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Human rights and development

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- This article **may be confusing or unclear to readers**. *(December 2014)*
- This article **needs attention from an expert in Law or Human rights**. *(December 2014)*

Human rights and development aims converge in many instances and are beneficial only to the government and not the people although there can be conflict between their different approaches. Today,^[*when?*] a [human rights](#)-based approach is viewed by many as essential to achieving development goals. Historically, the "minority clauses" guaranteeing civil and political rights and religious and cultural toleration to minorities were significant acts emerging from the peace process of World War I relating to a peoples rights to self-determination. Overseen by the [League of Nations Council](#) the process allowed petitions from individuals and was monitored under the jurisdiction of the [Permanent Court of International Justice](#). The 'clauses' are an important early signpost in both the human rights and development histories.

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Human rights history [[edit](#)]

The initial impetus of the current human rights legal regime and movement was in reaction to the Nazi atrocities of World War II. Human Rights are importantly referred to in the [United Nations Charter](#)^[1] in both the Preamble and under Article 1 though only sparingly. The preamble of the UN Charter reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women". Article 2(4) however prohibits the use of force and has ever since been used to block humanitarian actions though Chapter VII provides for Security Council enforcement measures.^[2]

The Charter established the Economic and Social Council which set up the UN [Human Rights Commission](#) now the [United Nations Human Rights Council](#). Chapter VI of the Charter entitled International Economic and Social Cooperation provides Article 55 (c) the "universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Article 56 requires States to take joint and separate actions in cooperation with the UN to achieve their mutual aims. Human rights are inherent in the progress of economic social and cultural goals and therefore to [Human Development](#) as such.

The [Universal Declaration of Human Rights](#) 1948^[3] is not binding law and reflects an unwillingness of [Allied powers](#) to codify an [International Bill of Rights](#) where fears that colonial interests would be negatively affected were still influential. Human rights are viewed as universal, indivisible, interdependent and interrelated. [René Cassin](#) one of the architects of the declaration conceived the rights as divided into 4 pillars supporting the roof of a temple, "[dignity](#), [liberty](#), [equality](#), and [brotherhood](#)". Articles 1 & 2 comprising the first pillar relates to human 'dignity' shared by all individuals regardless of religion, creed, ethnicity, religion, or sex. Articles 100-19 the second pillar invokes [first-generation rights](#) civil 'liberties' fought for during the [Enlightenment](#). Articles 20-26 the third pillar are [second-generation rights](#), relating to political, social and economic equity, championed during the [Industrial Revolution](#). Articles 27-28 the fourth pillar are [third-generation rights](#) associated with community and national [solidarity](#) advocated from the late 19th. These pillars support the roof of the temple Articles 29-30 representing the conditions in society under which the rights of individuals can be realized^[4]

Certain civil and political rights converging with development aims include Article 2 which entitles everyone to rights with distinction as to race, colour, sex, or language; Article 3 the rights to life, liberty and security of person; Article 8 the right to effective remedy and Article 9 the right to an independent tribunal; Article 19 entails freedom of expression and Article 20 freedom of peaceful assembly; Article 21 is the right to participate in government and Article 26 provides rights to education.

Article 28 importantly signifies 'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized. The right calls for enforcement mechanisms and echoes Chapter VII of the UN Charter permitting security council intervention for human rights violations on a scale that threatens world peace. The UN Charter allows for a limit to state sovereignty where Human Rights are threatened. Two critiques of the declaration are that it did not make [political rights](#) dependent on [multi-party democracy](#) and there is a lack of protection for [ethnic minorities](#), protecting individual rights do not necessarily protect group rights.

The nexus between grave human rights violations and [international security](#) is significant as atrocities within a [sovereign state](#) are of concern to [international law](#), when they upset neighbouring states in a manner disturbing to world peace. Article 55 of the Charter states "promotion of the respect for human rights helps create conditions of stability" and "recognition of ... equal and inalienable rights of all members of the human family is the foundation ... of peace in the world". Taken together the United Nations Charter and Universal Declaration of Human Rights provide a legal mechanism which may challenge the sovereign rights of States to oppress people within their own jurisdiction

The [Vienna Declaration and Programme of Action](#) (VDPA)^[5] reaffirms the [right to development](#) under part 1, paragraph 10 and was adopted by consensus at the [World Conference on Human Rights](#) 1993. The United Nations [Office of the High Commissioner for Human Rights](#) was created by the declaration and endorsed by the [United Nations General Assembly](#) (UNGA) under resolution 48/121.^[6]

The [Rio Declaration on Environment and Development](#)^[7] sought solutions to poverty, the growing gap between industrialized and developing countries and environmental problems. All elements were accorded equal weight and the [declaration](#) defined the rights and obligations of nations in 27 principles and recognizes "the polluter pays" as its guiding tenet.

The Action 2 Plan of Action and work plan^[8] stems from the [UN Secretary General](#) report Strengthening of the United Nations; An Agenda for Further Change. Integrating human rights into humanitarian, development and peace keeping work throughout the UN system.^[9] The plan introduces the UN Common Learning Package and a Human Rights-Based Approach (HRBA)^[10] which builds on the experience of all agencies.

The emphasis of the HRBA is based on common understanding and requires that 1) all programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments; 2) human rights standards contained in, and

principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process and 3) development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

The major human rights principles guiding the programme are regarded as universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law.

The Declaration on the Right to Development [\[edit \]](#)

Main article: [Right to development](#)

The Declaration on the Right to Development was proclaimed by the UNGA under resolution 41/128 in 1986.^[11] with only the United States voting against the resolution and eight absentions. The United Nations recognizes no hierarchy of rights, and all human rights are equal and interdependent, the right to development then is not an umbrella right that encompasses or trumps other rights nor is it a right with the status of a mere political aspiration.

