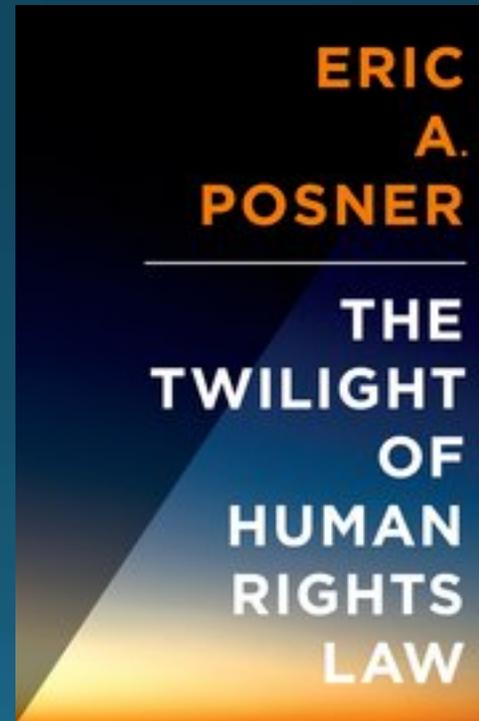


Should Human Rights Play a Role in Development?

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School



Should development policy incorporate human rights?

“As the Bank seeks to revise and adapt its Safeguards approach [in its draft Environmental and Social Framework] to the challenges of the twenty-first century, we believe that it is imperative that the standards should be premised on a recognition of the central importance of respecting and promoting human rights. But there is no such provision in the current draft.” – [UN Special Rapporteur on Extreme Poverty and Human Rights](#), December 12, 2014

“Human Rights Watch is disappointed that the primary reference to human rights in the draft framework is in the non-binding vision statement and urges you to remedy this. To suggest that human rights are merely visionary suggests that the World Bank views human rights as non-binding, undermines the international human rights framework, and does not remedy the long-standing problem that the bank does not analyze and address potential adverse human rights impacts of its activities.” – [Human Rights Watch](#), April 7, 2015

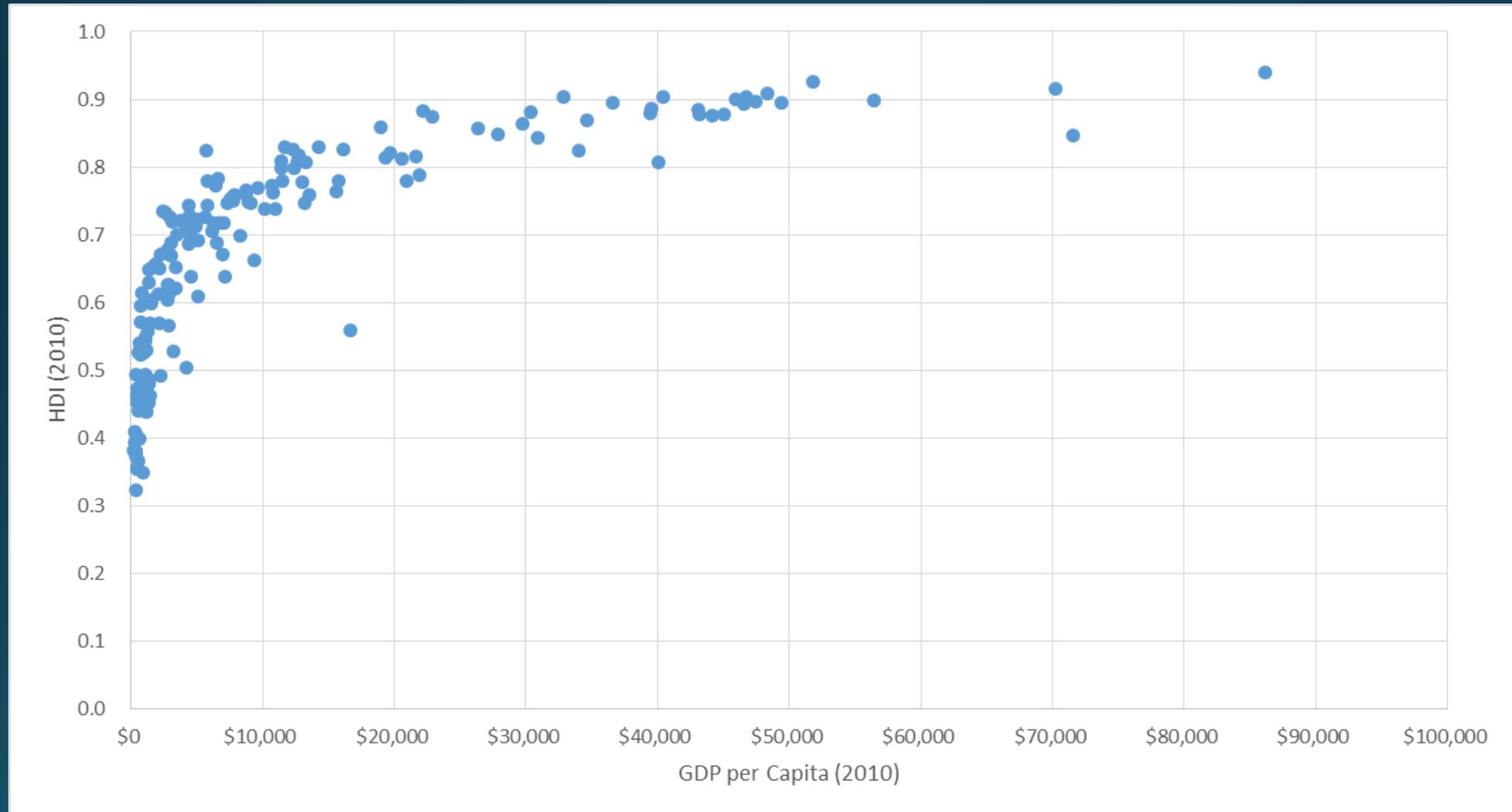
Amartya Sen, Development as Freedom (1999)

