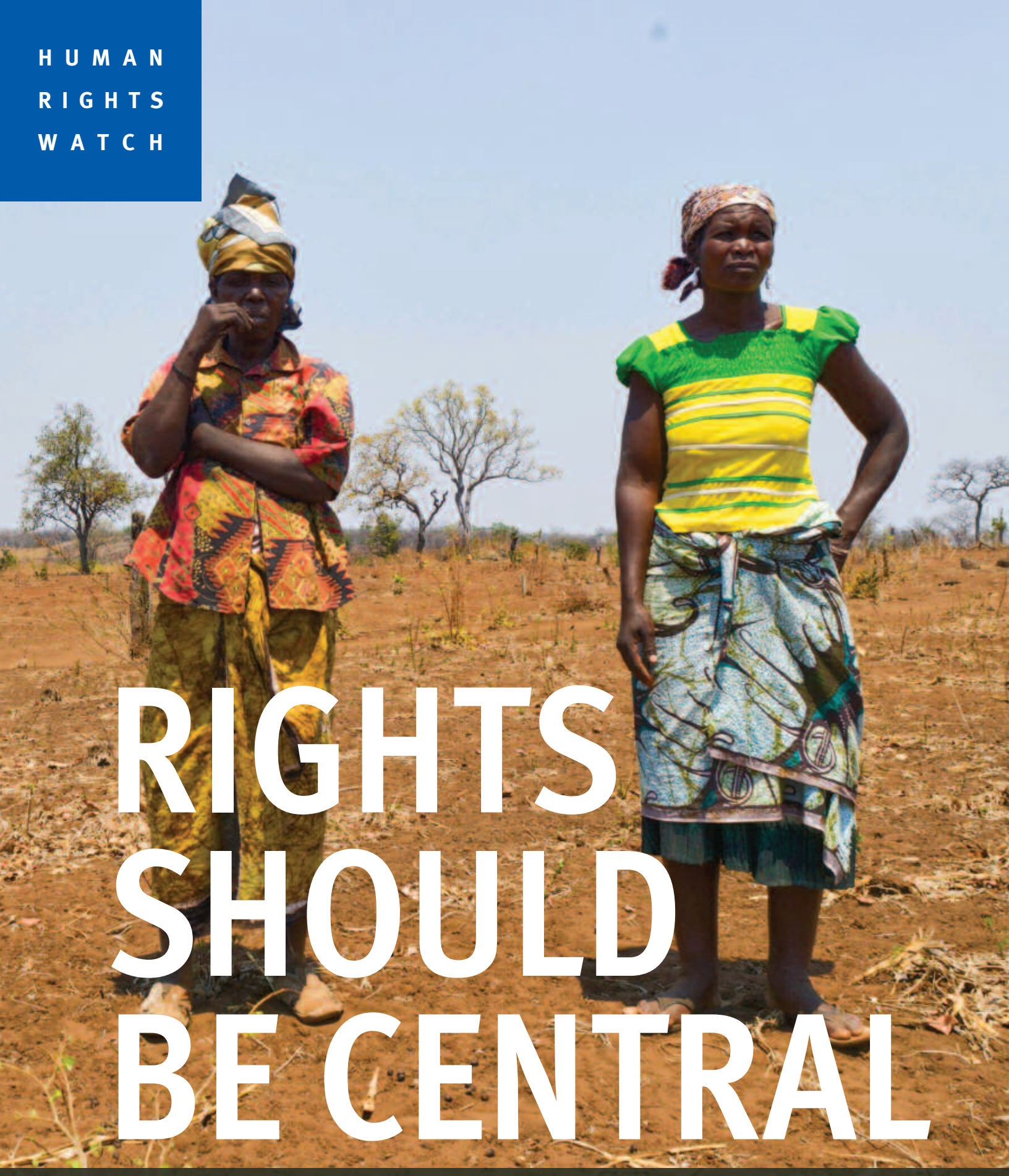
HUMAN RIGHTS WATCH



RIGHTS SHOULD BE CENTRAL

To Post-2015 Development Agenda

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(front cover) Female farmers on a barren agricultural plot in Mwaladzi. Resettlement to an area with limited water supply and poor agricultural productivity has led farmers who once produced most of their own food to become dependent on food assistance programs. Erica D. (middle) said, "Look at this soil. Do you think this is soil where people can grow something? Just look at these dried plants. Do you think that maize can come from these small plants? They don't grow here."

