Professional Development Reading Pack   No. 33

Human Rights

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February 2016

Human rights emerged as a new field in international development in the 1990s. By 1997, the UN Secretary-General had called on all UN development agencies to mainstream human rights (1997), while development donors and NGOs increasingly committed themselves to a human rights approach. Diverse factors explain this seeming breakthrough of human rights. First, a growing discontent was directed at international development, which was often criticised for violating and failing to promote relevant human rights in policy and practice. Second, human rights materialised as a universal moral code in the post-Cold War era, an idea or ideology propelled by the ever-growing number of institutions and NGOs that monitor and promote human rights. Third, human rights fitted neatly with new thinking on 'positive conditionality' in aid.

However, there is not a universal acceptance of human rights within development: neither across NGOs, institutions and social movements, nor states, some of which resist civil and political rights on the basis that they are an imposition of Western values and simply increase social conflict. Current debates over LGBT rights and freedom of expression, for example, resonate with older disagreement over appropriate cultural values. Development economists have raised concerns that resources are not available to realise social rights or that human rights approaches should not encourage inefficient outcomes. These positions have been rebutted by some, and Amartya Sen, amongst others, has traced the non-Western history of human rights and noted the utilitarian benefits of all human rights.

What do we mean by human rights?

The answer is contested (Nickel 2008). Classical approaches view human rights as a small group of civil rights (e.g. protection from torture, free speech, equality before the law, right to property) that first emerged in Western political thought in the seventeenth century and dominated early

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constitution-making in the eighteenth century. Modern approaches point to the inclusive Universal Declaration of Human Rights (1948) and a host of subsequent international human rights conventions and declarations that expand human rights categories and reflect a dynamic evolution: individual rights (civil, social, political); collective rights (development, environmental, health, peace); and specific issues such as women, children, persons with disabilities, migrants, racism, torture and disappearances. More political approaches argue that human rights should be informed by localised struggles and contexts. Social movements in the Global South have advanced claims to the right to city, food sovereignty, and protection from climate change.

Attempts at integrating rights with development led to the *human rights approach to development* (Darrow and Tomas, 2005). Here, human rights were no longer regarded as a mere outcome of development but rather the critical means to achieving it. Its most common features are:

(1) grounding development objectives in human rights standards;

(2) seeking to empower individuals and communities;

(3) ensuring genuine participation and non-discrimination in programme design and implementation;

(4) building the capacity of duty-bearers to fulfil their human rights obligations;

(5) establishing effective systems of accountability.

Supporters have also promoted and used new 'tools', such as human rights budgeting, impact assessments and indicators, and placed a greater weight on advocacy (whether through the UN human rights system, parliaments, courts, media or fact-finding missions). Human rights are also used as a critical analytical framework. For example, they have framed critiques of the Millennium Development Goals or climate change mitigation policies (Saith 2006). There have also been sophisticated attempts to make economic and human rights approaches complementary (Seymour and Pincus 2008). While it is now common place to label a proposal or project as 'human rights-based', there are concerns that the human rights approach has been characterised by a 'checklist' mentality and that its transformative dimensions have been watered down (Yamin 2005).

Have human rights approaches been effective?

Critics say that human rights are too narrow, abstract and formalistic to really address development concerns or achieve material impact. Others say that the discourse and tools either lack the power to change the behaviour of powerful actors or only empowers elite groups and lawyers. The evidence on effectiveness is both emerging and contested (Langford 2015). However, research shows that both political and court-based advocacy strategies have delivered concrete results in some circumstances – expanding child feeding programmes, halting destruction of homes and livelihoods, and legitimating claims to women's rights and indigenous rights. Human rights have also provided a unifying platform for diverse groups to mobilise and a flexible discourse that can be translated in different contexts. The transformational potential of human rights approaches requires them to be nested in other strategies, as exemplified by the global and domestic campaigns on HIV/AIDs (Heywood 2009).

Key readings

Reading 1: Nickel, J. (2008). Human rights. *Stanford Encyclopedia of Philosophy (Spring 2013 Online Edition).* Ed. Edward N. Zalta.
http://plato.stanford.edu/archives/spr2013/entries/rights-human/

Reading 2: Darrow, M. & Tomas, A. (2005). Power, capture, and conflict: A call for human rights accountability in development cooperation. *Human Rights Quarterly 27* (2), 471-538.
https://muse.jhu.edu/journals/human_rights_quarterly/v027/27.2darrow.html

Reading 3: Yamin, A. E. (1996). Defining questions: Situating issues of power in the formulation of a right to health under international law. *Human Rights Quarterly 18*, 398-438.
https://muse.jhu.edu/journals/human_rights_quarterly/v018/18.2yamin.html

Reading 4: Saith, A. (2006). From universal values to millennium development goals: Lost in translation. *Development and Change 37*(6), 1167-1199.
http://bit.ly/1KCgALm

Reading 5: Seymour, D. & Pincus, J. (2008). Human rights and economics: The conceptual basis for their complementarity. *Development Policy Review 26*(4), 387-405.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1147832

Reading 6: Langford, M. (2015). Rights, development and critical modernity. *Development and Change 46*(4), 777-802.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2645663

Reading 7: Heywood, M. (2009). South Africa's treatment action campaign: Combining law and social mobilization to realize the right to health. *Journal of Human Rights Practice 1*(1), 14-36.

Alternative reading: Heywood, M. (2010). Justice and the Treatment Action campaign. In: *Zuma's own goal: Losing South Africa's War on poverty.* (eds. Bond et. al). New Jersey, USA: Africa World Press.
http://section27.org.za/wp-content/uploads/2010/11/Justice-and-the-TAC-2010.pdf

Questions to guide reading

1. What do we mean by human rights? Who should define them?
2. What do you think about the critiques of human rights as too Western or burdensome?
3. Can human rights improve the integrity or effectiveness of international development?
4. Are human rights approaches useful additions in development? Are they effective?
5. What are the disadvantages to human rights approaches? Can they be improved or not?

Further resources

Crichton, J.; Haider, H.; Chowns, E.; & Browne, E. (2015). *Human rights: Topic guide.* (Revised ed.) Birmingham, UK: GSDRC, University of Birmingham.
http://www.gsdrc.org/topic-guides/human-rights/