- Development policy should advance “freedom” for two reasons:
 - Normative thesis: Freedom is inherently part of people’s well-being. Money alone is not enough.
 - Empirical thesis: Freedom is instrumental for economic growth.
- What is “freedom”?
 - Sen: “capabilities”: objective outcomes (literacy, nutrition, health, political freedom, etc.). Freedom = good outcomes other than wealth
 - Or, in short, “well-being” (good outcomes supplied by government + good outcomes purchased from market with private wealth)

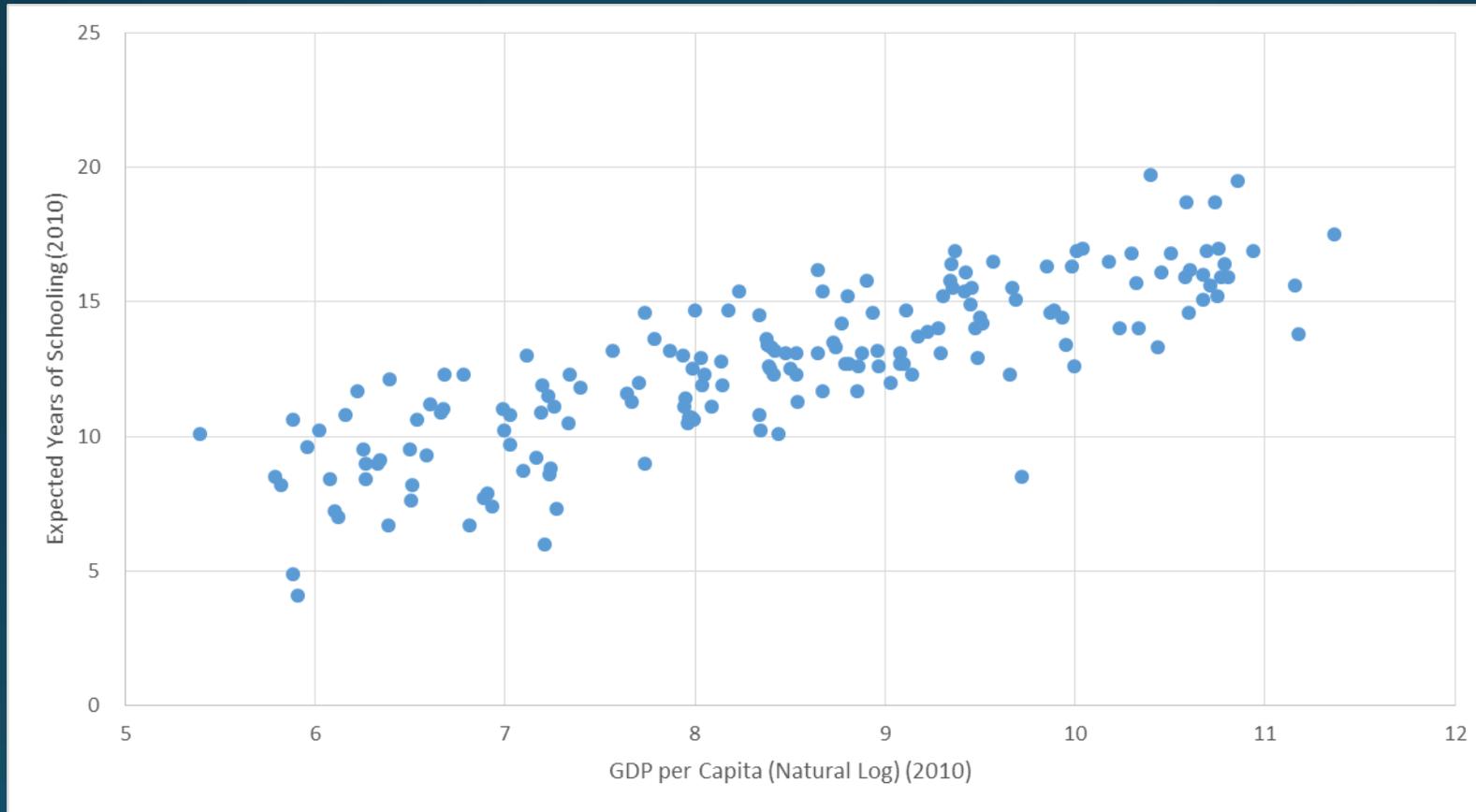
How does one operationalize “freedom”

- Tell development agencies to maximize social welfare?
- Use a metric. E.g., UN Human Development Index: GDP per capita, education, health
- Tell development agencies to respect human rights law

