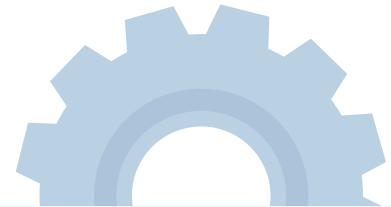


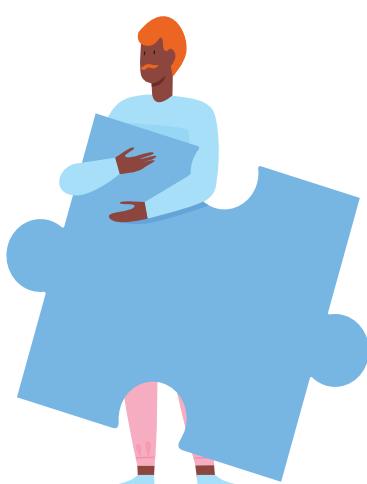
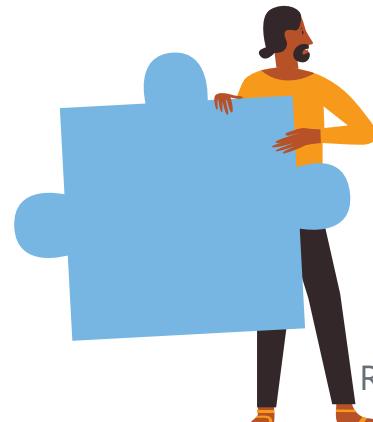
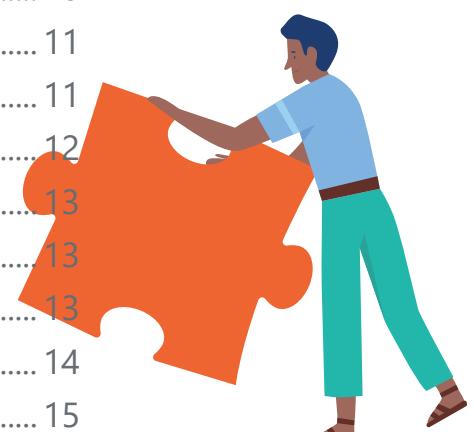
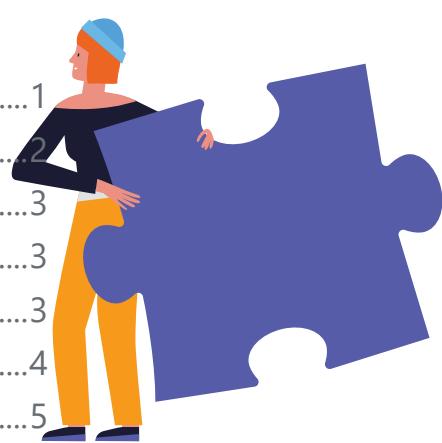
The pathways for advancing human rights  
towards sustainable development in the context of youth work



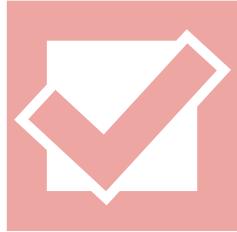
From Human rights  
to Development

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# About this manual



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This manual reflects our youth work on developing effective interventions from human rights, development, participatory democracy, to environmental protection with a focus on the role of the young people towards achieving a sustainable development which is built on the respect, protection, fulfilment of human rights on the basis of democratic values. The youth roles in social, economic, and environment development is the key factor within powerful social movements that transform the course of human history, and therefore, is so much to learn from those young people who are already engaged in mobilising their peer, their families, and communities toward positive social transformation. Thus, this manual was designed to help the youth fulfil their potential in the various roles they play in transforming their communities.

The manual emphasises on the importance of critical thinking on development in relation to human rights, and then to the environment. The manual begins by defining human rights and the relationship between human rights and democracy. Then moves from the ordinary, and normative way of thinking about development to asking and re-thinking what development in itself is, who should define development, and whose experience should be expressed through development, when we know and we do see that the outcomes of development in today's world is just massive inequalities and other forms of human rights violations, and environmental destruction. So, if all of us are agents, human beings, what are the ways in which our experiences and voices can become part of the definition of the process of development in the way that respects our human rights, and the rights of the environment. Thus, we should not allow experts or few individuals, and corporate organisations to define development at the expense of human rights and the environment.

The manual looks at the basic need approach, capability approach, and rights-based approach as lenses through which we look at what development is or what development is doing, and then questions the validity, the universality, authenticity of these approaches. It looks at human needs, or the basic needs as a basis of defining what development is, and the relationships between those basic needs, human lives, and the means with which those needs are realised in relation to the environment. The manual concludes by providing guides on human rights advocacy. It emphasises on the role of analysing the potential human rights violations before planning, designing, and delivering a development intervention, seeing the importance of human rights towards development and environmental protection.

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# CHAPTER 1.

## Human rights and participatory democracy

## 1.1. What are our human rights

Human rights are not given, bought, earned, or inherited. They belong to all of us simply because we are human beings. It is said that human rights are inherent because we are born with them. That is, human rights are the same for all human beings regardless of nationality, sex, gender, ethnic, social origin, genetic feature or skin colour, religion, language, belief, political or other opinions, membership to a national minority, property, social or economic status, birth, disability, age, sexual orientation, gender identity, or any other status. We are all equally entitled to all human rights without discrimination. Well, this is easier said than done!

