Human Rights and Development

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Abstract

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges Governments and other duty-bearers to do certain things and prevents them from doing others. Human rights are inherent to each and every one of us. They are set out in international human rights law, and states are legally bound to promote, protect and fulfil them. They span all areas of life: civil activity, political freedom, social needs, economic well- being, cultural pursuits and environmental quality.

Introduction

What is the Relationship between human rights and human development?

"Human rights and human development and are closed enough in motivational and concern to be compatible and congruous, and they are different enough in strategy and design to supplement each other fruitfully" according to human development report 2000[1]. Human rights and development both aim to promote well being- and freedom, based on inherent dignity and equality of all people. The concern of human development is the realization by all of basics freedom, such as those given by schooling, equality guarantees and a functioning basics system.

Human rights and human development share a preoccupation with necessary outcomes for improving people's lives, but also with better process. , Being people –centered, they reflect a fundamental concern with institutions, policies and process. For instance human rights and human development framework, the development of new technologies for effective malaria preventions a legitimate and even desirable outcome. But in rolling out of these technologies development actors should clearly assess and explain the possible negative effects of the testing , as well as that the technologies are accessible and affordable and that vulnerable groups are not excluded. Human rights contribute to human development by guaranteeing o protected space where the elite cannot monopolize development processes, policies and programmes. The human right framework also introduces the important idea that certain actors have duties to facilitate and foster development. For people to be enabled to assert a legally binding claim that specific duty –bearers provide free and compulsory primary education is more empowering than it is to rely on "needs" alone or to observe the high economic returns on investments in education. For example.

When human rights go unfulfilled, the responsibilities of different actor must be analyzed. This focused on locating accountability for failures within a social system significantly broadens the scope of claims usually associated with human development analysis. In other direction, human development analysis helps to inform the policy choices necessary for the realization of human rights in particular situations.

What is the Relationship between human rights and human poverty reduction?

It is now generally understood that poverty is a result of disempowerment and exclusion. Poverty is not only a lack of material goods and opportunities, such as employment, ownership of productive assets and

savings, but the lack of physical and social goods, such as health, physical integrity, freedom from fear and violence, social; belonging cultural identity and the ability to live with respect and dignity[2]. Human right require the process of formulating a poverty reduction strategy to include the following elements and principles:

- Identifying and prioritizing action to improve the situations of the poorest;

- Analyzing the underlying power relations and the root causes of discrimination;

- Ensuring that both the process and the concrete poverty reduction targets are consistent with international human rights standards;

- Ensuring close links between macroeconomic design, sectoral initiative;

- Ensuring a basic standard of civil and political rights guarantees for active, free and meaningful participation, including freedom of information and freedom of association:

- Identify indicators and setting benchmark so that the progressive realization of economic and social rights can clearly be monitored.

What is the Relationship between human rights and good governance?

Governance refers to mechanisms, institutions and process through which authority is exercised in the conduct of public affairs. The concept of good governance emerged in the late 1980s to address failures in development policies due to governance concerns, including failure to respect human rights. The concept of good governance and human rights are mutually reinforcing, both being based on core principles of participation, accountability, transparency and state responsibility.

Human rights require a conductive and enabling environment, in particular appropriate regulations, institutions and procedure framing the action of the state. Human rights provides a set of performance standards against which governments and other actors can be held accountable at the same time, good governance policies should empower individuals to live with dignity and freedom. Although human rights empower people, they cannot be respected and protected in a sustainable manner without good governance. In addition to relevant laws, political, managerial and administrative processes and institutions are needed to respond to the rights and needs of population. There is a no single model for good governance.

Human rights strengthen good governance frameworks. They require: going beyond the ratification of human rights treaties, integrating human rights effectively in legislation and state policy and practice: establishing the promotion of justice as the aim of rule of law: understanding that the credibility of democracy depends on the effectiveness of its response to people political, social and economics demands ; promoting checks and balances between formal and informal institution of governance; effecting necessary social changes, particularly regarding gender equally and cultural diversity; generating political will and public participation and awareness; and responding to key challenge for human rights and good governance, such as corruption and violent conflict.

What is the Relationship between human rights and economic growth?

Economic growth is a means, not the goal of development. It can also be instrumental for the realization of human rights. However, economic growth must be achieved in a manner consistent with human rights principles. Certain economic social and cultural rights may be realized only progressively, over time due to legimate resource constraints. States are under an obligation to take measures to realize these rights as

expeditiously as possible. Since resources are needed to realize these particular rights, their speedy realization depends on softening the resource constraint, which in turn requires economic growth. A faster rate of growth can also help ease the pain of making unavoidable trade-offs, by increasing resources.

It must be understood, however that ensuring faster growth is one thing and hamessing its potential for the cause of human rights is another. For economic growth to lead to the realization of human rights, any growth strategy must be part of comprehensive set of policies and institutions consciously designed to convert resources into rights. This comprehensive framework has both international and national dimensions, the particular of which vary from case to case

A Human Rights Based Approach- Definition and General Issues

What is Human Right Based Approach?