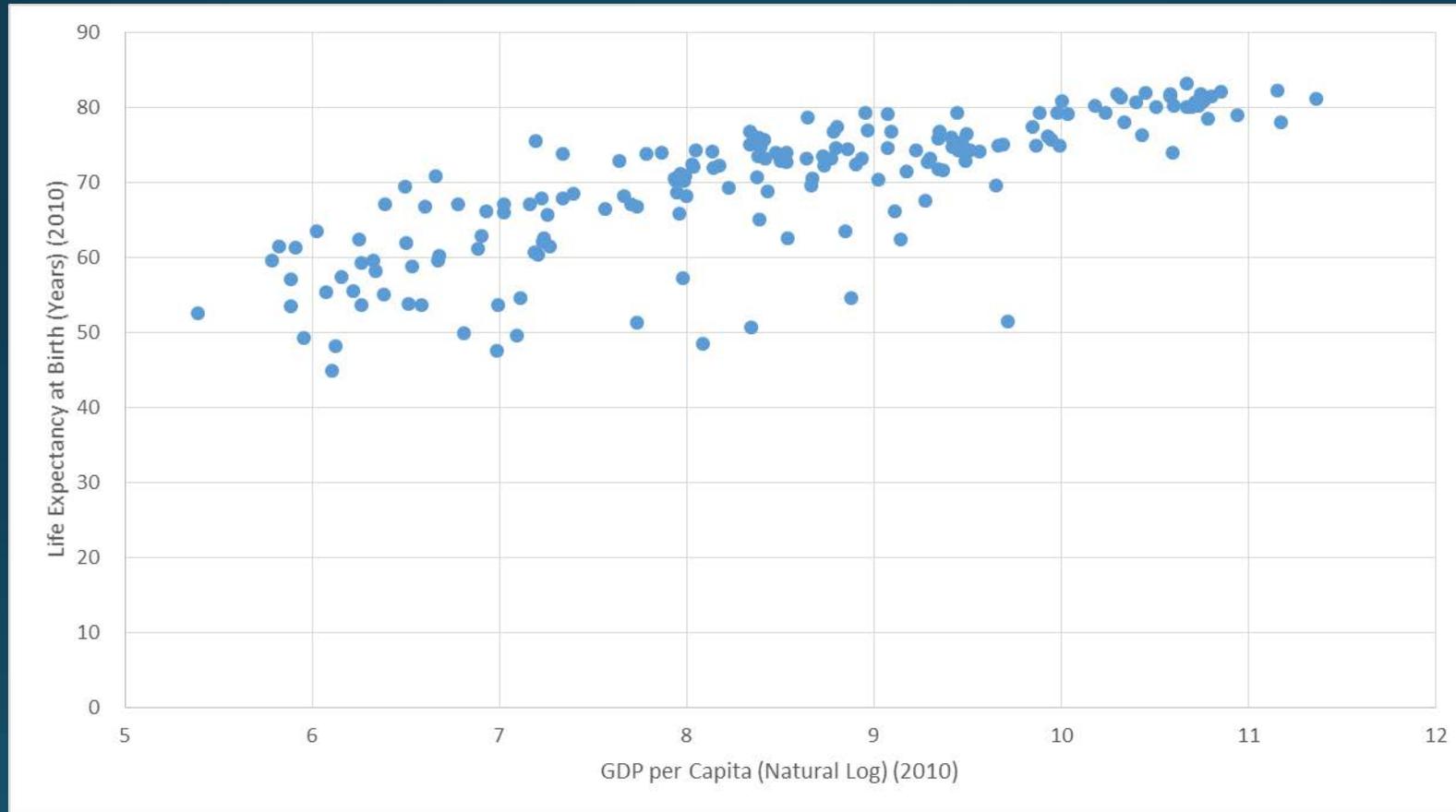
GDP per capita \approx HDI



GDP per capita and education

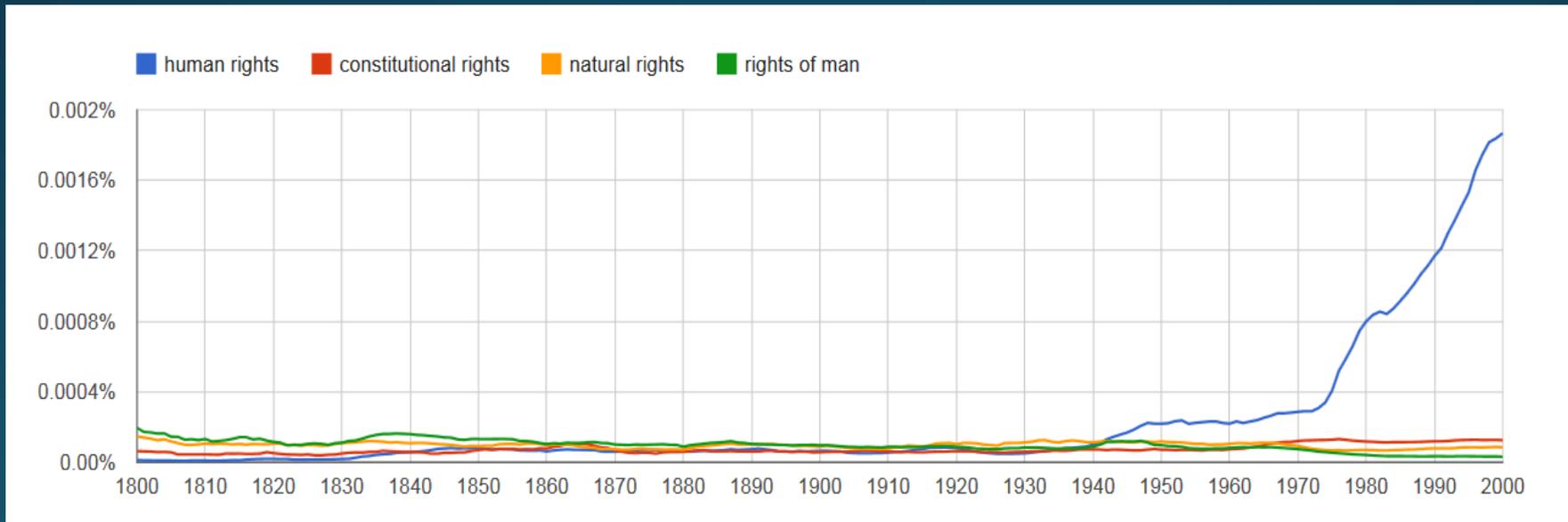


GDP per capita and life expectancy



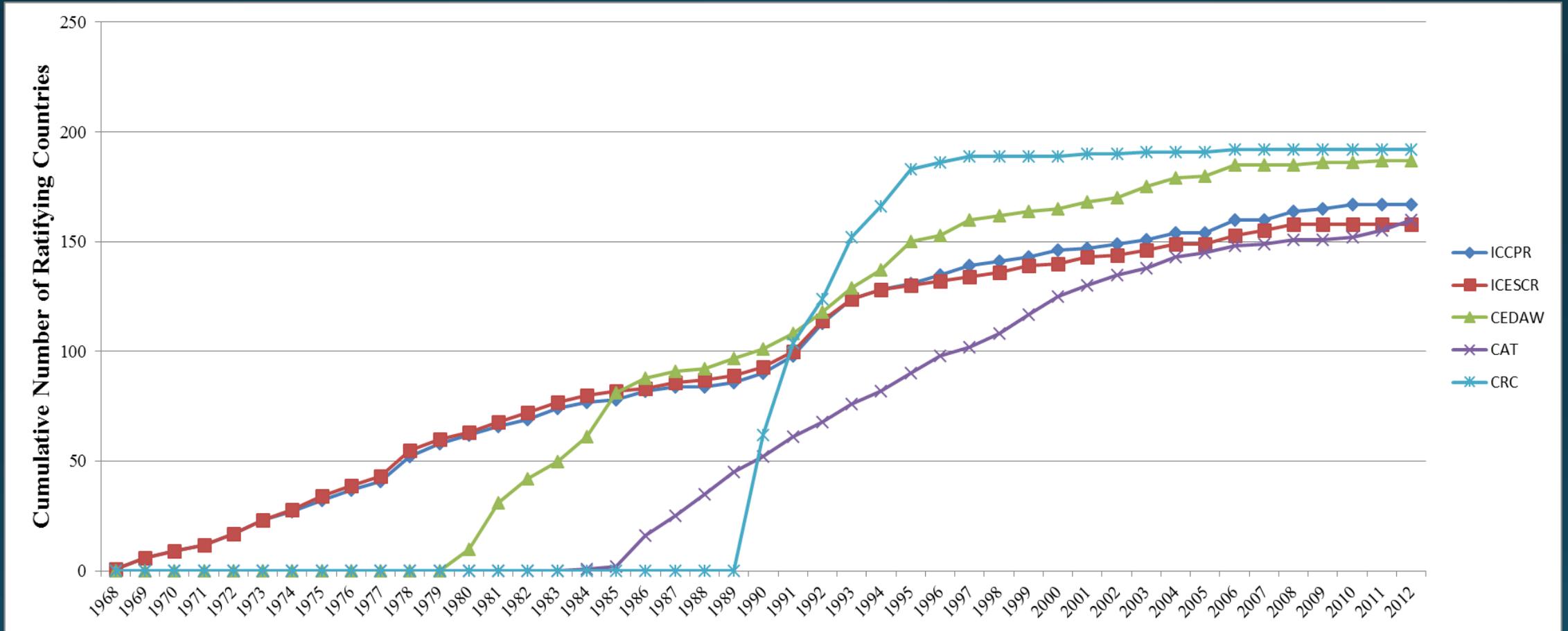
What is “freedom”?

- Alternative approach: human rights
- But what are human rights?
 - Moral debates
 - International law



Treaty	Entry into force	Ratifying states as of Jan. 2013
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1969	176
International Covenant on Civil and Political Rights (ICCPR)	1976	167
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1976	160
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1981	187
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1987	153
Convention on the Rights of the Child (CRC)	1990	193
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW)	2003	46
Convention on the Rights of Persons with Disabilities (CRPD)	2008	132
International Convention for the Protection of All Persons from Enforced Disappearance (CPPED)	2010	39

Growth of Membership in Five Major Human Rights Treaties



What are our human rights?

- Freedom of movement and residence
- Marriage
- Own property
- Inherit
- Thought, conscience, and religion
- Opinion and expression
- Assembly and association
- Self-determination
- Life
- Not to be arbitrarily arrested
- Privacy of communication
- To a fair trial
- Not to be tortured
- Access to courts
- To vote
- To present a defense
- To join a union
- To counsel
- To a public trial
- To review by a higher tribunal
- To establish a family
- Not to be enslaved
- To personal privacy
- To a timely trial

- Privacy of family life
- Minority cultural rights
- Self-determination
- Education
- Fair Wage
- Work
- Highest mental and physical health
- Social security
- Culture
- Artistic freedom
- Rest and leisure
- Housing
- Favorable working conditions
- Protection of intellectual property
- To strike
- To an adequate standard of living