The [Right to development](#) is regarded as an inalienable human right which all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. The right includes 1) people-centred development, identifying "the human person" as the central subject, participant and beneficiary of development; 2) a human rights-based approach specifically requiring that development is to be carried out in a manner "in which all human rights and fundamental freedoms can be fully realized"; 3) participation, calling for the "active, free and meaningful participation" of people in development; 4) equity, underlining the need for "the fair distribution of the benefits" of development; 5) non-discrimination, permitting "no distinction as to race, sex, language or religion"; and 6) self-determination, the declaration integrates self-determination, including full sovereignty over natural resources, as a constituent element of the right to development.^[12]

The right is a third generation right viewed as a group right such that it is owed to communities as opposed to an individual right applying to individuals "It is a people, not an individual, that is entitled to the right to self-determination and to national and global development"^[13] One obstacle to the right is in the difficult process of defining 'people' for the purposes of self-determination. Additionally, most developing states voice concerns about the negative impacts of aspects of international trade, unequal access to technology and crushing debt burden and hope to create binding obligations to facilitate development as a way of improving governance and the rule of law. The right to development embodies three additional attributes which clarify its meaning and specify how it may reduce poverty 1) The first is a holistic approach which integrates human rights into the process 2) an enabling environment offers fairer terms in the economic relations for developing countries and 3) the concept of social justice and equity involves the participation of the people of countries involved and a fair distribution of developmental benefits with special attention given to marginalised and vulnerable members of the population.^[14]

Sources [\[edit \]](#)

The right was first recognised in 1981 under Article 22 of the [African Charter on Human and Peoples' Rights](#)^[15] and subsequently in the [Arab Charter on Human Rights](#). It is now recognised in numerous international instruments, with the Rio Declaration asserting under principle 1 "Human beings are at the centre of concerns for sustainable development, they are entitled to a healthy and productive life in harmony with nature". Other instruments include the [Vienna Declaration and Programme of Action](#) the [United Nations Millennium Declaration](#),^[16] the 2002 [Monterrey Consensus](#),^[17] the [2005 World Summit](#)^[18] and the 2007 [Declaration on the Rights of Indigenous Peoples](#).^[19]

Duty bearers [\[edit \]](#)

Article 3 provides that "States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development" and this encompasses three main levels 1) States acting collectively in global and regional partnerships; 2) States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction and 3) States acting individually as they formulate national development policies and programmes affecting persons within their jurisdiction.

Article 6 importantly provides "States should undertake, at the national level, all necessary measures for the realization of the right to development, echoing Article 2.1 of the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) which states that "each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources. Furthermore, the

Maastricht Guidelines^[20] on violations of economic, social and cultural rights provides that a state is in violation of the Covenant if it fails to allocate the maximum of its available resources to realizing human rights.^[21]

UN mechanisms [\[edit \]](#)

The Intergovernmental Working Group on the Right to Development^[22] was established in 1998 and meets once a year reporting to the [Human Rights Council](#) (HRC) and the General Assembly. Its mandate is to globally (a) monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration, providing recommendations and analyzing obstacles to its full enjoyment; (b) to review reports and other information submitted by States, United Nations agencies, relevant international and non-governmental organizations, on the relationship between their activities and the right to development; and (c) to present a report to the HRC including advice to the [Office of the United Nations High Commissioner for Human Rights](#) (OHCHR)^[23]

The mandate of the [High Commissioner](#) (HC) and the OHCHR as stated in resolution 48/141 4 (c)^[24] seeks "to promote and protect the realization of the right to development and to enhance support from relevant bodies of the UN system for this purpose." The right to development is highlighted in the General Assembly and the HRC which both request the [UN Secretary-General](#) and the HC to report annually on progress in the implementation of the right to development including activities aimed at strengthening the global partnership for development between Member States, development agencies and international development, financial and trade institutions.

The U.N. Commission on Human Rights adopted by consensus a resolution on the Right to Development 1998/24 . " Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development".^[25] The Commission recommended a follow up mechanism consisting of an open ended working group (OEWG) and an Independent Expert, [Arjun Kumar Sengupta](#) and Indian economist who was selected to the post . The purpose of the working group was to monitor and review the progress of the Independent Expert and report back to the Commission. The Independent Expert presented to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development.

Poverty Reduction Strategy Papers [\[edit \]](#)

Main article: [Poverty Reduction Strategy Paper](#)

Poverty Reduction Strategy Papers (PRSP) were first introduced in 1999 as a condition of eligibility for debt relief among Heavily Indebted Poor Countries (HIPC). The rationale of the process was to promote national and local 'ownership' of macroeconomic policies ensuring that they were sufficiently adapted to relieving poverty in the poorest countries. The process represents an embrace of the values of participation and transparency in the formulation of macroeconomic policy, and thus has the potential to shape the content of these policies in order to meet the needs of the poor.

(PRSP's) are prepared by member countries in a participatory process with domestic stakeholders and development partners like the [World Bank](#) or [International Monetary Fund](#). These are updated every three years with progress reports describing the country's macroeconomic, structural and social policies and programs over a three-year or longer period to promote growth and reduce poverty. Interim PRSPs (I-PRSPs) summarize the current knowledge and analysis of a country's poverty situation, describe the existing poverty reduction strategy, and lay out the process for producing a fully developed PRSP in a participatory fashion.

Country documents, along with the accompanying IMF/World Bank Joint Staff Assessments (JSAs), are available on their websites by agreement with the member country as a service to users of the IMF and World Bank websites. The introduction of PRSPs was a recognition by the IMF and the World Bank of the importance of country ownership of reform programs as well as the need for a greater focus on poverty reduction. PRSPs aim to provide the crucial link between national public actions, donor support, and the development outcomes needed to meet the United Nations' Millennium Development Goals (MDGs), which are centered on halving poverty between 1990 and 2015. PRSPs guide policies associated concessional lending as well as debt relief under the Heavily Indebted Poor Countries (HIPC) Initiative.

Five core principles underlie the approach. Poverty reduction strategies should be 1) country-driven, promoting national ownership of strategies through broad-based participation of civil society; 2) result-oriented and focused on outcomes that will benefit the poor; 3) comprehensive in recognizing the multidimensional nature of poverty; 4) partnership-oriented, involving coordinated participation of development partners (government, domestic stakeholders, and external donors); and 5) based on a long-term perspective for poverty reduction.

In 2001 The UN [High Commissioner for Human Rights](#) commissioned the 2001 guidelines for the integration of human rights into poverty reduction Strategies which were further developed in the 2005 guidelines^[26] The Commissioner in a concept note

also states that the human rights framework is "a useful tool strengthening the accountability and equity dimensions of the Poverty Reduction Strategies."^[27] In 2008 specific strategies were introduced in regards to Poverty Reduction and Health that affirmed the place of Human Rights in the achievement of the Millennium goals.^[28]

Human rights and the Millennium Development Goals [\[edit \]](#)

Main article: [Millennium Development Goals](#)

In September 2000, world leaders made commitments in the [Millennium Declaration](#) UN resolution 55/2^[29] on topics that included peace, security, human rights, the environment and development targets which were later configured into the eight Millennium Development Goals (MDGs). These goals are sets of development targets that center on halving poverty and improving the welfare of the world's poorest by 2015. The [IMF](#) contributes to the goals through advice, technical assistance, lending to countries and mobilizing donor support.