Human rights are universal because they apply to everyone in the world. To live in dignity, all human beings are entitled to all human rights:

- Economic rights, such as the right to work and to an adequate standard of living.
- Political rights, such as freedom of expression and of association.
- Civil rights, such as equality before the law; and
- Social and cultural rights, such as the right to education and to participate in the social and cultural life of the community.

Human rights are indivisible. Human rights cannot be taken away, no one has the right to deprive another person of their rights for any reason. People always have human rights even when the laws of their country violate them, do not recognise them and their rights. That is, human rights are those entitlements without which we cannot live in dignity as human beings. Human rights permit us to develop our full potential by satisfying our fundamental intellectual and physical needs.

- Though national, historical, cultural, and religious circumstances must be considered, it is the duty of States; regardless of their political, economic, and cultural systems, to promote and protect all human rights for every person in their territory.

Human rights are those norms that protect all people everywhere from severe political, legal, emotional, sexual, gender, racial, and social maltreatment, and discrimination. Human rights are internationally guaranteed, focusing on the dignity of the human being and protecting individuals and groups equally.

- Human rights law imposes certain obligations on states to do some things and refrain from doing others.

## 1.2. Who makes human rights laws

While national laws are passed by national legislatures; for example, a parliament or a congress, the human rights laws and standards are agreed internationally or regionally by representatives of the States. International law is principally for, by and about states. States themselves make the rules based on customs or treaties and develop them through declarations or other similar instruments.

- States draft and agree on the content of these documents and agree to be bound by them. In the case of human rights law, while it is individuals and groups who are protected, it is through the conduct of states and state actors that human rights are regulated.
- Non-governmental organisations representing civil society contribute to this process by providing opinions, lobbying governments, and ensuring that the interests of those affected are made visible and taken into account.

Human rights standards are also enshrined and protected in the declarations, the recommendations, and bodies of principles, codes of conduct and guidelines:

- These instruments are not legally binding on states.
- Nonetheless, they represent an authoritative voice and provide them with practical guidance in their conduct.
- The value of such instruments, rests on their recognition, realisation, and acceptance by a large number of states.

## 1.3. The stakeholders of human rights

Human rights are universal, they are the birth-rights of all human beings, and they are equally applicable for all lives, for all individuals. Thus, one individual must not accumulate all the rights or violate the rights of others. Human rights become important when they are equally and inclusively distributed among the people without any discrimination, but with accountability and transparency to ensure that people's rights to participate in the political or civic life are guaranteed and protected. Hence, human rights are interdependent, they are indivisible. A person cannot realise one right and be denied another right, all the rights have equal worth and value. So, Human rights are inalienable, we cannot take away a human right from another person. Therefore, human rights impose duties and responsibilities, because the human rights cannot be effective unless they can be realised by those people whose rights are guaranteed and protected.

Learn more in [our training guide Integrated Rights-Based Approach](#)

That is to say that the stakeholders of human rights are:

## 1. Rights-holders:

The rights-holders or claims-holders refer to all the people, to all the citizens, including duty-bearers and responsibility-holders as their human rights as people, as individuals, as human beings are also guaranteed and protected in the same way as for ordinary citizens.

## 2. Duty-bearers

The duty-bearers refer to the State actors who have legal obligations to respect, protect, and fulfil human rights. It is important to identify the duty-bearers' interests and power, and how these shape political and civic contexts in their duties to respect, protect, and fulfil human rights.

## 3. Responsibility-holders

The responsibility-holders refer to the actors in civil society who have, or could have, a positive or negative influence on respect, protection, and fulfilment of human rights on those responsible for human rights violations, on the rights-holders, and duty-bearers' capacities.

For all the stakeholders to be able to realise their human rights, fulfil their duty, their responsibility, and their obligations, they all should have the capacity to participate in the political and civic life. So, **participation** means taking a part in and initiating activities aimed at realising human rights or fulfilling the duties, responsibilities, and the obligation to respect and protect human rights. Whereas **capacity** means the ability to have the knowledge, skills, and attitudes necessary to realise human rights and/or fulfil the duties, responsibilities, and obligations to respect, protect, and promote human rights. For example:

- the duty and the obligation to establish mechanism of remedy where human rights are violated is an important responsibility of the duty-bearers, but for the duty-bearers to meet, fulfil this duty or obligation they need capacity. That is, they need to have the right sources, information, laws, regulations, legislations, and policy in place, and be able to apply them so that they can act in order to respect, protect, and realise the rights of their citizens.
- the rights-holders need capacity to claim, realise, and express their human rights claims. That is, they need resources and information about their human rights. They need to know how to translate their claims, or concerns into the human rights language, and they need to understand their human rights in order to participate in political and civic life and to know that the duty-bearers must hold accountable anyone who violates their human

rights.

- the responsibility-holders come in the role of capacity strengthening agents. They advocate and give information, resources, and training to educate and empower rights-holders and duty-bearers on expressing claims and service delivery. By enhancing the capacity of rights-holders and duty-bearers, human rights become beneficial for all citizens.

## 1.4. Who commits human rights violation

Human rights violations are primarily committed by a person and/or persons, individually or representing the state who infringe national or international laws related to the recognition, realisation, and protection of human rights.

- To qualify as a violation of human rights, the act has to be committed by ordinary citizens or person representing the state such as a police officer or a civil servant who is acting with the support and/or authorisation of the state.

A human rights violation can be committed:

- **By an act:** for example, arbitrarily depriving people of their freedom or torturing them, or denying them their rights on the basis of race, sex, gender, religion, or ethnic.
- **By omission:** for example, not providing protection against systematic abuses committed by a person or one group against another, as mentioned in point (a).