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SUMMARY

Human Rights Watch believes that the UN-led process to set a post-2015 development agenda and new global development goals should build support for a broader conception of development, defined as "freedom from fear and want for all without discrimination" and the creation of conditions in which people everywhere can realize their universal human rights—civil, political, economic, social and cultural.

A new global framework on development should be rooted in existing, internationally-agreed human rights standards, as set out in core documents like the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Governments have legal obligations to respect, protect and fulfill these rights, including in their development programs and policies.

In addition to these legal obligations, there are a number of substantive benefits from grounding development policy in human rights. Despite real progress in some areas of development over recent years, the relative neglect of human rights has diminished some of the positive impacts of development. Some poor and vulnerable people have been excluded from the benefits of development enjoyed by others while other people have been harmed by policies carried out in the name of development and economic modernization. Because of the heavy emphasis in many development agencies on measuring development progress with reference to averages and aggregates, including in the Millennium Development Goals (MDGs), these issues of exclusion and harm have been overlooked and there has been limited incentive or accountability to address them.

Making human rights integral to development and a post-2015 development framework would contribute to more just and inclusive development outcomes, especially through an emphasis on participation, empowerment, and transparency. It would help prevent development programs from harming and disadvantaging vulnerable populations, by requiring analysis of the human rights impacts of such programs, and mitigation or avoidance of adverse impacts as well as consultation and participation of those affected by these programs themselves. The rooting of development in human rights would encourage a focus on the poorest and most marginalized communities, including women, children, ethnic and religious minorities, indigenous peoples, and people with disabilities—groups that may be invisible in some development approaches. Similarly, it would draw attention to issues of discrimination, inequality, and exclusion—the underlying and systemic reasons why certain groups often do not receive services, resources or economic opportunities—and prompt action to address them. Very importantly, a human rights approach to development would strengthen accountability, with decision-makers made answerable for the impact of their policies on the poorest, not least to the poor themselves.

In advance of discussion of these issues at the Special Session of the UN General Assembly in New York, Human Rights Watch makes some specific recommendations to governments for how human rights can be given priority and be fully integrated into a new global development framework and a new set of global development goals and targets.

- Goals and targets should be set for tackling discrimination, reducing disparities, and promoting equality of opportunity between different groups, alongside concrete targets for improving the conditions of the poorest and most marginalized, including women and girls, ethnic minorities, indigenous peoples, and people with disabilities. National governments and donors should be obliged to bring their development policies and practices into line with existing international standards on non-discrimination and equality. To measure progress in these areas, national and international data on development should be fully disaggregated, to make it possible to assess the impact of development interventions on different groups.
- The post-2015 agenda should promote gender equality and women's rights, including through a requirement on governments to work to end gender discrimination and promote equality in their laws, policies and practices. It should also require governments to prevent and punish violence against women and ensure adequate services for victims of abuse.
- The post-2015 development agenda should require national governments and international donors to frame their approach to economic and social development, including the improvement of health, education, nutrition, water and sanitation, land and housing, within a human rights framework, with clear commitments to progressively realize these human rights for all and with strengthened systems of participation, transparency, and accountability.
- Strong commitments to civil and political rights should be integral to the post-2015 agenda, including the rights to freedom of speech, association and assembly, the ability of people to participate in free elections, and access to the rule of law.
- The post-2015 agenda should commit governments to introduce mandatory requirements on corporations to undertake human rights due diligence around their work and publicly report on their human rights, social, and environmental impacts as well as payments made to domestic or foreign governments. Governments should also monitor the global human rights practices of businesses headquartered on their soil and ensure that all companies under their jurisdiction act in accordance with international human rights law.
- Governments should ensure that international organizations, including international financial institutions, respect human rights through their development policies and programs.
- The post-2015 agenda should bring together into a single new framework the work currently undertaken through the Rio+20 process on sustainable development and that on the post-2015 development goals. Development and environmental issues cannot be considered in isolation and are best addressed through a new set of global sustainable development goals.
- The post-2015 agenda should be a universal one (with commitments applicable to all countries, not just low income ones) and with strengthened accountability for delivering on these commitments to inclusive, sustainable, and rights-respecting development.

THE MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS

The Millennium Declaration, which was endorsed by the world's governments in September 2000, asserted that freedom, equality, solidarity and tolerance were fundamental values.[1] It further declared that "we will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms." However, these important human rights principles did not find their way into the new Millennium Development Goals (MDGs) that emerged from a UN working group in early 2001 and which quickly became the dominant international framework for development cooperation.