The Millennium Declaration considers six fundamental values necessary for international relations 1) [freedom](#) to raise children in dignity, freedom from hunger and from the fear of violence, oppression and injustice, including democratic and participatory governance based on the will of the people. 2) [equality](#), no individual or nation must be denied the opportunity to benefit from development. 3) [solidarity](#), global inequities must be managed to distribute costs and burdens fairly in accordance with the principles of equity and social justice, while those who benefit least deserve help from those who benefit most. 4) [tolerance](#), differences within and between societies should not be feared or repressed, but cherished as a precious asset of humanity, while cultures of peace and dialogue among all civilizations should be promoted. 5) Respect for nature. Prudence must be shown in the management of all living species and natural resources, through [sustainable development](#) and unsustainable patterns of production and consumption must be changed in the interest of the future welfare of our descendants and 6) shared responsibility, responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally.

Human rights have played a limited role in influencing MDG planning, though there are strong similarities between them and the content of the MDGs which resemble many economic and social rights. MDGs provide benchmarks for economic and social rights, while human rights strategies offer enhanced legitimacy, equity and sustainability to the MDG policies. The Millennium Declaration substantially refers to human rights and leaders have committed themselves to respecting recognized human rights and fundamental freedoms, including the right to development. Economic, social and cultural rights, the rights of women, migrant, minorities, and participation are all emphasized in the declaration yet the pursuit of the MDGs has been in isolation from it. MDG targets are not sufficiently focused on inequalities within a country and human rights instruments require a minimum core level of economic, social and cultural rights to be immediately realized for all and for all discrimination in the exercise of rights to be eliminated. Inequalities within countries lead to violent conflict and countries focus on the relatively well-off among the poor in order to reach a particular MDG target.^[30]

The MDGs are accompanied by 18 targets measured by 60 indicators though the relationship between the goals, targets and indicators is not always clear. A range of activities are promoted as a means of achieving the MDGs such as tailoring the MDGs to the regional, national and local context and undertaking national needs assessments and monitoring progress through yearly MDG reports.^[31]

Non-State actors also carry human rights responsibilities with at least a minimum duty of not interfering with human rights such as the [OECD Guidelines for Multinational Enterprises](#)^[32] provides a complaint system for violations by companies. A specific critique of MDGs is that they place emphasis on the mobilization of financial resources and technical solutions, but less on transforming power relations that are partially responsible for levels of poverty. The [World Bank](#)^[33] has observed that in many situations the real barriers to progress on the MDGs are social and political. The realization of human rights therefore may be a precondition to fulfilling development goals

Poverty [\[edit \]](#)

The present global institutional order is foreseeably associated with avoidable severe poverty and its impositions may constitute an ongoing human rights violation.^[34] There are many measures of poverty and it is now regarded that poverty is more than the measure of a low income. [Amartya Sen](#) argues that individual physical characteristics, environmental and social conditions as well as behavioural expectations all play a role. The UN [Committee on Economic, Social and Cultural Rights](#) defines poverty as "human conditions characterised by chronic deprivation of resources capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living"

[Jeffrey Sachs](#) place poverty in an historical trajectory with the ending of slavery, colonialism, segregation and apartheid but do not link these human rights movements to current causes of poverty elimination. Policy economists discuss minimum

standards, transparency, and participation unrelated to the human rights framework where poverty is seen to increase social wastage distorting economic and service delivery outcomes. [Joseph Stiglitz](#) in *Making Globalization Work* refers to a gap between economic and political globalization and that a growth oriented economic analysis disregarding the impact of income on the realization of rights such as health or education and focusing instead on making choices in a world of limited resources.^[35] There is debate whether attention to civil and political rights makes way for economic development or whether economic growth is more likely to create institutional and political development. The [G-20 2005 Statement on Global Development Issues](#) does not mention human rights or human development and good governance is referred to only in relation to economic policy. In the 2009 the Global Plan for Recovery and Reform^[36] also fails to mention human rights or human development. The ingrained philosophy is a world economy based on market principles and effective regulation.

A strand of economics embraces human rights language such as the International Development Ethics Association^[37] who apply a normative approach to development theories. The Mérida Declaration^[38] provides "the absolute respect for the dignity of the human person regardless of gender, ethnic group social class, religion age or nationality. The UN Development Programme [UNDP](#) which is promoted by the [Human Development and Capability Association](#) (HDCA) is open to a human rights perspective as stated in the [Human Development Report](#) of 2001 "human development and human rights are mutually reinforcing helping to secure the well-being and dignity of all people". The Economic and Social Council put out a statement in May 2001 specifically addressing poverty as a human right concern^[39] and Special Rapporteur Mohammed Habib Cherif reported to the Sub Commission on the Promotion and Protection of Human Rights at its 58th session now the [Advisory Committee](#) on Human Rights and extreme Poverty. Human rights under these development perspectives revolve around the concept of freedom with expanding choice. The World Conference on Human Rights the Vienna Declaration confirmed that extreme poverty and social exclusion constitute a violation of [human dignity](#) and urgent steps are necessary to achieve better knowledge of [extreme poverty](#) and its causes.

The first MDG is to Eradicate Extreme Poverty and Hunger. Economic growth is regarded as the principal mechanism to achieve this goal while a human rights approach requires a focus on poor growth and a consideration of groups seeking development paths other than the conventional free market, export-driven model. The targets here are 1) To halve, between by 2015, the proportion of people whose income is less than \$1 a day comparable to the *Right to adequate standard of living*; 2) to achieve full employment and decent work for all is comparable to the *Right to work* and 3) to halve by 2015 the proportion of people who suffer from hunger,^[40] comparable to the *Right to food*, and correspondingly rights to life and health.