Omission is the failure of the state to fulfil the requirements of national and/or international law relating to the protection, recognition, and realisation of human rights. When national authorities fail to fulfil the duties imposed by laws to protect human rights, they are committing an act of omission. **For example**, a high incidence of abductions of children into forced labour can be labelled as a human rights violation. This can be the case even if the abductions are not committed by state agents or armed opposition groups:

- It becomes a human rights violation by omission if the authorities are not taking necessary steps to stop this situation when they knew or should have known about its existence.

- **By advocacy of hatred:** consciously expressing discriminatory hatred messages and/or narratives that constitute incitement to violence, hostility,

or discrimination. Advocacy of hatred is the advocacy of national, racial, religious, ethnic, gender abusive and discriminatory, hatred narratives or messages that constitute incitement to discrimination, hostility, or violence.

However, this is more than just an expression of ideas or opinions that are hateful. It requires a clear showing of intent to incite others to discriminate, be hostile toward, or commit violence against a person or members of the group in question.

## 1.5. How are human rights protected and realised

The primary responsibility to protect human rights rests with the state. It has a duty to ensure that the law protects everyone without discrimination and that it is effectively enforced. The state also has an obligation to adopt all necessary measures to ensure the effective protection, recognition, and realisation of human rights among individuals. That is, the state has a duty to prevent human rights violations against individuals under its jurisdiction. The tolerance and/or complicity with individuals who undermine human rights and the lack of due diligence to prevent acts that infringe the integrity and dignity of the victims are omissions which the state should be held responsible for.

Therefore, the protection, recognition, and realisation of human rights requires a functioning and participatory democracy in which the rule of law has a role and a responsibility to legally hold accountable any person committing human rights violations and provide protection and remedies to the victims of human rights violations. If the authorities do not do so, they are also violating the rights of the victims by omission. In a democratic nation, the state should Respect: no breach, no arbitrary interferences with the enjoyment of a human right. Protect: stop and prevent violations of human rights. And Fulfil: adopt the appropriate measures towards a full realisation of human rights to meet its obligations to facilitate, to provide, and to promote human rights.

That is to say that a functioning and participatory democracy is a prerequisite to the protection, recognition, and realisation of human rights, and the functioning and participatory democracy is in itself a human right. But what is democracy?

Hereinafter, we think of democracy as a system of government with 4 key pillars:

1. A political system for choosing and replacing the government through free and fair elections.
2. The active participation of the people, as citizens in political and civic life.

3. The protection, recognition, and realisation of the human rights of all citizens without discrimination.
4. A rule of law, in which the laws and procedures apply transparently equally to all citizens.

### 1.5.1. Democracy as a political system of competition for power

Democracy is a means for the people to choose their leaders and to hold them accountable for their policies and their conduct in office. The people decide who represents them in parliament, and who heads the government at the national and the local level. They do so by choosing, or voting between competing parties in regular, free, and fair elections. That is, the government is based on the consent of the governed. In a democratic nation, people are sovereign and the highest form of political authority.

Then power flows from the people to the leaders of government, who hold power temporarily, but not the other way around.

- Laws and policies require majority support in parliament, but the rights of minorities are protected in various ways.
- People are free to criticise their elected leaders or representatives, and to observe how they conduct the business of government.
- Elected representatives at the national and local levels should listen to the people and respond to their needs and suggestions.
- Elections have to occur at regular intervals, as prescribed by law. Those in power cannot extend their terms in office without asking for the consent of the people again in an election.
- For elections to be free and fair, they have to be administered by a neutral, fair, and professional body that treats all political parties and candidates equally.
- All parties and candidates must have the right to campaign freely, to present their proposals to the voters both directly and through the mass media.
- Voters must be able to vote in secret, free of intimidation and violence.  
Means: One vote one person.

Of course, that any country can hold an election, but for an election to be free and fair, it requires a lot of organisation, preparation, and training of political parties, electoral officials, and the civil society monitoring the process.

## 1.5.2. The role of the citizen in democracy

The key role of citizens in a democracy is to participate in public and civic life. Citizens have an obligation to become informed about public issues, to watch carefully how their political leaders and representatives use their powers, and to express their own opinions and interests.

- Voting in elections is an important civic duty of all citizens. But to vote wisely, each citizen should listen to the views of different parties and candidates, then make their own decision on whom to support.
- Participation can also involve campaigning for a political party or candidate, standing as a candidate for political office, debating public issues, attending community meetings, petitioning the government, and even protesting.
- A vital form of participation comes through active membership in independent, non-governmental organisations or civil society. These organisations represent a variety of interests, including of farmers, workers, business owners, religious believers, women, LGBTIQ persons, students, activists, etc.
- In a democracy, participation in civic groups should be voluntary. No one should be forced to join an organisation against their will.
- Political parties are vital organisations in a democracy, and democracy is stronger when citizens become active members of political parties. However, no one should support a political party because they are pressured or threatened by others.

Even though democracy depends on citizen's participation in all of these ways, their participation must be peaceful, respectful of the law, and tolerant of the different views and opinions of other groups and individuals.

## 1.5.3. Realising the rights of citizens in a democracy

In a democracy, every citizen has certain basic rights that the state cannot take away from them. These rights are guaranteed under the international law. Thus, to uphold these rights, citizen sovereignty and social cohesion, the democratic institutions build a nation that is safe for all, where:

- One has the right to have their own beliefs, and to say and write what they think. No one can tell another person what to think, believe, and say or not say.
- There is freedom of religion. Everyone is free to choose their own religion and to worship and practice their religion as they see fit.