The MDGs were drawn from the Millennium Declaration and other international agreements, but were much more limited in scope. They gave priority to a subset of internationally recognized social and economic rights in areas like child and maternal mortality and access to primary education, but they set no targets in respect of political freedom or democratic participation, equality for ethnic minorities or people with disabilities, freedom of expression, or rights to peaceful protest or assembly, and they emphasized only limited elements of these social and economic rights.

In many respects, the MDGs have been highly successful. The Goals have been relatively easy to communicate and to understand, which has helped to build a greater public and political constituency for development in some countries. The MDGs have embodied and helped to generate more of an international consensus about the focus of development cooperation. Many have also credited them with securing increased investment in health and education, greater levels of debt relief, and enhanced accountability for the use of development aid.[2] While the attribution of impact is challenging, the MDGs appear to have played an important role in improving child health and access to education for the general population, with a significant reduction globally in levels of child mortality over the last decade and a large increase in school enrollment rates in many countries.

A Dassanach man tending his fields along the Omo River. A south Omo agro-pastoralist describes: "They are cutting down our bush and forest, and bulldozing our gardens then they want us to sell off all our cows. No one is going to sell their cattle. They should go away. They should leave our forest alone and leave it to us to cultivate with our hands. "

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But despite this progress, the neglect and marginalization of human rights in the MDGs and in many development programs and strategies has had harmful consequences. These fall into two broad categories.

Firstly, a lack of focus on human rights is one reason why many people have been denied the benefits of economic progress or access to resources or services because of discrimination linked to their gender, ethnicity, religion, caste, political opinion, HIV status, sexual orientation, gender identity or disability. For example, the MDGs make no reference to disability. However, Human Rights Watch's research on education in Nepal and China has documented widespread discrimination experienced by children with disabilities, who are denied access to school and their right to education on an equal basis with other children (*Futures Stolen: Barriers to Education for Children with Disabilities in Nepal,* August 2011, and *"As Long as They Let Us Stay in Class": Barriers to Education for Persons with Disabilities in China*, July 2013). Of course, this neglect or unwillingness to address specific populations could have existed even in the absence of any MDG framework. But because the MDGs make no reference to an inclusive and non-discriminatory approach, there has been much less incentive or accountability for national governments, donors or international financial institutions to address them.

Secondly, poor, vulnerable, and marginalized people are sometimes harmed by development policies or by programs carried out in the name of economic development. Human Rights Watch has uncovered some clear examples of this. For instance, in the Gambella region of Ethiopia we have documented serious human rights abuses associated with the government's so-called villagization program (*"Waiting Here for Death": Forced Displacement and "Villagization" in Ethiopia's Gambella Region*, January 2012). This program is justified by the government in development terms—transferring 1.5 million people in five regions from their existing homes to new villages, where they are promised improved infrastructure and better services. The scheme is also described as a voluntary one. Our research on the first year of the program in the Gambella region found that people were forced to move against their will and that government security forces beat and abused those who objected. Fear and intimidation were widespread amongst affected populations. Moreover, in the new villages, promised services were often not provided.

These examples illustrate some of the dangers of a failure to integrate human rights into development policies and practices. Recent events in the Middle East and North Africa are also highly relevant to this debate. For example, up until the start of its popular uprising in early 2011, a country like Tunisia was viewed by many in development agencies as an international poster-child for the MDGs, a country making rapid progress against some of the MDG goals. But for many Tunisians, this progress was clearly not enough—higher incomes did not compensate for the ills and costs of corruption, repression, inequality and powerlessness, nor satisfy their aspirations for greater justice, freedom, and dignity. There are important lessons here and elsewhere in the region that should be reflected in the post-2015 global development framework.

The Global Debate

There are a large number of international processes already underway to consider the focus and scope of the post-2015 development agenda and goals relating to sustainable development, and a significant number of reports and statements on these issues have already been issued. A High Level Panel set up by the UN Secretary General and co-chaired by the leaders of the UK, Liberia and Indonesia, published a report in May.[3] The UN Secretary General produced his own report on these issues in July.[4] Reports have been produced by the Sustainable Development Solutions Network and by the United Nations Systems Task team and by UN regional and thematic consultations.[5]

The UN Global Compact and the World Business Council produced a short statement in March, setting out a business and private sector perspective on the post-2015 development agenda.[6] A statement was made by the heads of the regional and international development banks in July. As a follow up to the Rio+20 conference on sustainable development, the Open Working Group on Sustainable Development Goals is conducting a series of discussions aimed at generating specific goals for sustainable development, to be presented to the UN General Assembly. In addition to these outputs from inter-governmental bodies, regional and international organizations and the private sector, a huge number of statements and submissions have been made by civil society organizations.