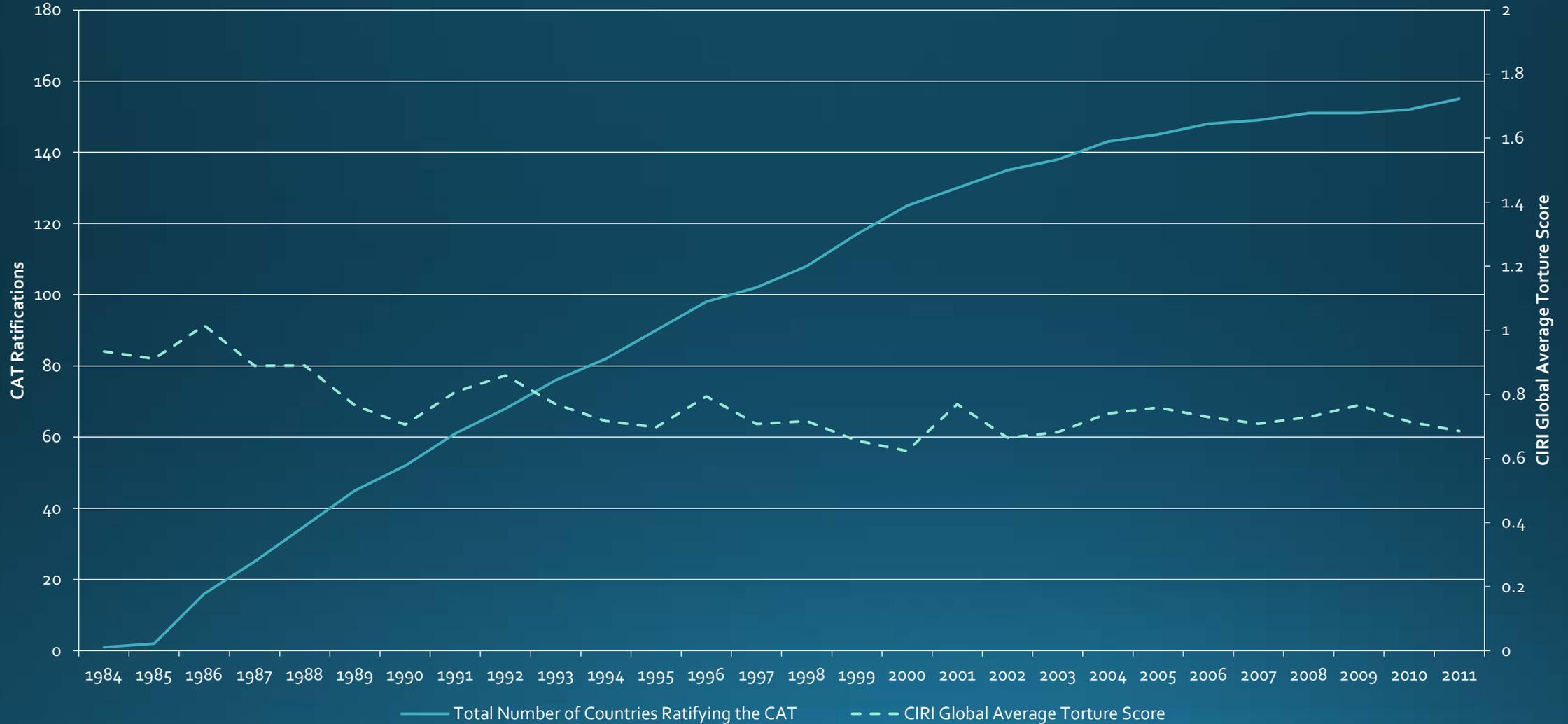
- To maternity leave
- To food
- To take part in cultural life
- To enjoy scientific progress
- Equality in political and public life (for women)
- Equality in education, employment, and family relations (for women)
- To know and be cared for by parents (for children)
- Protection from exploitation (for children)
- Access to public service facilities (for disabled)
- Freedom from exploitation, violence, and abuse (for disabled)
- To live independently (for disabled)
- To personal mobility (for disabled)

Human Rights Institutions

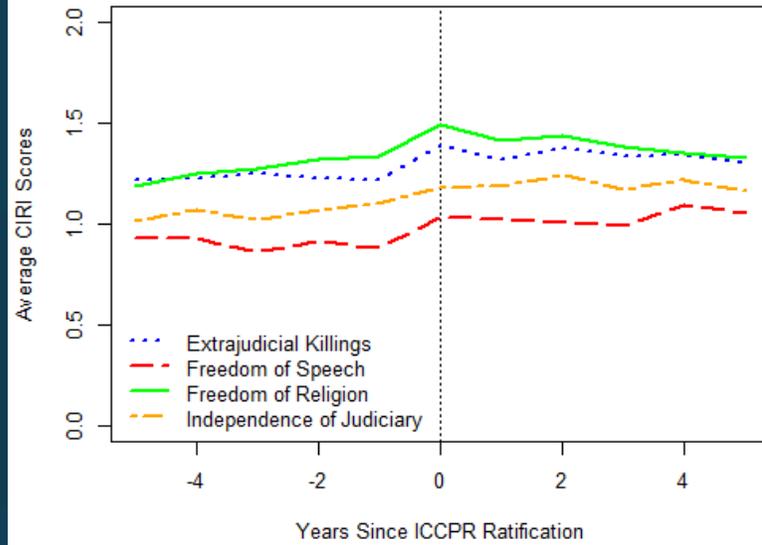
- UN Human Rights Council
- UN Office of the High Commissioner for Human Rights
- UN Human Rights Treaty Committees (nine)
- Regional human rights courts (European, African, American)
- National human rights institutions
- National courts
- NGOs (Amnesty, HRW, etc.)

Have the human rights treaties worked?