- Every individual has the right to enjoy their own culture, along with other members of their group, even if their group is a minority.
- There is freedom and pluralism in the mass media. Everyone can choose between different sources of news and opinion to read in the newspapers, to hear on the radio, and to watch on television.
- Everyone has the right to associate with other people, and to form and join organisations of their own choice, including trade unions.
- Everyone is free to move about the country, and if they wish, to leave the country.
- Everyone has the right to assemble freely, and to protest government actions.

However, everyone has an obligation to exercise these rights peacefully, with respect for the law and for the rights of others.

## 1.5.4. Protecting the rights of citizens in a democracy

Democracy is a system of rule by laws, not by individuals. Thus, in a democracy, the rule of law protects the rights of the citizens, maintains order, and limits the power of government. Meaning that:

- All citizens are equal under the law. No one may be discriminated against on the basis of their race, religion, ethnicity, sex, or gender.
- No one may be arrested, imprisoned, or exiled arbitrarily. If one is detained, they have the right to know the charges against them, and to be presumed innocent until proven guilty according to the law.
- Anyone charged with a crime has the right to a fair, speedy, and public trial by an impartial court.
- No one may be taxed or prosecuted except by a law established in advance. That is, no one is above the law, not even a king or an elected president.

## 1.5.5. Limits and requirements for a democracy

If democracy is to work citizens must not only participate or exercise their rights. They must also observe certain principles and rules of democratic conduct:

- People must respect the law and reject violence. Nothing justifies using violence against political opponents, just because one disagrees with them. No one should denounce a political opponent as evil and illegitimate, just because they have different views.
- Every citizen must respect the rights of their fellow citizens, and their dignity as human beings. People should question the decisions of the

government, but not reject the government's authority.

- Every group has the right to practice its culture and to have some control over its own affairs, but each group should accept that it is a part of a democratic state.
- Democracy requires compromise. Groups with different interests and opinions must be willing to sit down with one another and negotiate. In a democracy, one group does not always win everything it wants. Different combinations of groups win on different issues; and over time, everyone wins something.

### 1.5.6. The implication of the key human rights principles

It is not enough to say that because a country has a certain level of democracy where the judicial system that applies the rule of law is independent from the influences of the duty-bearers who hold power in the government, the rights of all the persons and/or groups are respected and protected. It often happens that some persons and/or groups are not able to realise their human rights to have the freedom to decide what they want to do and work toward becoming the persons they want to become. Therefore, for human rights to be claimed and realised by the rights-holders and for duty-bearers to carry out their obligations to respect, protect, and fulfil the human rights require a thorough application of the key human rights principles of equality, non-discrimination, participation, inclusion, accountability, and transparency.

#### 1.5.6.1. Equality and non-discrimination

- All persons are equal before the law without explicit legal inequalities based on racial and gender discrimination, social distinctions, and exclusions of marginalised and/or vulnerable groups. The laws must prohibit discrimination on any ground, including on the basis of sex, race, ethnicity, national or ethnic origin, colour, religion, language, sexual orientation, gender identity and expression, age, disability.

#### 1.5.6.2. Participation and inclusion

- There is an active and informed participation by all people regardless of sex, race, ethnicity, national or ethnic origin, colour, religion, language, sexual orientation, gender identity and expression, age, or disability, including the most marginalised and the most vulnerable in the conduct of public and civic affairs. The voices of the poorest, most marginalised, most vulnerable are meaningfully included in decision-making processes.

#### 1.5.6.3. Transparency and accountability

- There are innovative, formal, and non-formal accountability

mechanisms that secure the active and informed participation of the poorest, most marginalised, and the most vulnerable. The dynamics around responsibility-holders in the civil society engage to hold the duty-bearers accountable for their obligations to respect, protect, and fulfil human rights, and in transparency.

## 1.6. What is human rights advocacy

Human rights advocacy refers to any act to address any human right (or rights) on behalf of individuals or groups, with the intent to promote and protect civil and political rights to hold both individuals, groups, and the state accountable to the promotion, protection, and realisation of economic, social, and cultural rights. This includes:

- Being a human rights witness by documenting the problems persons see in their community and categorise them as human rights violations.
- Pressuring the government to address or stop human rights violations and change policies or legislations through the right to freedom of association and assembly.
- Raising awareness on human rights violations and educate others about their human rights and responsibilities.
- Building the capacity of others to claim and realise their human rights, to participate, have their voices heard, and create change by providing direct services that fulfil their immediate human rights needs and gaps.
- Using human rights standards to make recommendations or pressure government officials to change or adapt new policies, and laws.
- Bringing violations to justice and use international human rights legal arguments to support cases in domestic courts.

## 1.7. Who does human rights advocacy

Human rights advocacy is done by human rights activists and defenders. A Human rights activist and defender is a term used herein to describe people who, individually or with others, act to promote and protect human rights. To be a human rights defender, a person can act to address any human right on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection, and realisation of economic, social, and cultural rights.

Human rights defenders address any human rights concerns, which can be as varied as, for example, executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are

active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women's rights, children's rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic, or sexual minorities. Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed.

The majority of the human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are the local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the special rapporteurs of the United Nations Human Rights Council or treaty bodies. Increasingly, the work of human rights defenders is mixed, with the focus being on local and national human rights issues, but with defenders contacting regional and international mechanisms to support them in improving the human rights in their countries.

## 1.8. What is freedom of expression

People express themselves in many different ways and using various means to do so. Freedom of expression is a human right proclaimed, and in some cases, restricted in the International Covenant on Civil and Political Rights (ICCPR):

### ARTICLE-19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with its special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a). For respect of the rights or reputations of others;
  - (b). For the protection of national security or of public order (ordre public), or of public health or morals.