A human rights- based approach is a conceptual framework for the process of human development that is normatively based on the international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

Mere charity is not enough from a human rights perspective. Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability of development work, empowering people themselves especially the most marginalized—to participate in policy formulation and hold accountable those who have a duty to act.

While there's no universal recipe for a human rights-based approach, United Nations agencies have nonetheless agreed a number of essential attributes.

• As development policies and programmers are formulated, the main objective should be to fulfill human rights.

• A human rights-based approach identifies rights- holders and their entitlements and corresponding duty-bearers and their obligations, and works to- wards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligation.

What is the relationship between human rights –based approach and gender mainstreaming?

A human rights-based approach to development and gender mainstreaming are complementary and mutually reinforcing, and can be undertaken without conflict or duplication.

Gender mainstreaming calls for the integration of a gender perspective in development activities, with the ultimate goal of achieving gender equality. A human rights-based approach integrates international human rights standards and principles in development activities, including women's human rights and the prohibition of sex discrimination. The Committee on the Elimination of Discrimination against Women has analysed comprehensively and in depth how inequality affects women's lives; this is a valuable input for development policymaking and programming. When backed by national accountability system, a human rights-based approach can greatly reinforce progress towards gender equality.

Gender mainstreaming and a human rights-based approach to development have much in common. Both rely on an analytical framework that can be applied to all development activities (for the former, the different situation experienced and roles played by men and women in a given society; and for the latter, a

normative framework based on entitlements and obligations). Both call attention to the impact of activities on the welfare of specific groups, as well as to the importance of empowerment and participation in decision-making. Both apply to all stages of activity and to all types of action (legislation, policies and programmes). Finally, both require the systematic adoption of new and different approaches to existing activities, as distinct from developing new and additional activities.

In most organizations, gender mainstreaming is a more familiar concept than human rights mainstreaming. Structures and processes set up to ensure gender mainstreaming can be emulated or adapted to facilitate the introduction of a human rights-based approach to programming more generally. But, equally, there is a need to learn from situations where gender mainstreaming has failed. If staff perceives mainstreaming gender as a bureaucratic or technical requirement without real implications for their own work, and if internal incentive structures are weak and lines of accountability unclear, the approach may have no impact.

Introduction to Human rights and their related issues, relationship for development

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges Governments and other duty- bearers to do certain things and prevents them from doing others.

Some important characteristics of human rights are

- Are universal – the birthright of all human beings
- Focus on the inherent dignity
- Equal indivisible and interdependent
- Cannot be waived or taken away
- Impose obligations of action and omissions, particularly on states and state actors
- Have been internationally guaranteed
- Are legally Protected

Human rights standards have become increasingly well defined in recent years. Codified in international, regional and national legal systems, they constitute a set of performance standards against which duty-bearers at all levels of society-but especially organs of the State- can be held accountable. The fulfillment of commitments under the international human rights treaties (see annex I)is monitored by independent expert committees called "treaty bodies", which also clarify the meaning of human rights[1] Their meaning also elaborated by individuals and expert bodies appointed by the United Nations Commission on Human Rights , known as "special procedure",[2] and of course through regional and national courts and tribunals. There are other human rights legal systems as well. For example, the International Labour Organization (ILO) conventions and standards specifically protect labour rights, international humanitarian law applies to armed conflicts, overlapping significantly with human rights law. Among the rights guaranteed to all human being under international treaties, without any discrimination on ground such as a race, colour , sex, language, political or other opinion, national or social origin , property ,birth or other status are:

- The right to life, liberty and security of person
- Freedom of association, expression , assembly ,and movement

- The right to highest attainable standard of health
- Freedom from arbitrary arrest or detention
- The right to a fair trial
- The Right to just and favorable working conditions
- The right to adequate food, housing and social security
- The right to education
- The right to equal protection of the law
- Freedom from arbitrary interface with privacy , family , home or correspondence
- Freedom From torture and cruel , inhuman or degrading treatment or punishment
- Freedom from slavery
- The right to nationality
- Freedom of thought , conscience and religion
- The right to vote and take part in the conduct of public affairs
- The right to participate in cultural life

Principles of Sustainable Development

The concept of "sustainable development" has grown since its inception at the international forum and it has acquired different dimensions in terms of economic growth, development and environment protection, and planning sustainable development in protection and enjoyment of human rights. However, some of the salient principles of "sustainable development"

- Inter-Generational Equity
- The Precautionary Principle
- The Polluter Pays Principle
- The Public Trust Doctrine
- Conservation of Biodiversity
- Environmental Impact Assessment
- Obligation to Assist and Cooperate
- Eradication of Poverty
- Financial Assistance to Developing Countries.

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