Out of this plethora of reports and statements, there are some tentative grounds for optimism in respect of how human rights issues will be addressed in any post-2015 development agenda. Support for rights has emerged as a high priority amongst civil society participants in the UN-sponsored global thematic consultations, and the reports of the High-Level Panel of Eminent Persons on the post-2015 Development Agenda and the UN Secretary General also contain some good analysis and strong references to the central role of human rights, good governance and the rule of law, as well as acknowledging the multi-dimensional nature of poverty and development. But there are also significant areas of omission and other areas where current proposals are weak.

Over the next year, it will be important to reinforce commitments to human rights where they exist and to further strengthen commitment to the integration of rights principles and standards across the whole of the sustainable development agenda.

What can human rights contribute to development?

Human rights are to be valued and advanced for their own sake: they constitute a core set of fundamental freedoms and entitlements. Moreover, governments have existing legal obligations to respect, protect, and fulfill the rights set out in international conventions and covenants, including when working domestically, bilaterally or through international institutions.

But the fuller integration of human rights can also contribute to development outcomes that are more just and inclusive.

Making human rights more integral to development would:

- **Ensure a focus on the poorest and most marginalized communities,** those overlooked or unreached by many development interventions. While most development indicators and the MDGs themselves measure development progress in terms of averages or aggregates, a human rights analysis obliges policymakers to address the condition of those at the very bottom and other marginalized and excluded groups, including women and girls, ethnic and religious minorities, indigenous peoples and people with disabilities, among others.
- **Prompt action to address systemic issues like inequality, discrimination and exclusion.** Many of the poorest people are subject to discrimination and exclusion on the grounds of gender, descent or ethnic origin, race, color, national or social origin, disability, health status (e.g. HIV status), religion, language, sexual orientation, gender identity, political or other opinion, property, geographical residence, marital or family status, age or economic position. A human rights approach obliges those who make or support development strategies to confront these root cause issues, through legal reforms and other changes in policy and practice.
- **Encourage more inclusive development outcomes,** through a focus on empowerment, participation and transparency. A human rights approach gives priority to the empowerment of individuals and communities and their involvement in decision making. It also gives emphasis to freedom of speech, association, and assembly, which is essential if communities are to exchange ideas and mobilize for change, and inform the country's development strategies.
- **Strengthen accountability.** A human rights approach to development would strengthen accountability, with decision-makers made answerable for the impact of their policies on the poorest, not least to those affected by development. This applies to policies pursued by the international financial institutions or by development donors, as well as the actions of the private sector, and national and local governments. By emphasizing access to information and media freedom, a rights approach also makes it easier to know what those with power are doing, allowing journalists and others to uncover abuses, and creating space for public debate about better development outcomes.
- **Help to prevent abusive development programs and projects.** There is no reference in the current MDGs to people being hurt by development efforts. Moreover, although there are some positive exceptions like the Swedish government, most governments, donors and international financial institutions do not use a human rights framework for understanding, avoiding or mitigating and remedying the harm that may result from development efforts. Human Rights Watch has documented examples of people being abused by policies and projects carried out in the name of development.

Amman, a 16-year old boy in Nepal with physical disabilities, uses his tricycle to get to school. His school does not have a toilet that he can use independently, so he must refrain from going to the bathroom all day or has to ask another child to run to fetch his mother at their home so she can assist him.

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HUMAN RIGHTS PRIORITIES FOR THE POST-2015 AGENDA

Human Rights Watch believes that the post-2015 development agenda should require governments and donors to frame their approach to economic and social development, including the improvement of health, education, nutrition, water and sanitation, land and housing, within a human rights framework, with clear commitments to progressively realize these rights for all and with strengthened systems of participation, transparency and accountability. In addition, Human Rights Watch has identified five specific areas where it is particularly important that governments should make stronger commitments in the context of a new sustainable development agenda. Our areas of focus here are: 1) tackling discrimination and inequality, 2) enhancing the rights of women and girls, 3) integrating civil and political rights, 4) strengthening corporate accountability, and 5) bringing human rights standards into the work of international organizations, particularly international financial institutions. To be effective, the framework must also outline a process for holding governments accountable to the agreed post-2015 agenda.