### ARTICLE-20:

Expressly limits freedom of expression in cases of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. Any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.

Despite indications on the gravity of speech offenses that should be prohibited by law under Article 20, there remains complexity. In particular there is a grey area in conceptualising clear distinctions between:

- (a). expressions of hatred
- (b). expressions that advocate hatred, and
- (c). hateful speech that specifically constitutes incitement to the practical harms of discrimination, hostility, or violence.

### 1.8.1. Limitations on freedom of expression

Consequently, the limitations on freedom of expression, may often be open to abuse since the right to freedom of expression is not an absolute right. It can legitimately be limited by the states under restricted circumstances. Even though these can only be such as provided by the law and necessary for the respect of the rights and dignity of others, and for the protection of national security or of public order, these restrictions may not put the right itself in jeopardy.

Though this is far different from freedom of opinion. The right to hold opinions without interference is an absolute right; and thus, permits no exceptions nor restrictions. However, expression of an opinion, which is the right to freedom of expression bears special duties and responsibilities. The free exchange of and access to information does not equate to unregulated violence. Freedom of expression or access to information cannot be bought at the expenses of other people's human rights. In this regard, hate speech that may be prohibited by law is as follow:

1. States may prohibit other forms of hate speech, provided they comply with the requirements of Article 19(3).
2. Lawful hate speech which should be protected from restriction under Article 20(c), but nevertheless raises concerns in terms of intolerance and discrimination and merits a critical response by the State.

### 1.8.2. Prohibiting the right to freedom of expression

For prohibition to be enforced, it requires certain severe forms of advocacy of discriminatory, hatred messages, and/or narratives, which constitute incitement

to discrimination, violence, or hostility. In 2012, The UN High Commissioner for Human Rights, organised a series of consultations that led to the formulation of The Rabat Plan of Action on the prohibition of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. The Rabat Plan of Action acknowledges that, despite states obligation that are ICCPR signatories, many legal frameworks do not contain legal prohibition of such a hate speech, or some laws use terminology that is inconsistent with Article 20 of the ICCPR.

The Rabat Plan of Action proposes a six-part threshold test to identify the hate messages; considering the context, the speaker, intent, the content, the extent of the speech, and the likelihood the speech could incite actual harm:

1. **Context:** existence of conflicts, incidents of violence against a group, history of institutionalised discrimination, media landscape, and the degree to which views of a targeted group are represented in formal political processes.
2. **Speaker:** the position of the speaker, and their authority or influence over their audience, the relationship of audience to the speaker, and issues such as the degree of vulnerability and fear in communities.
3. **Intent of the speaker:** intent to target a group on the basis of a protected or private characteristic and having knowledge of the consequences of their actions and knowing that the consequences will occur or might occur in the ordinary course of events.
4. **Content of the expression:** what was said, including the form and the style of the expression and/or message, whether it contained direct or indirect calls for discrimination, hostility or violence, and the nature of the arguments deployed, and the balance struck between arguments.
5. **Extent and magnitude of the expression:** in particular, its public nature, means and the intensity or magnitude in terms of its frequency or volume.
6. **Likelihood of harm or threats** occurring as a result of the expression and/or the message, including its imminence.

### 1.8.3. Restrictions to freedom of expression

If the threshold for hate speech is established; in cases of national security or public order, or other specified public interests, restrictions may apply, but any restriction imposed on rights must be:

1. **Provided by law:** Provided by law means that any restriction must be incorporated into domestic legislation formulated with sufficient precision to enable an individual to regulate their conduct accordingly.
2. **Necessary:** Necessary means that it is the least restrictive measure to achieve the specified purpose.

3. **Proportionate:** Proportionate means that the measure is not more harmful than the harm it is designed to protect against.

4. **Legitimate:** Legitimate means that the measure pursues a legitimate aim of protecting specified public interests (national security, public order, public health, or morals), or the rights or reputations of others. Thus, the burden of proof lies with states to demonstrate that the restriction is necessary and proportionate to the legitimate aim pursued.

Under international human rights law, preventing criticism of the government is not a legitimate purpose for restricting the right to freedom of expression.

- The fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.
- All public figures, including those exercising the highest political authority, such as heads of state, are legitimately subject to criticism by individuals, civil society, activities, or political opposition.

## 1.9. The right to freedom of association and assembly

Throughout the ages, people have come together to improve their situations. Today, just like centuries ago, people continue to join forces to express their opinions and ideas, and in doing so, they create associations, and their reasons may vary greatly:

- it can be to deal with natural phenomena such as floods or earthquakes; to combat repressive regimes and claim their rights, or to share their love for the arts.
- people also unite to celebrate and/or mark their respect for a religion or other spiritual beliefs, to promote political views or to form trade unions.

People establish formal or informal groups in order to amplify their voices and make them stronger.

- When person decides to join an association, it is a form of expression in itself.
- The right to join or, equally, not to join an association is a human right protected under international law.

The right to freedom of assembly protects people's ability to peacefully come together to publicly voice political, social, or economic aspirations, to articulate cultural and artistic pursuits, to participate in religious observances, to actively participate and hold political and other leaders accountable.

- The right to freedom of assembly is the right to gather publicly or privately and collectively express, promote, pursue, and defend common interests.
- This right includes the right to participate in peaceful assemblies, meetings, protests, strikes, sit-ins, demonstrations, and other gatherings for a specific purpose.

