



HUMAN RIGHTS AND THE POST-2015 DEVELOPMENT AGENDA: ‘TIME TO DELIVER’

As a global human rights movement, Amnesty International is working towards a world in which everyone can live free from fear and free from want. As part of this vision, Amnesty International wants to see human rights at the heart of the post-2015 agenda. Specifically we believe that the post-2015 development framework must be inclusive, transparent, participatory and informed by human rights standards in order to address some of the gaps in the previous Millennium Development Goals as well as current challenges to development. This in turn will ensure that development efforts reach the most vulnerable and marginalized in our societies. In the year of the 20th anniversary of the Vienna Declaration and Programme of Action, Amnesty International urges states to reaffirm the indivisibility of human rights and commit to implement these obligations in practice.

WHY DO HUMAN RIGHTS MATTER?

Human rights are central to effective economic and social development for all, ensuring that nobody is left behind. They provide clear, consistent and objective goals and targets, both for states and for non-state actors including businesses, international donors and financial institutions. They also set out monitoring and accountability mechanisms by which progress can be measured. Human rights guard against discrimination and inequality. They ensure inclusion and provide remedies. Guaranteeing participation, good governance and transparency in public affairs, human rights help facilitate the involvement of people living in poverty and the most marginalized in policy planning, development and implementation. An effective human rights framework ensures accountability and makes sure that lessons are learned from mistakes so that failings are not repeated. Economic development initiatives that do not incorporate human rights obligations and principles carry a significant risk of deepening marginalization, discrimination and injustice, thus widening the gap between rich and poor, between men and women, and for minority groups. Where human rights such as the rights to health, adequate housing or freedom of expression are denied – for instance in the context of infrastructure or extractive projects - the potential for mass human rights violations and environmental degradation is increased, often further and disproportionately affecting the worst-off.

WHY DOES EQUALITY MATTER?

For more than 50 years, Amnesty International has used international human rights law to challenge unlawful discrimination and inequality, including segregation and exclusion, on grounds such as race, ethnicity, religion, gender or other status. Discrimination is differential treatment (e.g. distinctions, exclusions or restrictions) that is unjustified and – either by intention or effect – denies people their human rights. Ending all forms of discrimination is essential to enable people to exercise and claim their human rights, to ensure that no-one gets left behind. It also means moving away from identifying specific groups such as women as inherently “vulnerable.” But rather aims to understand the multiple and intersecting forms of discrimination that often places certain groups at greater risk of human rights violations due to their historic disadvantage and disempowerment. The post-2015 agenda must ensure substantive equality, of both opportunity and results, with full protection of the law. It must address and dismantle the multiple and systemic barriers faced by certain sectors of society, in order to allow them to fully realize their rights.

Equity is a related concept to equality, insofar as it guarantees fair distribution of benefits and opportunities. However, unlike equality, equity does not place positive obligations on states to address multiple and systemic forms of discrimination and promote the rights of the most disadvantaged. A focus on equity can therefore undermine the goal of achieving true substantive equality for all.

WHY DOES AMNESTY INTERNATIONAL CALL FOR THE ENFORCEMENT OF THE RULE OF LAW IN ITS MOST PROGRESSIVE SENSE?

Amnesty International recognizes that the rule of law and human rights can mutually reinforce each other and, in so doing, promote more effective development outcomes. However the "rule of law" concept is subject to a variety of definitions and interpretations which at their narrowest can exclude any reference to human rights. The definition currently adopted by the UN is:

'A principle of governance in which all persons, institutions and entities, public and private, including the State itself are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.'

UN Secretary General Report 'The Rule of Law and Transitional Justice in Conflict and Post Conflict Societies'
(Paragraph 6, S/2004/616)

In line with the UN definition, **Amnesty International is calling for a substantive and progressive interpretation of the rule of law in a post-2015 agenda**, with a solid commitment from states to enhance accountability mechanisms for existing human rights obligations, promote access to justice for all and ensure effective participation for everybody, including the most marginalized and disadvantaged in development decision-making and implementation by:

1. **Ensuring that all people, especially those living in poverty, are able to use the law to enforce their rights and have access to effective remedies for all violations of human rights**, in particular addressing any gaps in the law relating to the enforceability of economic, social and cultural rights (i.e. Optional Protocols to the Covenant on Economic, Social and Cultural Rights and to the Convention on the Elimination of all Forms of Discrimination against Women);
2. **Adopting adequate safeguards, monitoring and accountability mechanisms to ensure that development assistance complies with human rights standards;**
3. **Removing any barriers that people living in poverty face in accessing justice and effective remedies;**
4. **Eliminating gender discrimination in the justice system;**
5. **Increasing monitoring at the national and international levels**, by for example, obliging states to provide a mandate to national human rights monitoring bodies to monitor human rights violations and complaints;
6. **Systematically integrating reporting on national implementation of the development goals in reports to the Universal Periodic Review and international human rights treaty bodies;**
7. **Committing to designing and implementing a poverty reduction framework that involves the active participation of those living in poverty;**
8. **Reaffirming the rights to access to information and participation in the processes of development from priority setting to planning to implementation and monitoring – by ensuring processes are transparent, inclusive and non discriminatory and by consulting those most affected.**
9. **Enhancing the accountability of security forces, police and the judiciary;**
10. **Establishing a mandatory reporting regime for companies that will provide effective accountability based on the UN Guiding Principles on Business and Human Rights**, reviewed by independent experts in partnership with communities affected, which must be accompanied by clear consequences for conduct that may violate human rights or undercut sustainable development.

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