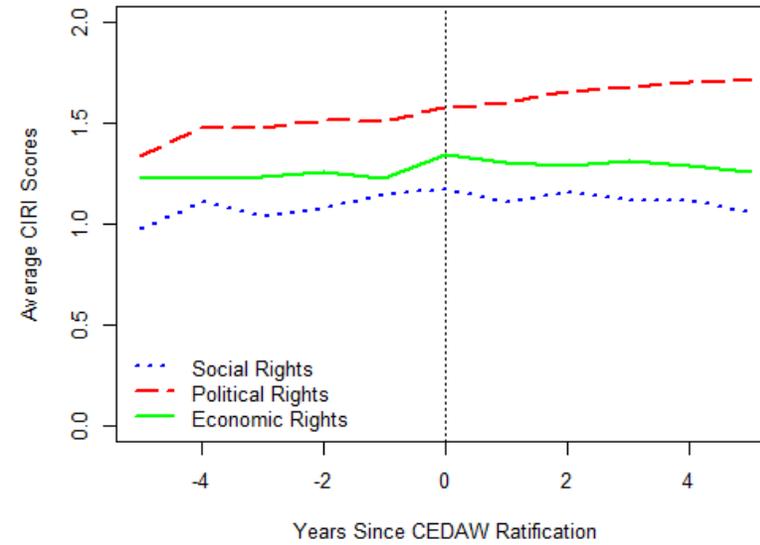
The CAT and Torture



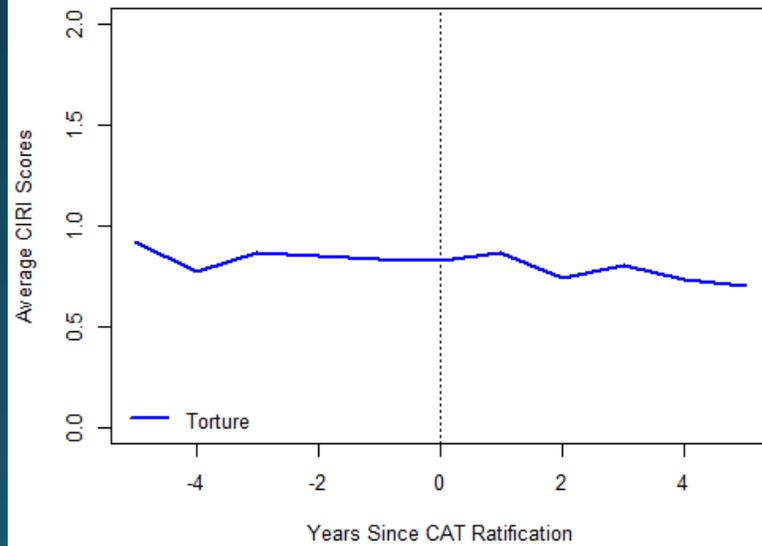
1. ICCPR



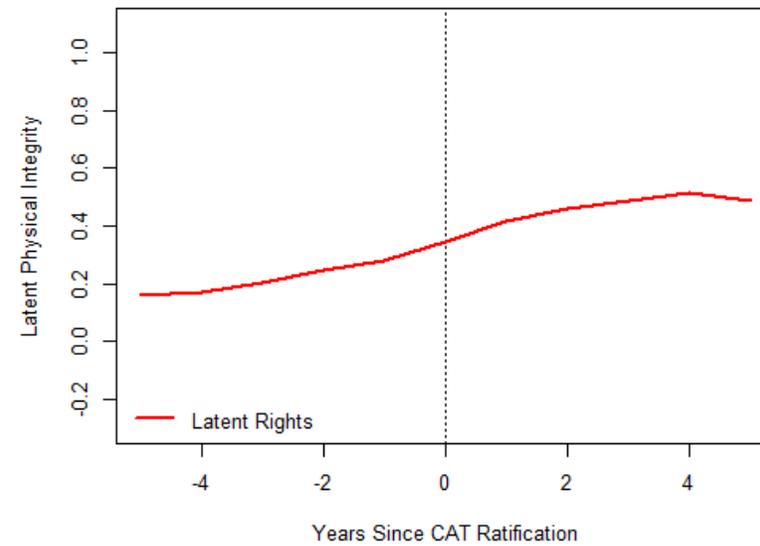
2. CEDAW



3. CAT - CIRI Data



4. CAT - Fariss Data



Explanations: Why States Don't Comply

- Design
 - Ambiguity of rights
 - Proliferation of rights
 - Failure of international institutions
- Motives
 - Hypocrisy / weakness of will
 - Tactical compromises in a dangerous world
- Practicalities
 - The difficulty of understanding foreign cultures
 - Collective action and free-riding

Ambiguity

ICCPR, Article 19:

2. Everyone shall have the right to freedom of expression...

3. It may therefore be subject to certain restrictions...:

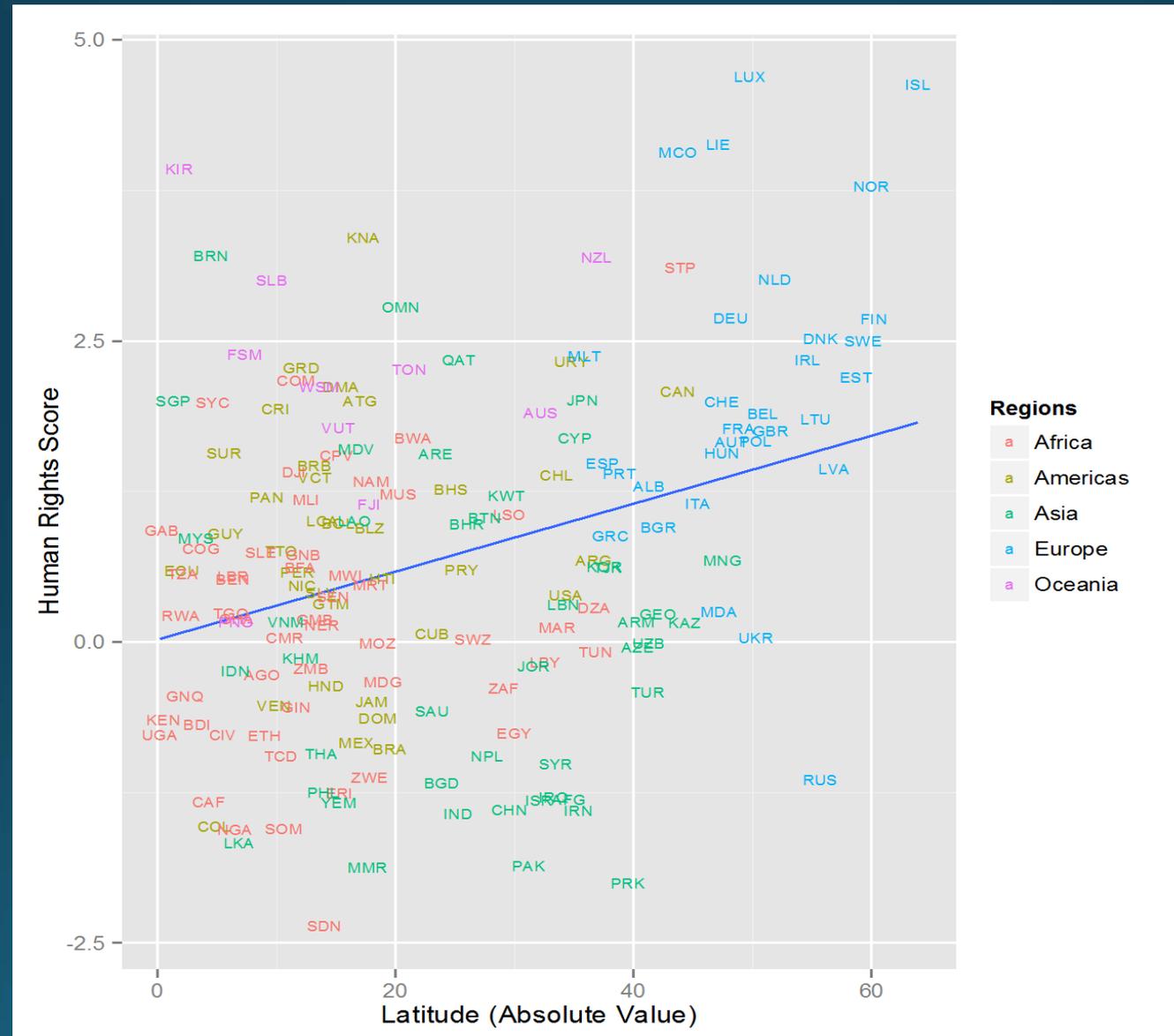
(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order, or of public health or morals.