Tackling Discrimination and Inequality

Our research and that of others has shown that many of the world's poorest people are subject to direct and indirect forms of discrimination on the grounds of gender, descent or ethnic origin, race, color, national or social origin, disability, health status (e.g. HIV status), religion, language, sexual orientation, gender identity, political or other opinion, property, geographical residence, marital or family status, age or economic position. For example, our work on education in Nepal has documented widespread discrimination experienced by children with disabilities, who are prevented from getting access to school and realizing their right to education by a range of barriers. As a result, children with disabilities represent a significant proportion of the 330,000 children out of school in Nepal (*Futures Stolen: Barriers to Education for Children with Disabilities in Nepal,* August 2011). These patterns are replicated globally, with children

A girl speaks to fellow boy students at Juba Secondary School. In South Sudan, only 30 percent of secondary school students are female. Promoting girls' education, especially through the secondary level, is one key strategy for reducing early marriage.

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with disabilities less likely to start school and with significantly lower rates of school completion than non-disabled children.

Human Rights Watch has also documented the harmful consequences for health and development of discrimination and inequality against people living with HIV. Our work in Kenya found that mothers and children living with HIV faced huge obstacles in accessing HIV testing and treatment and, as a result, that Kenya's HIV care programs had failed to deliver lifesaving drugs to the majority of children who needed them (A Question of Life or Death: Treatment Access for Children Living with HIV in Kenya, December, 2008).

Similar patterns of discrimination, which entrench poverty and disadvantage, affect ethnic and religious minorities. For example, Human Rights Watch and others have documented discrimination against certain ethnic minorities in Burma, including Muslim minorities. The Rohingya, a minority Muslim group, are among the most marginalized in Burma. The Burmese government has long denied Rohingya the right to obtain citizenship in Burma, which has facilitated systematic discrimination and human rights abuses against them and rendered them stateless. The Rohingya face restrictions on movement, employment and access to opportunity, education, marriage, and on other aspects of their everyday lives. For decades they have faced violent abuses by state security forces such as abusive forced labor, rape, arbitrary detention and torture, and killings, based on ethnic and religious grounds. This discrimination has played a role in pushing Rohingya into increased poverty.[7] (*"All You Can Do is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State*, April 2013).

Such discrimination on grounds of ethnicity appears to be a major factor in poverty worldwide. The London-based Overseas Development Institute (ODI) produced a recent report suggesting that two-thirds of the world's poorest people live in households headed by a member of an ethnic minority.[8]

The relationship between discrimination and poverty is strongly evident in developed as well as in developing countries, illustrating the importance of the post-2015 agenda being universal. As the UN Committee on Racial Discrimination has recognized, in the US, "racial, ethnic, and national minorities, especially Latino and African American persons, are disproportionately concentrated in poor residential areas characterized by sub-standard housing conditions, limited employment opportunities, inadequate access to health care facilities, under-resourced schools, and high exposure to crime and violence."[9] The US Census reported that in 2009, 25 percent of black people and people of Hispanic origin live below poverty level, compared to 14 percent of people of all races.[10] In Europe, too, those most marginalized are often those most vulnerable to discrimination. This includes Roma, Europe's largest minority, who experience poverty and persistent discrimination across the region.[11] Roma have failed to benefit from the development gains experienced by countries in south-eastern Europe.[12] UNDP has found that "Roma are often trapped in a vicious cycle of social exclusion that has persisted generation after generation," a conclusion echoed by EU research.[13]

Recent contributions to the post-2015 debate, including the report of the High Level Panel, fail to give sufficient emphasis to the issues of discrimination and inequality. Some highly marginalized groups—indigenous people, for example—barely get a mention in the report, and although indigenous people have been victims of some of the worst abuses associated with development programs and projects. On the issue of inequality, the report does suggest that new development targets should "only be considered achieved if they are met for all relevant income and social groups", but in its current formulation, this appears more as an aspiration than a concrete target.[14] Given the close relationship between discrimination, inequality and poverty, Human Rights Watch believes that a post-2015 framework should be grounded in a fundamental guarantee of equality and non-discrimination and should focus on the rights of women and children, people with disabilities, indigenous persons and other marginalized groups, who may otherwise remain outside of the new framework.

Specifically, we propose that:

- **Goals and targets should be set for tackling discrimination, reducing disparities and promoting equality of opportunity between different groups, alongside concrete targets for improving the conditions of the poorest and most marginalized, including women and children, ethnic minorities, indigenous peoples, and people with disabilities. The framework should establish a clear methodology for identifying marginalized or disadvantaged groups. Indicators should:**
  - **Look to identify structural discrimination, including consideration of discriminatory laws and discrimination by private actors;**
  - **Consider whether governments have developed and are implementing action plans to eliminate discriminatory barriers to social, economic, and cultural rights;**
  - **Measure fulfillment of urgent social and economic needs of the most marginalized populations; and**
  - **Measure respect of indigenous peoples' rights, including land and cultural rights, and recognize free, prior, and informed consent.**
- **National governments and donors should be obliged to bring their development policies and practices in line with existing international standards on non-discrimination and equality.**
- **The post-2015 agenda should recognize the multiple layers of discrimination experienced by women, people with disabilities, indigenous peoples, and other marginalized groups, recognizing the impact such discrimination has on their ability to benefit from development programs.**
- **National and international data on development should be fully disaggregated, to make it possible to assess the impact of development interventions on different groups, including women and children, ethnic minorities, indigenous peoples, people with disabilities, and other marginalized groups as well as for different income groups. Indicators should also measure the achievement of each target for the most marginalized or discriminated against groups in each country.**

A woman with mobility impairments uses a hand-crank bicycle to move around her village in Uganda.
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Strengthening the Rights of Women and Girls

The post-2015 development agenda should put gender equality and gender-based violence center-stage.

Gender equality

Human Rights Watch has long documented the impact of discriminatory laws on the lives of women and girls and on development outcomes. For example, in Latin America we have shown how discriminatory laws that deny women their sexual and reproductive rights, including criminalizing abortion, have very negative impacts on maternal mortality and morbidity (see for example, Rape Victims as Criminals: Illegal Abortion after Rape in Ecuador, August 2013). A high priority should be given to both reproductive and sexual health rights and access to health services. In other countries like Bangladesh, we have shown how discriminatory family laws push some women and their dependents into poverty following divorce or separation, or the death of a spouse (*"Will I Get My Dues … Before I Die?": Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce,* September 2012). Making women central to the new development agenda should involve removing discrimination in family laws, including with respect to marital property and inheritance. Ending child marriage, with its myriad harmful economic, health and educational impacts on girls, would also promote gender equality (*"This Old Man Can Feed Us, You Will Marry Him": Child and Forced Marriage in South Sudan*, March 2013). In addition, discriminatory and inadequate labor laws put many women at risk of exploitive and abusive working conditions (see for example, *"They Deceived Us at Every Step": Abuse of Cambodian Domestic Workers Migrating to Malaysia*, November 2011). Moreover, building peace and stability in post-conflict situations requires the full and equal participation of women and girls (see for example, *A Revolution for All: Women's Rights in the New Libya*, May 2013).

Gender-based violence

Human Rights Watch has documented gender-based violence in many countries and communities around the world. While the report of the High Level Panel says that there should be "zero tolerance" of violence against women and girls, this should be underpinned by legal and other reforms. Too often, governments fail to implement the laws passed to prevent and punish violence against women or are too weak to apply them—leaving

widespread impunity for these crimes (see, *"He Loves You, He Beats You": Family Violence in Turkey and Access to Protection*, May 2011). Without concerted efforts targeted for the most marginalized women, including women with disabilities and indigenous women, these groups will continue to be excluded from initiatives to address gender-based violence (see, *"As If We Weren't Human": Discrimination and Violence Against Women with Disabilities in Northern Uganda*, August 2010).

The post-2015 agenda should incorporate the principles developed in the UN Women, Peace and Security agenda, and the broader recognition of women's right to equal participation in political and public life. Human Rights Watch research from across regions and continents has also revealed exploitation and abuse when domestic workers are not guaranteed equal rights under the law (*For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda*, October 2012). Women are disproportionately employed in domestic work and informal markets or provide unpaid care work, and this should be a central focus in the post-2015 agenda. Human Rights Watch research in Haiti in the weeks and months after the earthquake demonstrated how the reproductive health needs of women were not taken adequately into account, with the result that many women and girls were left vulnerable to violence and rape (*Haiti: Earthquake Recovery Failing Women and Girls: Government, Donors Should Improve Health, Security in Camps*, August 2011). Natural disasters negatively affect women and girls in specific ways, and this should also be taken into consideration in the post-2015 development agenda.

Specifically, we propose that:

- **The post-2015 agenda should promote gender equality and women's rights, including through a requirement on governments to work to end gender discrimination and promote equality in their laws, policies, and practices. It should also require governments to prevent and punish violence against women and ensure adequate services for victims of abuse.**

Integrating Civil and Political Rights

The opportunity for people everywhere to enjoy civil and political rights is integral to development, a key part of what development is and why it matters. As the Nobel Prize winning economist, Amartya Sen, has argued compellingly for many years, development is about the enlargement of people's freedoms. The right to freedom of expression, belief and association, the right to equality and fairness before the law, the right to be consulted about political decisions that affect one, the right to participate in decision-making and to choose one's government—these are constituent components of development. They are to be valued for their own sake, and their relevance to "development" does not stand or fall on establishing some causal connection between respect for civil and political freedoms and higher economic growth rates.