Article 21 International Covenant on Civil and Political Rights defines freedom of peaceful assembly as the right to gather for a common purpose. This can be done publicly or privately. The International human rights law only protects assemblies when they are peaceful. An assembly should not lose its peaceful character due to sporadic violence or unlawful behaviours of some individuals. The peaceful intentions of the people assembling should be presumed, and no assembly can be banned on the assumption that it may turn violent. This right may not be denied to groups. Freedom of peaceful assembly is an important means through which people exercise their freedom of expression. It is open to everyone. Even counter-demonstrators have rights to assemble peacefully.

- Exercising freedom of peaceful assembly should not be subject to the permission of the authorities. States may require notice but not authorisation.
- Since public peaceful assemblies are held to convey a message, they must be facilitated within sight and sound of their target audience.

Under international law, assemblies may be subject to certain restrictions, however these restrictions must be provided by law and meet a strict test of necessity and proportionality.

- All limitations to this right have to be justifiable in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.
- Restrictions should never impair the essence of the right. Freedom must be the rule and not the exception.
- States have the obligation to protect and fulfil the right to peaceful assembly, and to take measures that facilitate it, enabling people's capacity to express their opinions.

## 1.10. The roles of human rights defenders

Human rights defenders investigate, gather information and report on human rights violations. They may, for example, use lobbying strategies to bring their reports to the attention of the public and of key political and judicial officials with a view to ensuring that their investigative work is given consideration and that human rights

violations are addressed. Most commonly, such work is conducted through human rights organisations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse. A very large proportion of the activities of human rights defenders can be characterised as acting in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition, and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties. In more specific instances, the focus on accountability can lead human rights defenders to bear witness, either in a public forum (for example, a newspaper) or before a court or tribunal, to human rights violations that have already occurred. In this way, defenders contribute to securing justice on behalf of victims in specific cases of human rights violations and to breaking patterns of impunity, thereby preventing future violations. A significant number of defenders, frequently through organisations established for the purpose, focus exclusively on ending impunity for violations. The same groups of defenders might also work to strengthen the State's capacity to prosecute perpetrators of violations, for example by providing human rights training for prosecutors, judges, and the police.

## 1.11. The work of human rights defenders

Human rights defenders make a major contribution, particularly through their organisations, to the implementation of international human rights treaties. Many non-governmental organisations and intergovernmental organisations help to establish housing, health care and sustainable income-generation projects for poor and marginalised communities. They offer training in essential skills and provide equipment such as computers to give communities improved access to information. This group merits particular attention as its members are not always described as human rights defenders and they themselves may not use the term human rights in a description of their work, focusing instead on terms such as health, housing or development which reflect their area of activity. Indeed, many of these activities in support of human rights are described in general terms as development action, and many NGOs and United Nations bodies fall within these categories. Their work, as much as that of other human rights defenders, is central to respect for and protection and achievement of human rights standards.

Further action of significance undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of professional or non-professional activity. In this instance, education is broader and involve teaching about human rights in school and out of school or disseminating information on human rights standards to the general public or to vulnerable populations. The gathering and dissemination of information, advocacy, and the mobilisation of public opinion are often the most common tools used by human rights defenders in their work. However, they also provide information to empower, educate, and train others. They actively participate in the provision of the material means necessary to make human rights a reality such as strengthening development. They work on democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political, and economic conditions, the reduction of social or political tensions, building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights.

## 1.12. Who can be a human rights defender?

There is no specific definition of who is or can be a human rights defender. The 1998 Declaration on human rights defenders refers to individuals, groups, and associations, contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. In accordance with this broad categorisation, human rights defenders can be any person or group of persons working to promote and protect human rights, ranging from intergovernmental organisations to the individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organisations but might also be government officials, civil servants, or members of the private sector.

However, what is most important in characterising a person as a human rights defender is not the person's title or the name of the organisation the person works for, but rather the human rights character of the work undertaken. It is not essential for a person to be known as a human rights activist or to work for an organisation that includes human rights in its name in order to be a human rights defender. Many people act as human rights defenders outside any professional context. For example, a student who organises other students to campaign for an end to torture in prisons could be described as a human rights defender. An inhabitant of a rural

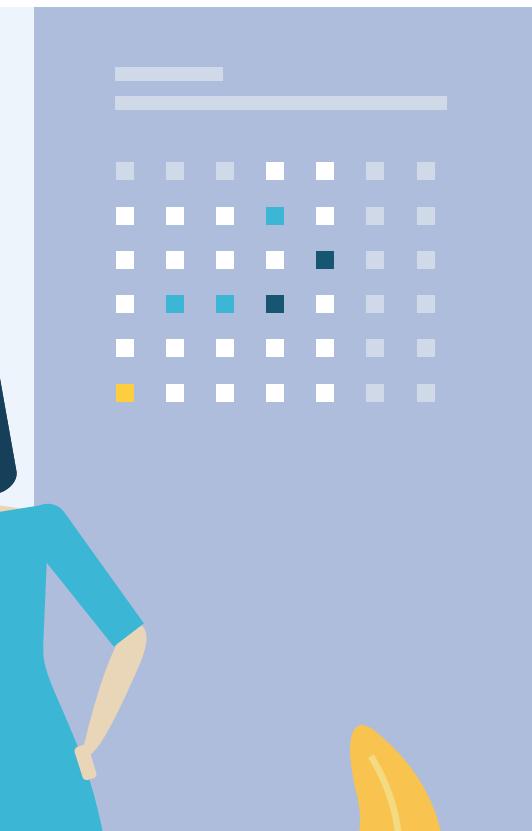
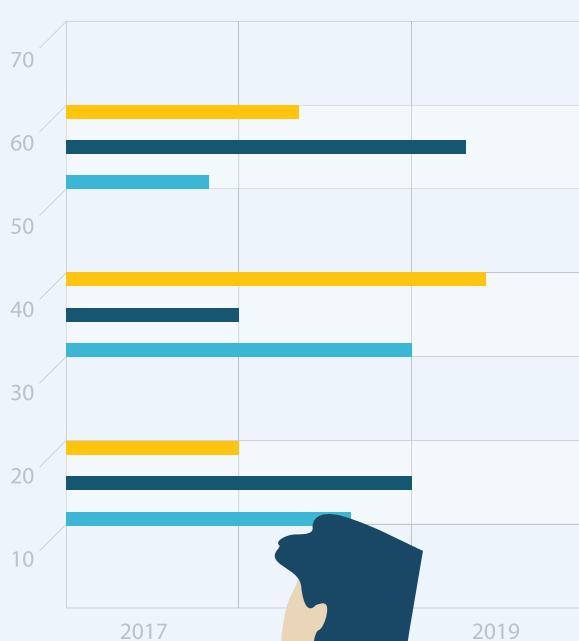
community who coordinates a demonstration against environmental degradation of their farmland by factory waste could also be described as a human rights defender. People all over the world strive for the promotion, protection, and the realisation of human rights according to their circumstances and in their own way. The names of some human rights defenders are internationally recognised, but the majority of defenders remain unknown.