South-eastern Asia is the first developing region to reach the hunger reduction target ahead of 2015. Undernourished people in the total population of the region decreased from 29.6% in 1990-1992 to 10.9% in 2010-2012. However, globally the slowing of growth brings continual job losses. Unemployment has increased by 28 million since 2007, and an estimated 39 million people have dropped out of the labour market, leaving 67 million people without jobs as a result of the global financial crisis. Though the number of workers living with their families on less than \$1.25 a day has declined dramatically over the past decade by 294 million, new estimates show that 60.9% of workers in the developing world still live on less than \$4 a day.

In Yemen the [World Food Programme](#) (WFP) Food For Girls Education Programme^[41] has been tackling hunger and enrolment challenges, where more than 60% of primary school children not in schools are girls. Families who send their girls to school are eligible to receive an annual ration of wheat and vegetable oil. Since 2010 the programme has reached almost 200,000 girls. Whilst in India the [UNDP](#) is supporting the [Mahatma Gandhi National Rural Employment Program](#), promoting laws passed in 2005 which guarantee the right to a minimum of 100 days of paid work a year for landless labourers and marginal farmers. The scheme now provides 50 days work a year to around 50 million households where almost half of the beneficiaries are women.

The [Zero Hunger Challenge](#)^[42] another UN initiative with numerous [NGO](#) partners has as it aims 1) 100% access to adequate food all year round; 2) zero stunted children less than 2 years old; 3) where all food systems are sustainable; 4) a 100% increase in smallholder productivity and income; and 5) a zero loss or waste of food.

Education [\[edit \]](#)

[Varun Gauri](#) argues that economic and social rights, such as the right to health care or education, may be understood not as legal instruments for individuals, but as duties for governments and international agencies such that everyone bears some responsibility for their fulfillment. Economists accept that the realization of high standards of health and education are conducive to economic growth. The human rights approach regards transparency and empowerment as ends in themselves, while an economic approach sees them as instrumental to a welfare outcome.^[43]

The second MDG is to [Achieve Universal Primary Education](#). The target is to ensure that by 2015, children everywhere will be able to complete a full course of primary schooling^[44] comparable to the *Right to education*, the goal however ignores the requirement of *free primary education* as conceived by the human right.

Even after 4 years of primary schooling, as many as 250 million children cannot read and write undermining the basis for all future learning. Going to school is not enough and improving actual learning is critical. Early school leaving is a major factor, 137 million children entered first grade in 2011, with 34 million likely to leave before reaching the last grade, an early leaving rate of 25%, the same as in 2000. Poverty, gender and residential location are key factors keeping children out of school. Children from the poorest households are three times more likely to be out of school than children from the richest households. Globally 123 million youth aged 15 to 24 lack basic reading and writing skills whilst 61% of them are young women.

Positive developments have occurred in Afghanistan and Bangladesh where the [Let Us Learn initiative](#) has overcome barriers to education. [UNICEF](#) enrolled 3,917 five-year-olds in school programmes, including 153 disabled children from the most disadvantaged region of rural Bangladesh, 60% of which were girls. In Afghanistan 9,339 children and youth participated in community based learning programmes with 84% being girls. UNICEF and partners responded to 286 humanitarian crises in 79 countries in 2012 and helped some 3.56 million children and adolescents gain access to formal and non formal basic education.

The Secretary-General's [Global Education First initiative](#) (GEFI)^[45] has a commitment with companies and private foundations making pledges of over \$1.5 billion ensuring that all children have a quality, relevant and transformative education, whilst the [Global Partnership for Education](#) (GPE) helped more than 19 million children go to school since 2003. Leading donors promised an initial \$1.5 billion over three years, with the fund aiming to secure another 25 million children in school as of 2014.

Gender equality [\[edit \]](#)

The third MDG is to promote [gender equality](#) and [empower women](#). Eliminating gender inequality is supported by international human rights instruments, such as the [Convention on the Elimination of All Forms of Discrimination against Women](#). The goal sets women's empowerment as the objective but the related target is narrowly concerned with education.^[46] Eliminating gender disparity in primary and secondary education by 2015 is narrowly conceived but comparable to Women's Right to [equality](#). Of note the share of women employed outside of agriculture rose to 40% in 2013 but only by 20% in Southern Asia, Western Asia and Northern Africa while the global share of women in parliament continues to rise and reached 20% in 2012.

Gender gaps in access to education have narrowed but inequalities remain in all levels of education, girls face barriers to schooling, particularly in Northern Africa, sub-Saharan Africa and Western Asia. Access to secondary and university education remains unequal with disparities at universities the most extreme. In Southern Asia, 77 girls per 100 boys are enrolled in tertiary education while in sub-Saharan Africa the gender gap in enrolment has widened from 66 girls per 100 boys in 2000 to 61 girls per 100 boys in 2011. Poverty is the main cause of unequal access to education with women and girls in many parts of the world forced to spend many hours fetching water and girls often do not attend school because of a lack of adequate sanitation facilities. Child marriage and violence against girls are also significant barriers to education. Women still enter the labour market on an unequal basis to men, even after accounting for educational background and skills. Women are often relegated to vulnerable forms of employment, with little or no financial security or social benefits.

Regarding women's rights and land empowerment, [Kerry Rittich](#)^[47] notes that programmes which promote the formal real property rights of women, in place of customary laws or other informal mechanisms, have the potential to both improve and retard women's access to land. The programmes promoting property rights tend to go together with measures to formalize, commodify, and individualize landholdings, and that these three processes often intensify the dispossession of women who may have had access to land under informal arrangements or customary law. The promotion of property rights from an economic perspective may well undermine the social rights of women in developing countries. Legal conceptions of property, treat property not as a mere resource but as a set of relations between individuals and groups. This approach may highlight otherwise unforeseen distributive consequences for women, moving from an informal property regime to a formalized and individualized one.

Mason and Carlsson^[48] note that, unless gender inequality in land holding is taken into account when implementing land tenure reforms, improved land tenure security may diminish women's land holdings. A variety of factors can lead to this result, including discriminatory inheritance laws, the application of an androcentric definition of 'the head of household', and inequalities in women's capacity to participate in the market for land. Costa Rica and Colombia land reforms were undertaken in a way that improved women's ownership of land. Women who own the land they work have greater incentives to raise their labour productivity, and women who earn more income are more likely than men to invest in the household and in their children's education and nutrition stressing the importance of applying a human rights lens such that norms of non-discrimination and equal property rights are required when implementing economic reforms.