That said, there is plenty of evidence that development strategies that ignore or flout human rights principles produce unjust development outcomes (from which many people don't benefit) and that many people are harmed by this kind of approach to development. A clear example of this is Equatorial Guinea—a country with a GDP equivalent to a middle-income country, but where most of the population lives in desperate poverty (*Well Oiled: Oil and Human Rights in Equatorial Guinea*, July 2009). In this case, and in many others, harnessing the wealth of the nation for the reduction of poverty and inclusive development requires effective public oversight and accountability over the use of funds, and this in turn requires a free press, an active civil society, rights to freedom of expression, association and assembly, and access to information, not least about government revenues.

By contrast, development policies and practices that respect civil and political rights tend to be more inclusive and have fewer harmful impacts. It is encouraging that this is recognized in both the report of the High Level Panel and, especially, in the report of the UN Secretary General. As the UN Secretary General puts it, "We know that upholding human rights and freeing people from fear and want are inseparable; it is imperative that we do more to act on this basic truth." The challenge will be to translate this into concrete goals and targets in the post-2015 framework.

Specifically, we propose that

- **Strong commitments to civil and political rights should be integral to the post-2015 agenda, including the rights to freedom of speech, association and assembly, the ability of people to participate in free elections, and access to systems of justice that are fair and effective. Governments should be obliged by the new framework to allow UN human rights experts unhindered access to the country, so as to assess their adherence to civil and political rights commitments. The framework should include targets on:**
  - **The existence and enforcement of laws that protect freedom of expression, association and assembly and provide for freedom of information, with indicators that consider the existence of laws or practices that violate these rights including, for instance, overly restrictive NGO or antiterrorism legislation or extrajudicial killings of journalists; and acceptance of independent human rights monitors, including UN Special Rapporteurs, and compliance with human rights reporting requirements.**
  - **The ability of people to freely participate in regular elections.**
  - **Transparency of government revenue and expenditures including of militaries and state-owned enterprises, significant government contracts, and land acquisitions.**
  - **Access to systems of justice that are fair and effective.**

Strengthening Corporate Accountability

The best global businesses are run with consideration for the well-being of the people whose lives they touch. But Human Rights Watch has also documented many examples of international companies, and the sub-contractors and agencies they employ, acting in ways that harm individuals and communities.

In 2010, for example, we interviewed women who described being gang-raped at the hands of private security guards employed by Canadian-owned Barrick Gold at a Papua New Guinea mine (*Gold's Costly Dividend*, February 2011). Crucial lapses in oversight meant that Barrick—the world's largest gold company—did not take the allegations seriously or do anything to address them until Human Rights Watch proved that they were true. Barrick has since acknowledged the abuses and has initiated a process to identify and compensate victims.

Last year, Human Rights Watch found evidence that Nevsun Resources, a Canadian mining firm, might be implicated in the use of forced labor—absolutely prohibited under international law—via a local contractor in Eritrea (*Hear No Evil: Forced Labor and Corporate Responsibility in Eritrea's Mining Sector*, January 2013). It was a foreseeable problem and would have been avoided with human rights due diligence: Eritrea's government mobilizes and exploits forced labor on a massive scale and assigns some of its conscripts to work for state-affiliated companies, including the one Nevsun hired. Conscripts are often subjected to appalling conditions—and to imprisonment and torture if they try to flee from their "jobs." In this case, Nevsun initially failed to take adequate steps to prevent its contractor from using forced labor at its project site, and the company's belated efforts to investigate and address the allegations have floundered.

Global corporations can also have profound negative impacts on the economic, social and cultural rights of vulnerable communities that stand in sharp contradiction to promises of economic progress that often accompany foreign investment. For instance, Human Rights Watch has shown how multinational mining companies Vale and Rio Tinto have damaged the livelihoods of vulnerable communities in Mozambique that were relocated to make way for massive coal mining projects (*"What is a House without Food?": Mozambique's Coal Mining Boom and Resettlements*, May 2013). Both companies have committed themselves to addressing those problems.

No governments have done all that they should to monitor and regulate corporate human rights practices at home and abroad. Too many international companies still deal with human rights problems in a de facto regulatory vacuum that they lobby vigorously to maintain. In many parts of the world, company human rights practices are shaped by self-created policies, voluntary initiatives, and unenforceable "commitments"—not by binding laws and regulations.