## 1.13. Required standard of human rights defenders

No qualification is required to be a human rights defender, and the Declaration on human rights defenders makes it clear, explaining that we can all be the defenders of human rights if we choose and want to do so. Nevertheless, the standard required of a human rights defender is a complex issue; however, the Declaration clearly indicates that defenders have responsibilities as well as rights:

- Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights. A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.

Ideally, it is essentially enough for a human rights defender who advocates for the promotion, protection, and realisation of human rights to be a genuine defender. However, the critical test is whether or not the person is defending a human right within the scope of the Universal Declaration on Human rights. This is a very important issue because, in many countries, human rights defenders are often perceived by the State, or even the public, as being in the wrong because they are seen as supporting one side of an argument. They are then told that they are not real human rights defenders. Similarly, defenders who act in defence of the rights of political prisoners or the perpetrators of any sort are often described by State authorities as being supporters of such parties or groups, because they defend the rights of the people concerned. Human rights defenders must be defined and accepted according to the rights they are defending and according to their own right to do so. The actions taken by any human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders.



## CHAPTER 2.

Introduction to human rights & development

## 2.1. What is development

Development is imagined as a form of progress that aims to bring civilisation to the world and change it significantly. Looking at the 1986 Universal Declaration on the Right to Development, it defines development as:

- an absolute human right by virtue of which all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which human rights and fundamental freedoms can be fully realised.

Looking at the 1992 Rio Declaration on Environment and Development, there is a slightly different meaning of development:

- it states that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of the present and future generations.

Looking at the 2000 Millennium Development Goals (MDGs), development is seen as something that is addressing the challenges of extreme poverty:

- MDGs see development as a process by which the states commit themselves to free their citizens from poverty.

Looking at the 2015 Sustainable Development Goals (SDGs), development aims:

- to ensure that all human beings can enjoy prosperous and fulfilling lives and that economic, social, and technological progress occurs in harmony with nature.

Hence to understand development, it is not enough to simply stop by reading these declarations. These ideas, theories, statements are important in creating a form of a consensus, a form of orientation towards what development should mean for humanity. The fact is, when development is put into action, significant controversies and complex challenges emerge. The biggest issue is that, when these declarations come out, they appeared to be neutral. It appears that these documents, goals, or these principles, would be applied into a world that does not have significant diversities and dissimilarities within it. So,

1. who are the actors of development? And who is going to benefit from such a process?
2. what are the consequences of development? And what type of contexts are these principles being applying to?
3. can these different contexts or different realities be addressed with similar definitions, or approaches?

These are important questions to ask when we think about development.

## 2.2. What does development look like in action

Here, we look at a development programme or project; that is at some extent, a cause of controversy. The idea is that a company is trying to create an open-pit coal mining, which means that an area that is as large as 6,000 hectares of land will be subjected to this project. And the company is trying to extract coal from that area. Here, the controversy arises because the place where the coal is found is occupied by a lot of people. And if the project is implemented, from 50,000 to 130,000 people could be displaced. And the water system, or natural water of the area, could also be affected or contaminated. And up to 220,000 people could be adversely affected by that project.

On the other hand, the company which is trying to proceed with this project argues that this is a very useful project. It will generate up to 572 million tons of coal over the next 36 years and it can create up to 17,000 jobs. It can increase the GDP of the country by 1% every year. It can also allow the creation of new types of industries from the by-products or the co-products of the company: different co-products will allow the creation of different industries, and that will create thousands of jobs; the country will have electric source. Less than 50% of the population have access to electricity, with this mining, more people will have access to electricity, and there are other added advantages in terms of achieving Development Goals that the government has set. These arguments are presented on the side of the company.

But on the side of the people who are opposing this project, they talk about the effects this project would have on the local population. It would displace a significant number of people. It can also adversely affect agriculture, and the production of food in the area. Around 12,000 acres of agricultural land would be destroyed. This is a very fertile place, and the people depend for their daily life on agriculture as 80% of their income comes from it. Crops, animals could be destroyed. Up to 50,000 fruit trees can be destroyed. And the environment could be contaminated. Up to 50,000 indigenous people from different tribes could be affected by this project.