Children's rights [\[edit \]](#)

Main article: *Children's rights*

The fourth MDG is to reduce [child mortality](#). A human rights approach emphasizes the State's obligations regarding the availability of functioning health systems and making sure that all groups can effectively access them by addressing obstacles like discrimination. The target here is the reduction of two-thirds of the mortality rate of children under five by 2015^[49] comparable to the *Right to life*. Around 17,000 fewer children are dying each day, yet 6.6 million children under five died in 2012, mostly from preventable diseases. In sub-Saharan Africa, one in ten children dies before the age five.

Sub-Saharan Africa and Southern Asia accounted for 5.3 million 81% of the 6.6 million deaths. The main killers are pneumonia, prenatal and intrapartum complications, diarrhoea and malaria. The first month, particularly the first 24 hours, are the most dangerous in a child's life. Newborns now account for almost half 44% of under-five deaths and undernutrition contributes to 45% of all under-five deaths. Over the past two decades in Bangladesh UNICEF has supported local efforts training community health-care workers leading to a decline in maternal and child mortality. Infant mortality declined from 100 deaths per 1,000 live births in 1990 to 33 deaths per 1,000 live births in 2012. In the same period under five mortality dropped by 72% from 144 deaths per 1,000 births in 1990 to 41 deaths per 1000 births in 2012.

The development goal is related to *Child Labour*. Rights advocates regard child labour as a violation to numerous rights of a child such that it must be eradicated to ensure children's human rights are ends themselves while development economics views child labour as an inter-generational loss of potential income. Children suffer diminished human capital where reductions in health and education affect their future productivity. The International Labour Organization's (ILO's) estimates that current levels of child labour will result in an income foregone of \$5 trillion between 2000 and 2020. Currently 23% of the world's children aged between 5 and 17 are engaged in some form of work. [Betcherman^{\[50\]}](#) demonstrates the important insights that economic analysis can provide in understanding how best to reduce child labour. Factors contributing to child labour can be seen in terms of incentives that encourage child work, constraints that compel children to work, and decisions that may not be made in the best interests of the children. Other factors must also be considered, direct (books, transport) and indirect (poor quality, loss of household labour) costs of education leading parents to regard education as not providing sufficient immediate returns to the household or child.

[Elizabeth Gibbons](#), [Friedrich Huebler^{\[51\]}](#) and [Edilberto Loaiza](#) consider how, at the level of statistical analysis, the application of the human rights principle of non-discrimination can affect our understanding of child labour. Existing methods of calculating the extent of child labour under report the degree of work done by girls, because the measures exclude household chores. By failing to consider 'female work' within the definition of child labour, the impact of child work on the educational and health attainment of girls is made invisible. Gibbons, Huebler, and Loaiza also investigate some factors affecting school attendance; labour and household poverty are generally constraints on attendance but a mother's educational attainment correlates positively with school attendance, revealing the inter-generational payoff from investments in girls' education. Household wealth and the level of education of the primary caretaker also have a significant effect on educational attainment

In India the [Right of Children to Free and Compulsory Education Act^{\[52\]}](#) has led to the inclusion of a justiciable right to education in relation to children between the ages of 6 and 14 and provides an impetus to government to address critical problems in the provision of education. The idea of education as a 'fundamental right' focuses local political action and agitation among oppressed communities, who rely on the new constitutional provision as a way of pressing demands on local and regional government.

Maternal health [\[edit \]](#)

The fifth MDG is to improve [maternal health](#). The target is to reduce by three quarters the maternal mortality ratio and to achieve universal access to reproductive health by 2015^[53] comparable to *right to life and health*. Complications during pregnancy or childbirth are one of the leading causes of death for adolescent girls, 140 million women worldwide married or in civil union would like to delay or avoid pregnancy, but have no access to family planning. 47 million babies were delivered without skilled care in 2011.

Maternal mortality is lower in countries where levels of contraceptive use and skilled attendance at birth are high.^[54] sub-Saharan Africa has the world's highest maternal mortality ratio with a contraceptive use of 25% and low levels of skilled attendance at birth. Education for girls is vital to reducing maternal mortality. The risk of maternal death is 2.7 times higher among women with no education, and 2 times higher among women with one to six years of education than for women with twelve plus years of education.

Supported by UNFPA, Bangladesh is training midwives according to international midwifery standards. Hundreds of nurses have upgraded their knowledge with practical and theoretical training. In India more than two-thirds of maternal deaths occur

in impoverished states due to the inability to get medical care in time. UNICEF and its partners are working to avoid these preventable maternal deaths through innovative schemes such as a [conditional cash transfer](#) programme for women who deliver in health facilities. In Sierra Leone a year after the launch of the Free Health Care 2010 initiative there was a 150% improvement in maternal complications managed in health facilities and a 61% reduction in the maternal mortality rate.

Launched at the UN MDG Summit in 2010, [Every Woman Every Child](#)^[55] mobilizes global action to save the lives of women and children and to improve their health and lives. Partners in this area include The [GAVI Matching Fund for Immunization](#), a private-public initiative in which the UK Department for International Development and the [Bill & Melinda Gates Foundation](#) match contributions from the private sector to deliver critical vaccines to the lowest income countries. Furthermore, UN Women is implementing a joint programme in Central African Republic, Chad, Guinea, Haiti, Mali, Niger and Togo highlighting links between violence against women and maternal health, promoting funding and training midwives and health workers.

Combating disease [\[edit \]](#)

This sixth MDG is to combat [HIV/AIDS](#), [malaria](#) and other diseases. The goal has three targets 1) to halt and reverse HIV/AIDS, 2) to achieve universal treatment for HIV/AIDs 3) to halt and reverse Malaria and other Diseases^[56] unquestionably reflecting the *Right to health*. To date 2.3 million people are newly infected by HIV each year, with 1.6 million in sub-Saharan Africa. Tuberculosis (TB) mortality rate decreased 41% between 1991 and 2011, yet TB killed 1.4 million people in 2011, including 430,000 among people who were HIV-positive. [Multidrug-resistant TB](#) is a major global challenge and the rate of people accessing treatment is slow.

In 2008, reports appeared that malaria parasites in Cambodia and Thailand were resisting artemisinin, the most effective single drug to treat malaria. The countries launched a joint monitoring, prevention and treatment project in seven provinces along their shared border, with support from WHO. In Thailand more than 300 volunteer village malaria health workers were trained to provide free services to test for malaria and directly observe the treatment of patients. Use of a smart phone to capture data on patients and to monitor treatment has accelerated progress. An electronic malaria information system (e-MIS) uploaded on the health workers' mobile devices shows malaria volunteers where to find patients, the status of their treatment, the situation and trends. In Ethiopia a programme, supported by UNICEF and its partners, is preventing transmission of the virus from HIV-positive mothers to their children, a critical measure in ensuring an AIDS-free generation.

