclusion—for men and women alike”. Several projects underway—involving Nubians in Kenya, persons of Haitian descent in the Dominican Republic, and Roma in Macedonia and Serbia —successfully deploy low-cost, community-based paralegal schemes to secure legal identity documents, including birth certificates and identification cards, essential for access to citizenship, education, and health care.

In Ontario, Canada, the provincial government allocates funds for independent community legal service centers to provide advice to citizens to promote healthier and safer livelihoods.

In short, while models of collaboration vary from place to place, the principles remain the same north and south, east and west: projects which promote justice and enhance the rule of law foster more equitable, inclusive and sustainable development.

II. [Targets for the new development framework]

² (Namati Evidence Review, citing Suchi Pande, “The Right to Information and Societal Accountability: The Case of the Delhi PDS Campaign,” IDS Bulletin 38:6 (2008): 52.)

³ (Asian Development Bank 2001.)

⁴ (Rodríguez 2003)

⁵ (Dokeniya 2013)

Given the essential connections between justice and development, how do we actually incorporate these linkages into the post 2015 framework? In fact, many governments are already doing so through targets contained in their national plans.

Indonesia has adopted numerous economic reforms and developed robust safety-net policies in recent years that have helped drive poverty alleviation. Two specific targets on justice in Indonesia's mid-term development plan for 2010 to 2014, commit the government to:

- Increase the number of justice seekers who report “comfort, certainty, and security in their interaction” with the state, and
- Increase the “trust and respect [] the general public” have for law enforcement and government justice institutions.

South Africa is another example. In 2010, President Jacob Zuma tasked the National Planning Commission to develop a national development plan to guide South Africa's progress. The Commission concluded that justice, safety and good governance are central to South Africa's efforts to eliminate poverty and reduce inequality. The 2030 development plan includes specific commitments to:

- “Realise a developmental, capable and ethical state that treats citizens with dignity.”
And to
- “Ensure that all people live safely, with an independent and fair criminal justice system.”

Indonesia and South Africa are not unique. Across the world, government-led poverty reduction strategies and development plans include targets on justice, governance, and safety.

Afghanistan's poverty reduction strategy from 2008—the blueprint for government and donor policy—included a goal to ensure that the “public can rely on effectively organized and professionally staffed, transparent and accountable justice institutions.” The Afghan plan offers concrete justice and governance targets including that “justice institutions have access to infrastructure, transportation, equipment, and supplies adequate to support effective delivery of justice services” and that “citizens are more aware of their rights and are better able to enforce them.”⁶

As far back as 2001, Honduras incorporated justice and governance into its development plan, and included a target to “achieve parity and raise by 20% the Human Development Index related to gender.”⁷

In 2005, Mongolia adopted a 9th development goal - to ‘strengthen human rights and foster democratic governance’ – with three targets and 12 monitoring indicators.

Many other countries have followed suit.⁸

⁶ <http://www.imf.org/external/pubs/ft/scr/2008/cr08153.pdf>

⁷ <http://www.imf.org/External/NP/prsp/2001/hnd/01/083101.pdf>

⁸ For library of PRSPs <http://www.imf.org/external/np/prsp/prsp.aspx>

The Secretary General's High Level Panel, the Open Working Group, and others, have offered suggestions for potential targets in the new development framework, but I want to use this opportunity to put forward a few concrete recommendations. These targets are contained in a statement developed by over 200 civil society organizations from 50 countries. They have been endorsed by eminent persons including Desmond Tutu, Mo Ibrahim, and former presidents of Brazil, Mexico and the United States.

- Government should ensure that access to legal identity is universal and all people can participate fully in society. A target could be to “ensure that no one suffers from a lack of legal identity.”
- Government that should ensure communities and individuals, including women, have secure rights to land and property. A target could be to “increase the amount of land for which communities have secure tenure and decisions are taken through an open and accountable process” or to “increase the share of women, men and communities with secure rights to land and property.”
- People should know about the laws and regulations that govern their lives, particularly those concerning essential services. A target could be to “guarantee the public's right to information and to access government data.”
- Finally, citizens must have a role in shaping the fundamental, everyday work of their governments. A target could be to “ensure the participation of citizens in monitoring essential services, including water, healthcare, and education.”