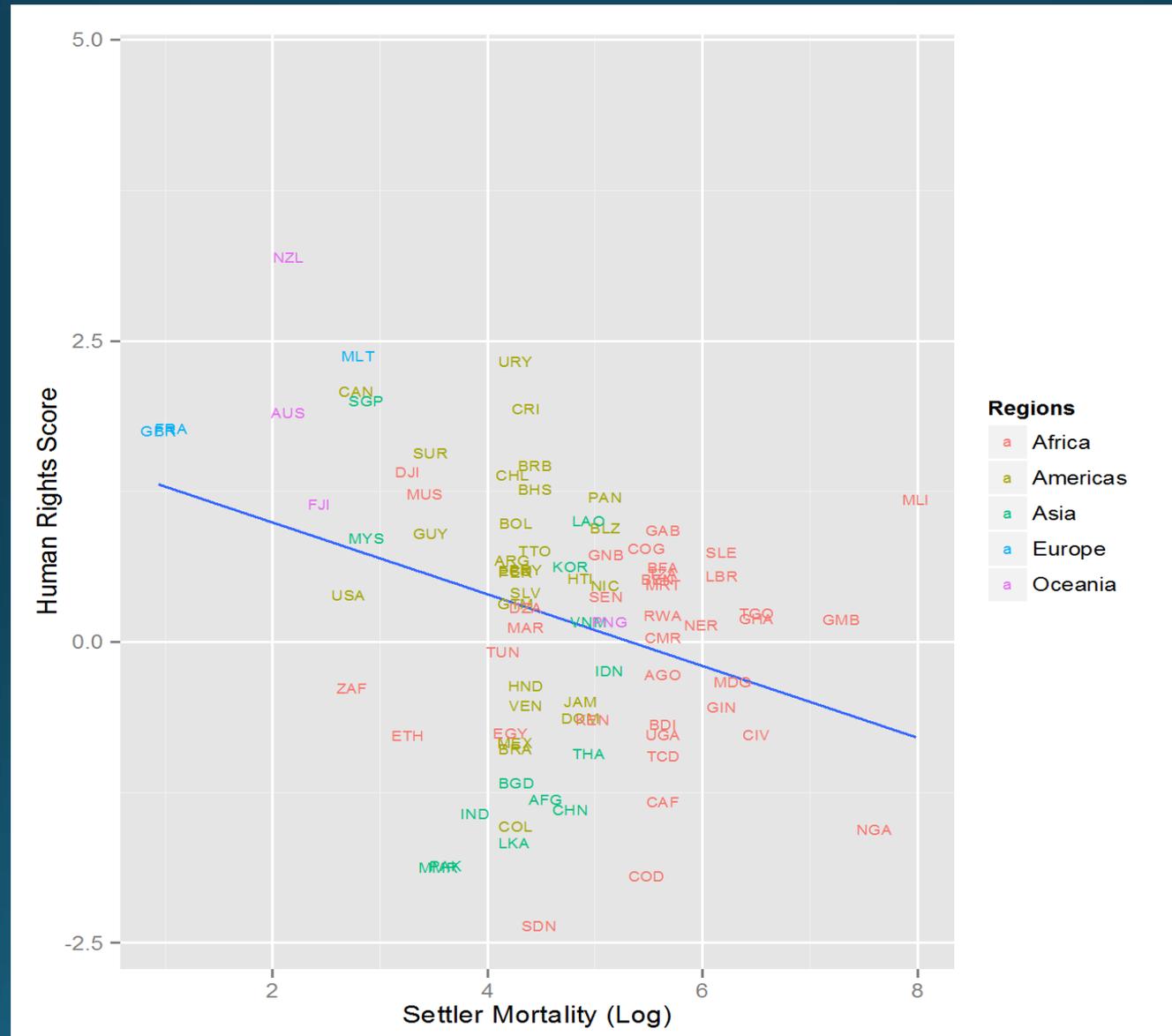
Human rights and development

- Can development policy succeed where states and human rights NGOs have failed?
- Reasons for skepticism
 - Deeply rooted religious and traditional values
 - Deeply rooted non-western institutions
 - Suspicion of the west
 - Competition from non-western donors
 - Fragility of development projects
 - Ambiguity of human rights law
 - The contingencies of historical development

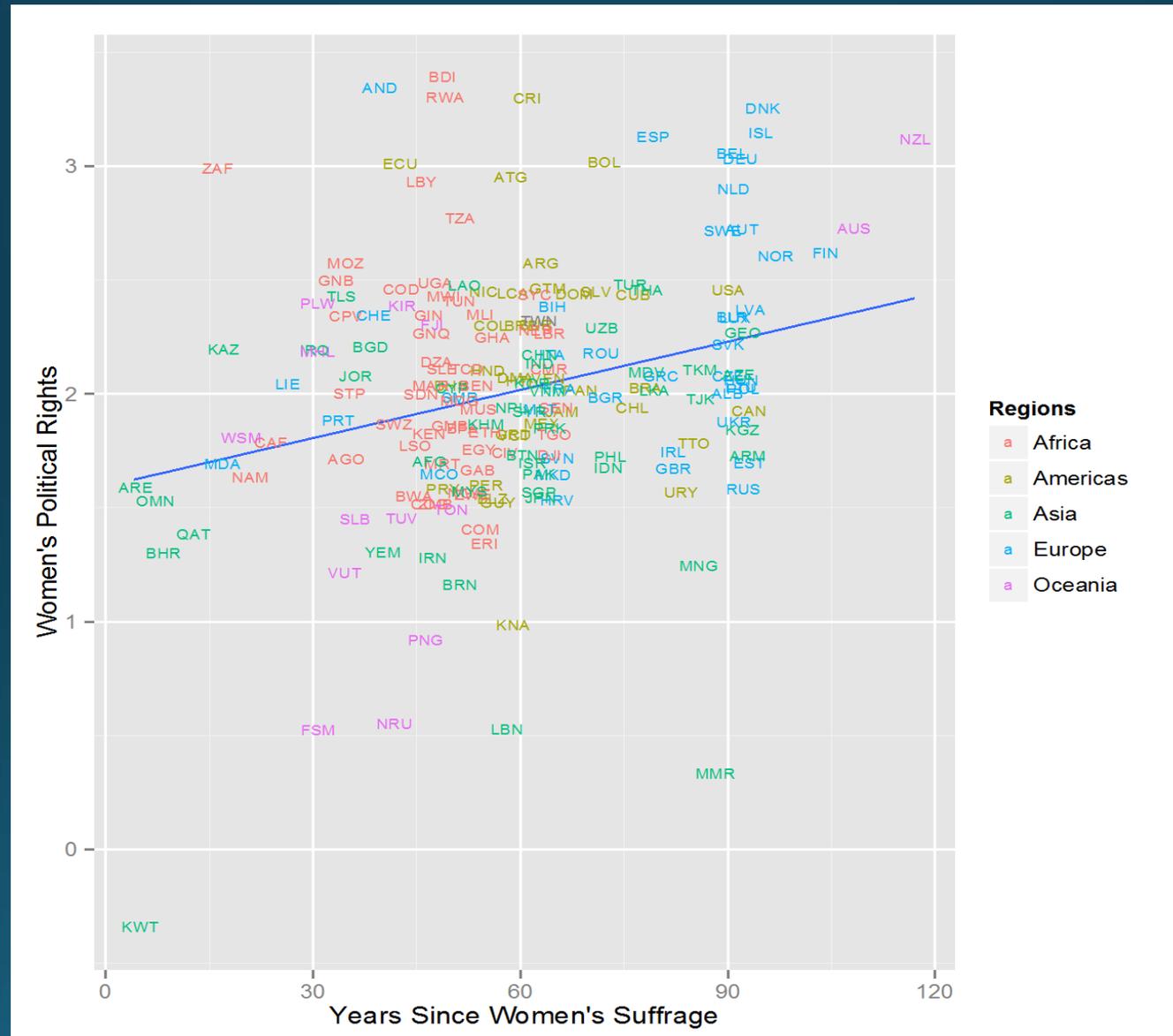
Geography & Climate



Institutional Transplant



Past Rights Practices



Conclusion

- Economic growth and human rights outcomes are more influenced by historical factors than by policy choices made today
- This helps explain why treaty ratifications do not have much effect on human rights outcomes
 - It's hard to coerce or bribe countries to change their values, practices, institutions, and so on
- It also suggests that development policy oriented toward human rights will not actually improve human rights
- But all is not hopeless:

GDP per capita \approx human rights