The [Getting to Zero](#)^[57] initiative has ten Southeast Asian nations committed to making Zero New HIV Infections, Zero Discrimination and Zero HIV- Related Deaths a reality.

Environmental sustainability [\[edit \]](#)

The seventh MDG is to ensure [environmental sustainability](#). A human rights approach to sustainable development emphasizes improving accountability systems, access to information on environmental issues, and the obligations of developed States to assist more vulnerable States, especially those affected by climate change.

There are four targets in this goal 1) To integrate principles of sustainable development into country policies and reverse the loss of environmental resources comparable to a *Right to environmental health*; 2) to reduce biodiversity loss by achieving a significant reduction in the rate of loss; 3) to halve by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation comparable to the *Right to water and sanitation* and 4) to achieve, by 2020, a significant improvement in the lives of at least 100 million slum dwellers,^[58] comparable to the *Right to adequate housing*.

Of note a staggering 2.5 billion people still do not have access to toilets or latrines. Open defecation is a practice that poses serious health and environmental risks and stopping it is a key factor in the progress of sanitation goals. In 2013, UN Member States adopted the [Sanitation for All](#) resolution^[59] calling for increased efforts to improve access to proper sanitation. The number of slum dwellers however continues to grow, due to the fast pace of urbanization. The number of urban residents living in slum conditions was estimated at 863 million in 2012, compared to 650 million in 1990 and 760 million in 2000.

Species are moving towards extinction at an ever-faster pace, and reduced biodiversity has serious consequences for the ecosystem services upon which all people depend.^[60] The largest loss of forests occurs in South America, around 3.6 million hectares per year from 2005 to 2010. [Deforestation](#) threatens [global sustainability](#) and the progress towards hunger and poverty reduction as forests provide food, water, wood, fuel and other services used by millions of the world's poorest. Brazil's northeast the most densely populated semi-arid region in the world has limited rainfall and cyclic drought forcing many of the 22 million residents to resort in [illegal charcoal production](#), stripping the region of forests. A project by the [International Fund for Agricultural Development](#) (IFAD)^[61] to promote agro-ecology is showing farmers how to make a living from the land while conserving the environment.

Nearly one-third of marine fish stocks have been overexploited and the world's fisheries can no longer produce maximum

sustainable yields due to continuing expansion of the fishing industry in many countries. The [Montreal Protocol](#) has led to a 98% reduction in the consumption of ozone-depleting substances since 1986 yet carbon dioxide emissions have increased by more than 46% since 1990.

Africa's first transboundary biosphere reserves^[62] in Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger and Senegal are set up with funding from the [Global Environment Facility](#), working with the [UN Environment Programme](#) (UNEP) and [UNESCO](#) in 2002. The reserves prevent desertification, testing sustainable economies and integrating local communities.

The development goal is strongly related to rights to *Food, Water & Sanitation*. Defined as 'freedom from hunger', the right to food may be seen as a right to 'nutrition'. Nutrition is achieved not through food alone but with clean water, health-care, hygiene, and other inputs. In India despite constitutional protections of certain economic and social rights, including the right to food, and relatively stable democratic institutions, the underprivileged are excluded from actively participating in democratic politics, with the result that their aspirations and priorities are not reflected in public policy. The elitism of public policy further disempowers the poor by perpetuating their deprivations.

The state bearing primary responsibility for the right to food, there is also responsibilities on local communities and families to ensure basic nutrition is equally available to all members. Dre'ze accepts that this complicates the question of how the right to food can be enforced, additionally the right to food cannot be realized in isolation from other social and economic rights, such as the right to health.

The [Rio +20](#) Conference took place in 2012 produced the [Future We Want](#) outcome document^[63] and created the [UN High-level Political Forum on sustainable development](#) which issued the [Global Sustainable Development Report in 2013](#) its special theme the convergence of climate, land, energy, water and development issues. "The unabated rise in the scale of materials consumption has increased global environmental, social and economic pressures. There is increasing evidence that we are jeopardizing several of the Earth's basic life support systems. Countries and people trapped in persistent poverty have probably suffered most from these impacts. And future generations will most likely face much greater challenges to meet their own needs".^[64]

Global partnerships for development [\[edit \]](#)

The eighth MDG is to [develop a global partnership for development](#). There are five targets 1) to develop predictable, non-discriminatory trading and financial system rules; 2) to address the needs of least developed countries, landlocked countries and small island developing states; 3) to deal comprehensively with developing countries' debt; 4) to provide access to affordable, essential drugs in developing countries in cooperation with pharmaceutical companies and 5) to make available benefits of new technologies.^[65] All targets are comparable to the *Right to development*.

Of note a total of 83% of least developed country exports enter developed countries duty-free. In the developing world, 31% of the population use the Internet, compared with 77% of the developed world. In 2012 [ODA](#) of \$126 billion was 4% less than in 2011, which was 2% less than in 2010. This is the first time since 1996-1997 that ODA fell in two consecutive years, while essential medicines are available in only 57% of public sector facilities and 65% of private facilities in selected developing countries. There are over six billion mobile phone subscriptions worldwide and for every person who uses the Internet from a computer, two do so from a mobile device. In South Africa, over 25,000 students have improved their math skills through interactive exercises and quizzes on mobile phones through cooperation between government, Nokia and individual schools and teachers.

The [MDG Gap Task Force](#) was created by the UN Secretary-General in 2007 to improve monitoring of the global commitments contained in MDG 8 tracking existing commitments and identifying gaps and obstacles to fulfilment in development assistance, trade, debt sustainability, access to essential medicines and new technologies. The Task Force integrates more than 30 UN and other international agencies while [The Integrated Implementation Framework](#) records and monitors financial and policy commitments made by UN Member States and other international stakeholders.^[66]

Human rights and the international order [\[edit \]](#)

Post 2015 Agenda [\[edit \]](#)

Main article: [Post-2015 Development Agenda](#)

Criticism of the Millennium goals are that they should be transformative not technocratic. A key element in empowering people is that the response should be framed within a broader view of poverty that addresses root causes like power inequalities.