III. *[Indicators of progress under the new development framework]*

Having demonstrated the connection between justice and development, and describing some possible ways to incorporate these linkages through targets, I will conclude by responding to the most frequently voiced concern I have heard in these debates - that justice is not measurable.

In fact, governments have a long tradition of using indicators to monitor progress towards justice and governance.

- Ministries of justice and judiciaries regularly gather administrative data on case volume and duration.
- Security agencies and departments of health track homicide and crime statistics.
- National statistics offices regularly include justice, legal knowledge, and access questions in surveys to document the lived experiences and perceptions of people.
- Dozens of governments collect information on birth registration rates, and developing countries increasingly have full or partial data on registration of children.

To be sure, governments do not tackle the challenges of measurement alone. Academia, civil society and international organizations often help.

- The Afro- and Latino-barometers are independent, nonpartisan research projects that record experiential data through population-based surveys throughout these regions.
- UNICEF helps governments collect national data on birth registration and legal identity.
- UNODC supports national data collection around homicides and conviction rates in more than 80 countries.
- The Organisation for Economic Co-operation and Development and the World Bank are working with the g7+ to develop ways to measure justice and security across many of the world's fragile states.

Because a single indicator is often insufficient, governments and academics are increasingly creating baskets of indicators that capture progress across different dimensions through various data sources.

- Administrative indicators document government effort and inputs;
- Objective indicators⁹ identify broad trends over time;
- Experience and perception indicators, typically gathered through surveys, ensure that the real experiences of people inform overall assessments.

In support of its governance goal in its existing MDG national plan, the Government of Mongolia has adopted a basket of indicators approach including the following four:

- Government performance in the Human Development Index;
- Expert evaluation of the conformity of Mongolian laws and regulations with international human rights treaties and conventions;
- Public perception of the political, economic, and financial independence of mass media; and
- The Number of state organizations that regularly place reports of their budgets and expenditures on their websites.

Other g7+ countries including Timor Leste, Solomon Islands, Liberia, and Somalia are also developing baskets of indicators to track progress across a range of peacebuilding and statebuilding goals. These include

- The number of violent deaths per 100,000; and
- Public confidence in the performance of justice systems—both formal and customary—including human rights mechanisms.

In short, many governments now recognize that experiential and perception data are valuable tools to help them target programs for effective service delivery.

⁹ *Addressing Conflict and Violence from 2015: A vision of Goals, Targets and Indicators*, Saferworld Briefing, February 2013 ("Saferworld, February 2013") available at <http://www.saferworld.org.uk/downloads/Post-2015-4th-goals,targets-and-indicators-FINAL.pdf>.

[Conclusion]

Over the last fifteen years the MDGs have enabled us to make progress as a global community towards reducing extreme poverty.

By including justice and the rule of law in the next development agenda, we can do even better.

Specific targets and measurable indicators are available.

It's time to put them to use.

Thank you.

General Assembly High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development¹

Comments by Neva Frecheville, Lead policy analyst, CAFOD

10 June 2014

I'd like to start by thanking the President of the General Assembly for the invitation to participate in the High Level Event on human rights and rule of law. The points that I share today are informed by our work with our partners around the world, the global civil society campaign Beyond 2015, and Participate, a participatory research initiative seeking to bring the perspectives of people experiencing poverty into the post-2015 development agenda.

Many member states and panellists have realised that to be fundamentally transformative, the post-2015 development agenda needs to be people-centred. One of the lessons learnt from the MDG experience is that a siloed approach does not work and that development cannot be 'one size fits all'. If we do not recognise and respond to the diverse contexts and realities in which people live, our interventions are at best ineffective, and at worst harmful. This means that the post-2015 development agenda should be providing goals and targets which facilitate people to direct their own context specific development, not imposing a top down framework. This means reaching out to people where they are and allowing a shift in power dynamics that will have to be reflected in the relationship between the local government official and the grassroots community, the citizen and the state, and here at the international level.