Anti-corruption initiatives have been an important exception to governments' broader failure to monitor and regulate the extraterritorial human rights practices of companies. Government action to fight overseas corruption should in many respects be seen as a model for efforts to ensure corporate accountability for other serious abuses that take place overseas.

The High Level Panel and the UN Secretary General have recently emphasized the role of the private sector as a development partner, an engine of employment creation and economic growth. But in the post-2015 debate, insufficient attention has been focused to date on the issue of corporate accountability, or corporate responsibilities to respect human rights and remedy human rights violations as recognized, for instance, in the 2011 UN-backed Guiding Principles on Business and Human Rights.[15]

Specifically, we propose that the post-2015 agenda should commit governments to:

- **Introduce mandatory requirements on corporations to carry out robust and transparent human rights due diligence activity around their work, and to publicly report on their human rights, social and environmental impacts;**
- **Establish mechanisms to effectively monitor the global human rights practices of businesses headquartered on their soil, and ensure that all companies under their jurisdiction respect human rights.**
- **Promote financial transparency by requiring companies to publicly disclose all payments made to domestic or foreign governments.**

Children illegally mine for ore bearing rock near the tailings discharge point of the Porgera gold mine in Papua New Guinea. Tailings are a liquid waste product made up mostly of rock, heavy metals, and trace elements of chemicals.

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Detainees in Duc Hanh have to perform several hours of labor therapy each day, six days a week. Detainees can spend up to four years in such centers.

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Bringing human rights standards into the work of international organizations, including international financial institutions

There has been very little focus to date, in statements and submissions on the post-2015 agenda, on the role of international organizations, which have great capacity to advance development but also risk violating people's human rights. This is a serious and regrettable omission, given the considerable influence that many of these organizations exert over development policy and practice in many countries around the world. The one exception is the short statement made by the heads of the regional and international development banks themselves, in which they place heavy emphasis on the importance of financing development.

Human Rights Watch's research on the World Bank, for instance, suggests that it lacks adequate safeguards against contributing to or exacerbating human rights violations through its programs (*Abuse-Free Development: How the World Bank Should Safeguard Against Human Rights Violations*, July 2013. While the World Bank has committed not to finance project activities that would contravene borrower country obligations under relevant international environmental treaties and agreements, it is silent on obligations under international human rights treaties.

The World Bank has policies on involuntary resettlement and indigenous peoples, but even these policies fall short of international human rights standards. The absence of a clear commitment to respect human rights leaves World Bank staff without guidance on how they should approach human rights concerns or what their responsibilities are. The result is that staff members have unfettered discretion to determine whether they will pay any attention at all to human rights risks, take measures to mitigate or avoid problems – or even whether they will bring them to the attention of senior management or the board of executive directors.

The post-2015 global development framework should ensure that international organizations, and particularly international financial institutions like the World Bank, IMF, and regional development banks act in ways that are fully consistent with international human rights law.

Specifically, we propose that the post-2015 agenda should:

- **Commit governments to ensure that international organizations and particularly international financial institutions respect human rights in their development policies and programs and measure their progress in this respect.**
- **Require international financial institutions to respect and protect human rights and carry out appropriate due diligence, including undertaking human rights impact assessments before financing development programs and projects to ensure that they do not fund activities that contribute to or exacerbate human rights violations. The IFIs should revise their existing "safeguards" policies, including updating policies on indigenous peoples and involuntary resettlement, to bring them into line with international human rights law.**

Delivering on the Post-2015 Agenda

A successful, rights-centered approached to the post-2015 development agenda requires a strengthening of accountability on all levels. Accountability is fundamental to human rights: rights are of limited value if no one is charged with guaranteeing them or if citizens whose rights are denied have no opportunity to seek redress or remedy.

A wide range of proposals for strengthened accountability has been put forward as part of the consultation process on the post-2015 development agenda. Human Rights Watch strongly supports enhanced accountability mechanisms at all levels: international, national and local. Any new international accountability mechanism should require public reporting on the realization of rights through development, transparent information regarding challenges or failures, and responses to claims of human rights abuse in "development" initiatives, with explicit reference to international human rights treaty standards. Any international mechanism should also ensure effective civil society participation and recognize the important role played by existing international human rights accountability mechanisms and avoid unnecessary duplication or damage to existing mechanisms. A post-2015 agenda that promotes the rule of law and access to justice will further help to strengthen national and local systems of accountability and remedies for abuse, and uphold the basic rights and fundamental freedoms of all.

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[3] "A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development," The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, May 30, 2013, http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf (accessed September 10, 2013).

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