Creating an inventory of public goods and services for distribution and seeking to fill deficits through foreign aid follows the history of development. A rights-based approach seeks to identify systemic obstacles that keep people from accessing

opportunity. Genuine participation and access to information are the cornerstone of empowerment and instrumental gains occur when local knowledge and local preferences are used. Civil and political rights like the rights to vote, to freedom of expression and to freedom of association are crucial if excluded groups are to ensure that Governments focus on the MDGs with a human rights basis.

Human rights in relations to develop goals possess a number of different characteristics. Rights are universal, the birthright of all humans, and are focused on the inherent dignity and equal worth of all. Human rights cannot be waived or taken away and they impose obligations of action and omission. Rights are internationally guaranteed and legally protect individuals and groups. Rights have corresponding obligations on the duty-bearer traditionally the state, who must 1) respect human rights by refraining from interfering with them; 2) protect human rights by ensuring that private actors do not interfere with people's ability to exercise them (e.g. ensure that private schools enrol children from ethnic minorities); 3) fulfil human rights by adopting all necessary measures (e.g. create health programmes to provide medicines or pass laws to recognize indigenous ancestral lands and 4) guarantee human rights without discrimination of any kind including disability, health status, age, sexual orientation, civil, political and social status.

[International human rights law](#) predate the MDGs, and States have existing legal obligations to realize human rights such that development goals targets and indicators need to be aligned with a human rights approach. The process of alignment should involve 1) adapting each target to the relevant economic, social or cultural right; 2) mainstreaming gender; 3) ensuring the excluded are included; and 4) ensuring indicators are rights sensitive.^[67] There must be minimum standards for the process agreed on by all participants that includes the design, implementation and monitoring of development strategies; which are inclusive of women and marginalized groups. Elite capture and reinforcement of existing social hierarchies and power relations must be prevented and information must be transparent and accessible, finally there must be accountability mechanisms to ensure the participatory process is kept to these standards such that overall there is a prioritization of human rights in policy and resource allocation.

The [Development CoOperation Forum](#) is an initiative of the [United Nations Economic and Social Council](#) (ECOSCO) and now held biannually. The objectives of the upcoming forum include 1) Assess how a global partnership for development beyond 2015 could work in practice. 2) examine implications of a post-2015 development agenda for development cooperation; 3) identify ways to enhance national and global accountability and effective monitoring of development cooperation and 4) advance policy dialogue and concrete actions by Southern development cooperation partners on common issues and challenges.^[68]

Labour organisations [\[edit \]](#)

Main article: [International Labour Organisation](#)

The [International Labour Organisation](#) (ILO) since its formation in 1919 has lent strong support to workers rights and its work compliments human rights as stipulated under Article 23 of the UDHR., Article 22 of the [International Covenant on Civil and Political Rights](#) and Article 11 of the [European Convention](#). The organization has developed its own conventions and committees for advise on labour laws and mediates between trade unions and employers guarding labour principles outlined in the UN [Global Compact](#).

The ILO Conventions include [Freedom of Association and Protection of the Right to Organise Convention](#) 1948^[69] and the [Right to Organise and Collective Bargaining Convention](#), 1949.^[70] In 1998 the organization issued a declaration of four core labour rights 1) freedom of association and the effective right of collective bargaining 2) the prohibition of forced compulsory labour 3) the effective abolition of child labour 4) the elimination of discrimination in respect of employment or occupation.^[71] Collective bargaining may be viewed as an individual right to combine with other individual workers in a position to achieve wage justice, safe working conditions, fair disciplinary treatment and comradery. It is also a practice that counterbalances and overcomes inequalities in market forces.

The [Fair Labor Association](#) (FLA)^[72] developed a [Workplace Code of Conduct](#)^[73] based on ILO standards and addresses 1) forced labour; 2) child labour; 3) harassment or abuse; 4) nondiscrimination; 5) health and safety; 6) freedom of association and collective bargaining; 7) wages and benefits 8) hours of work and 9 overtime compensation.

Transnational corporations [\[edit \]](#)

Around half of the wealthiest 100 entities in the world today are corporations not countries.^[74] with many organisations committing gross human rights violations from which they earn vast profits. Wars are inflamed through arms sales and corporations deal in [conflict commodities](#) like diamonds.

Importantly the legal personality of corporations was established in the [Barcelona Traction](#) case. (1970)^[75] In 2004 the UN

Commission on Human Rights asked the OHCHR to compile a report on the responsibilities of [transnational corporations](#) (TNCs) and following up on the report a Special Representative was appointed to look at the issues and to comment on the relationship of TNC's and other business enterprises. The Ruggie Reports from between 2005 -2011 present a conceptual and policy framework to help guide relevant actors comprising three core principles *protect, respect and remedy*. It is the State duty to *protect* against human rights abuses by third parties, including business; whilst there is a corporate responsibility to *respect* human rights; and furthermore there is need for effective access to *remedies*. In 2011 The [United Nations Guiding Principles on Business and Human Rights](#) were annexed to the last report.

States have the primary role in preventing and addressing corporate related human rights abuses under resolution 8/7^[76] governments can support and strengthen market pressures on companies to respect rights whilst adequate reporting enables stakeholders to examine rights related performance. To fulfil the duty to protect states must regulate and adjudicate the acts of business enterprises. International Human rights treaties do not themselves create direct obligations for corporations but treaty bodies refer more directly to the role of states in specifically guarding against human rights violations by corporations. The more recent [Convention on the Rights of Persons with Disabilities](#) clearly provides that state parties have an obligation to take all appropriate measures to eliminate discrimination on the basis of disability by any person organization or private enterprise.^[77] An unresolved legal issue in this regard is as to the extent of a State's jurisdiction, does a states obligation extend extra-territorially or internationally?

Business enterprises should respect human rights, avoiding infringing on the human rights of others and they should address adverse human rights impacts when they are involved. The responsibility of business enterprises to respect human rights refers to those rights as expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the [International Labour Organization Declaration on Fundamental Principles and Rights at Work](#).^[78] As part of their duty to protect against business related human rights abuse States must take appropriate steps to ensure that those affected have access to effective remedy through judicial, administrative, legislative or other appropriate means.