But what does this mean in terms of the practical application of a global development framework composed of a specific, limited number of goals, targets and indicators?

The recommendations that I put forwards here today are garnered from participatory processes with people experiencing poverty, exclusion and vulnerability, because of factors such as economic status, disability, ethnicity, age, gender, and many more. Together we have worked to set what we see as the moral compass for the post-2015 framework. I will present six concrete recommendations that will enable the framework to be people-centred and deliver human rights and rule of law that work for the poorest.

1. Prioritise development investment which starts with the needs of the poorest and most marginalised people. As a global community, we have a responsibility to listen to those whose lives are most difficult, and make their interests a priority.
2. Give marginalised groups the opportunity to define the rights that matter most to them. Many poor and marginalised groups see rights as a crucial means to achieving equality and dignity. The rights they prioritise reflect the deficits that they feel most keenly in their lives.

¹ Panel discussion on "Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development"

For some, rights provide a pathway to recognition of their status as human beings and citizens, such as disabled children in Kenya interpreted their invisibility to policymakers as a lack of respect for their rights. For others, rights have a more material dimension; in Ghana, young people prioritised their right to education, food and shelter.

3. Protect the rights called for by the poorest and most marginalised within legal frameworks. The concept of rights is central to any attempt to address deep-rooted inequalities. Yet while formal recognition of rights in law is a critical milestone, it does not automatically translate into concrete outcomes. Enshrining rights in law is a crucial first step, but they must be implemented through the transformation of discriminatory norms and values.
4. Target institutional discrimination, and ensure that government representatives and officials treat all people with respect. Through research with partners in Uganda, the Philippines, Bolivia and Zimbabwe, CAFOD has seen the power of the MDGs to change and challenge discriminatory social norms representing a considerable improvement for specific groups of people, such as those living with HIV or indigenous peoples.
5. Involve citizens in creating, monitoring and implementing the post-2015 development framework. A participatory approach to governance is one which engages with local knowledge, strengthens people's voices, and enables people to influence decisions and hold decision-makers to account, thereby improving national ownership and accountability. While this approach can benefit many, it must be targeted to ensure they are inclusive of those who are usually excluded so that no one is left behind.
6. Ensure that indicators are linked directly to positive impacts for the poorest and most marginalised, and that no progress can be achieved unless it is realised by all relevant social and income groups.

A central desire articulated by people around the world is to be able to play an active role in developing their own futures, and in shaping the policies and programmes that affect them. This needs to be at the heart of the post-2015 framework. People have clearly shown that they want to be part of identifying solutions with policymakers and practitioners. Not only should we be hearing people's call for the right to participate in decisions that affect them, we should also be recognising that their participation is essential to secure good outcomes and effective implementation of the post-2015 agenda.

For many people, human rights are a pathway to development. As one participant from Brazil commented, 'The counterpoint to this [my poverty] is dignity. It should be a compass to show us the way. I have the right to dignity.'

Building effective, accountable, and legitimate institutions is not just an issue for conflict countries but for all countries. This needs to be a universal approach. Effective and resilient societies and state institutions build trust between the state and the population. As this is a universal framework, it will be as relevant to me and my communities in the UK as it will be to those of our partners around the world. I want a government that is open, accessible and inclusive to enable me to trust and participate in my country's development progress.

This is about the development aspects of peace - the social, political and economic inclusion of people, ending injustice and discrimination and building resilient societies and institutions. Human

security is prioritised by people who are poor and marginalised, as even small-scale disasters and conflicts have the potential to destroy years of progress and undermine the wellbeing of people for years to come.

This builds on the mandate from Rio+20 for the post-2015 development agenda, where the 'Future We Want' acknowledged the centrality of democracy, good governance, the rule of law, and human rights. The post-2015 development agenda can be transformative by making people the artisans of their own destinies through enabling them to participate every step of the way, from design and implementation, to monitoring and accountability of our global commitment to end poverty through sustainable development.