Since the 1990s [soft law](#) instruments have been relied upon to guide corporate behaviour such as the OECD Guidelines for Multinational Enterprises, the UN Global Compact and the UN draft norms on transnational corporation and other business enterprises. The OECD Guidelines^[79] cover a wide range of issues including labour and environmental standards, human rights, corruption, consumer protection, technology amongst others. The guidelines are completely voluntary and were revised in 2000 and updated in 2011. In 2000 a complaint procedure was introduced allowing NGO's and others to submit complaints to alleged breaches where previously only trade unions could submit complaints. The 2011 update introduced a specific chapter on human rights and aligns the guidelines with the UN Special Rapporteur framework of "protect respect and remedy".

In 2000 the UN established the [Global Compact](#)^[80] which call on business leaders "embrace and enact" a set of 10 principles relating to human rights, labour rights, environmental protections and corruption. The compact did not include a mechanism for dispute resolution. In response to this criticism integrity measures were introduced in 2005 which created a complaints procedure for systematic abuse of the compacts overall aims and principles.^[81]

In 2003 a UN subcommission on the promotion and protection of Human Rights adopted a set of international norms applying to TNC's and other business they are based on international instruments, non binding declarations and guidelines adopted by multilateral organizations. The norms include 1) general obligations; 2) rights to equal opportunity and non-discriminatory treatment; 3) rights to security of persons; 4) rights of workers 5) respect for national sovereignty and human rights; 6) obligations with regard to consumer protection; 7) obligations with regard to environmental protection 8) general provisions of implementation and 9) definitions. The norms however do not have legal status and are unlikely to be developed further and the subcommission is now replaced by the [Human Rights Council Advisory Committee](#).^[82]

There has also emerged over the past decades a proliferation of company specific and multi-stakeholder codes of conduct such as the [Sullivan principles](#) and as such hundreds of companies have now publicly committed to upholding basic human rights. Codes of conduct are regarded as part of the soft law regime and are not legally binding but the general normative effect may lead to legal effect as standards may be incorporated into employment and agency contracts.

Human rights enforcement [\[edit \]](#)

The [Human Rights Commission](#) tasked with drawing up the UDHR was divided on whether the bill should be legally enforceable either as an annex to the UN Charter or as a multilateral convention. As a Declaration of principles it has no powers of implementation but results in new developments of customary international law. As a non legal document the declaration yet defines the nature and meaning of a pledge to respect human rights provided under [Article 55](#) of the UN Charter. Since its initial signing with 48 members and 8 abstention it has grown to include 192 member states. As such Human rights have an inherent dignity and are inalienable, they "should be protected by the rule of law" to prevent the need of individuals being compelled to revolt against tyranny

During the 1970s, General Pinochet's crimes in Argentina contributed greatly to the general assembly passing the [United Nations Convention against Torture](#) 1975^[83] while the [Helsinki Accords](#) 1975^[84] also gave strength to the Human Rights movement. Today the binding UN covenants of the [ICCPR](#) and the [ICESCR](#) are now in force. In 1977 the Security Council imposed mandatory trade sanctions on South Africa after having previously declared apartheid as "a grave threat to the peace" justifying the interference into the States internal affairs. The ban on trade was not policed and circumnavigated by multinational corporations. During this period [Andrei Sakharov](#) drew attention to the plight of political prisoners whilst critiquing the UN system for its partisan politics. [Václav Havel](#) appealed to the Helsinki promise of political cooperation to be taken at face value. These developments coincided with a shift in US foreign policy to include human rights in its agenda while the twin covenants making human rights abuse a legitimate subject of international concern.

The Commission and [Human Rights Council](#) have not substantially acted on human rights violations and states represented on the commission have not wished to create enforcement procedures which might be used on themselves or their allies, such that tragedies like Pol Pot's [Genocide](#) and the execution of [Ken Saro-Wiwa](#) persist. The [Human Rights Committee](#) a body of independent experts monitor the implementation of the [ICCPR](#). All parties must submit an initial report and are subject to four yearly reporting. Concerns and recommendations are addressed in "concluding observations" addressed to the State Party. Article 41 provides for interstate complaints while the Optional Protocol 1 gives the committee competence to examine individual complaints of alleged violation by State Parties to the Protocol

Enforcement in relation to TNC's has often been through tort litigation where human rights standards have been incorporated into domestic legislation. though International law itself is yet unable to impose human rights obligations on corporations. The [Alien Tort Statute](#) or Alien Tort Claims Act (ATCA) of 1789 draws directly on international norms to hold corporations liable for conduct that violates human rights. The ATCA allows a plaintiff not resident in the USA to sue a defendant over which a US court has jurisdiction for a violation of the [law of nations](#) even where the event is outside US territory. In *Filartiga v Pane-Irala* a Paraguayan policeman was sued for torture and murder of the plaintiffs relative though in *Sosa v Alvarez Machain* it was held That the ATCA did not extend to arbitrary arrest or detention in violation of the UDHR and the ICCPR.

In *Doe v Unocal* a civil claim was brought under the ATCA alleging abuses on the part of an oil consortium and its security representatives which resulted in forced labour, murder, rape and torture of villages. The Court held that a reasonable person could conclude on the evidence that Unocal had aided and abetted the abuses committed by the Myanmar Military and court drew on the jurisprudence of the [International Criminal Tribunal for the former Yugoslavia](#) (ICTY) for its decision.^[85]

The [International Criminal Court](#) (ICC)^[86] may hold individuals accountable for human rights abuses under the provision of its founding statute.^[87] it does not however have jurisdiction of corporations though individuals within corporations can be held to account. The Court has jurisdiction to try cases of genocide, crimes against humanity and war crimes where states with the domestic criminal jurisdiction are unwilling to carry out investigations. Where multinational corporations commit crimes on a scale that reach the level of the courts jurisdiction individuals responsible can then be held liable.






























See also [\[edit \]](#)

- . [ASEAN Human Rights Declaration](#)
- . [Asian Forum for Human Rights and Development](#)
- . [Asian Human Rights Development Organization](#)
- . [Cambodian Human Rights and Development Association \(ADHOC\)](#)
- . [Human development \(humanity\)](#)
- . [Institute for Human Rights and Development in Africa \(IHRDA\)](#)
- . [International Centre for Human Rights and Democratic Development](#)
- . [International human rights instruments](#)
- . [Office of the United Nations High Commissioner for Human Rights](#)
 - . [Office of the United Nations High Commissioner for Human Rights#Research and Right to Development Branch](#)
- . [Rights-based approach to development](#)

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