## 2.3. What does development have to do with human rights

Here there are development claims from (3) different sides with totally different interests and the human rights claims are embedded within each side's claims. And from all sides, these claims are trying to present and justify certain outcomes.

- The government wants to achieve its Development Goals and increase its

Gross Domestic Product, job creation, etc.

- Development progress, industrialisation, the creation of jobs, and the increase in gross domestic product, are presented as important steps, important advantages by the company.
- The people are resisting that. They want to preserve the environment and to maintain their lives as it is.

Here is where lies the question; what is development or how should it be defined?

- The company involved in this case is a signatory of the UN Global Compact; an agreement signed by thousands of corporations pledging to follow the human rights, labour, environment, and anti-corruption principles in relation to their operations. The company is saying that it has environmental clearance from the government, and follows The UN Global Compact guidelines, and it is trying to provide or to introduce economic growth to the area. But on the other hand, the people are saying that it will destroy their lives or the lives of people depending on this area which will have a significant impact on the environment and also on the lives of indigenous people.
- Thus, instead of becoming a very simple term that seems helpful, important; development becomes a significantly controversial idea. Going in one direction; for instance, allowing the implementation of the project can result in significant harm to the environment and to the population. On the other hand, the argument of the company and the interests of the government appears to be legitimate in that way that developmental progress will be made. When development is defined in practice, it becomes significantly different from defining it in theory.

Now the farmers are turning themselves into activists. This is something that they have never been through. So, when development comes in, it can also change people's identities. Development brings the expertise, experiences, and interests of different actors. The people who used to be farmers now becomes activists by exercising their right to freedom of expression, freedom of speech, and freedom of association, and assembly. They go out, prepare slogans, and try to resist the advancement of project, development of the government and the company in their area. In this mix, there are also other invisible actors. There are the people who are interpreting the meaning of development; there are people who are taking action, demonstrating, writing speech, singing. So, what does this mean?

## 2.4. Elements behind development: theories, institutions, and activities

When we talk about development, we do not seem to see all of those in behind the scenes activities or actors. Different actors are demonstrating, interpreting, explaining their identities, ideas, concerns, and interests because development is, should be practiced on the basis of certain policies, on the basis of certain legislations, laws. So, when we try to understand human rights, because human rights emerge from human interests and the desire of human beings to live a better life and have a good relationship among themselves; thus, development relates to these human interests and human desires, and the extent to which it can improve these needs. And that relationship does not become even all the time.

Sometimes development is simply a process of improving the quality of life, sometimes development is just simply about economic growth, but economic growth has its own ways of creating a form of under-development, inequalities in people's lives, missing out the fact that development in itself is a human right. So, when development is regarded as a human right, it tends to get legitimacy and opposing, or challenging it becomes difficult. But when development is used as a human right people can use it to defend themselves against certain advances or certain programmes that come in the name of development.

Historically, theory of development is always noble, always good, always brings a positive feeling and a positive cooperation among people. But not all positive theories have democratic institutions. Not all good ideas are institutionalised to be implemented in line with international law. Thus, the problem is, most of the time, we understand a theory, but we forget to ask whether there are institutions that could put that theory into action. When we think about development in terms of theories, there are sufficient reasons to say that the natural environment is being destroyed by development projects. But when we go to institutions, we will not find strong institutions that would put that idea into action and protect the environment.

So, we should not stop by looking at theories, statements, or policies that are presented about development. We have to look more at the actors, and the institutions in that context; institutions can cause significant harm, or they can create structures, and systems that may exclude the experiences and the participation of people. It is important to see how those institutions perform, their structures, how they manage their resources, and their relationship with governments. There also are activities, and institutions which are created on basis of certain theories, may have activities that try to address or achieve certain outcomes to meet the basic needs of people. Hence, these elements: theories, institutions, and activities together exist behind the meaning of development.

## 2.5. Development as a process of meeting basic needs

Section 2.2. discussed the controversy that arises when development is put into action. It presented a case that shows the complexity of defining development, where development becomes a form of power struggle as the different actors are trying to enforce and realise their interests through the process of development. Although development is presented as value-free and as something desirable, good, it is not free from values. It indeed reflects the interests in value of those who want it to be implemented. Thus, development may often not have a linear relationship with human rights. The presented case tries to provide that people are struggling and opposing the implementation of a development project that they see as the threat to their own survival, well-being, and lifestyle, whereas the government and the company are trying to justify their development programme on the basis of the importance of development for the people, by using general models about society, that tend to drive people towards the future by justifying the importance of development in meeting the basic needs of the people.

Then, the focus of development becomes the human being. For the government and the company, development aim to serving human needs or human interests, but the people living in that area are meeting their own needs, they are trying to continue to produce food and utilise that land to maintain their lifestyle, lives. Whereas the company argues that the extraction of coal is important, and the avoidance of food production is a necessary sacrifice for the development: their food is inadequate; they are victims of disease, their economic life is so primitive and stagnant, and their poverty is a threat to them and to the more prosperous areas. That is, they do not have adequate basic needs. But what do we mean by basic needs? When we think about basic needs, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for the others. This means that each individual within society, within a free society, should have basic liberties compatible with the similar liberties of the others.

But a difference could be made if inequality could be justified in order to benefit, in order to support the least advantaged members of society. In defining basic needs, the dominant theory is Maslow's hierarchy of needs, it presents five stages of needs, and the most important level is at the base level: the physiological need. Then there are safety needs, social needs, esteem needs, and self-actualisation. Hence, this is regarded as important because development should first fulfil the physiological needs of the individual and then ensure that everyone has access to basic goods and services to maintain a level of living above a certain minimum. This is the central defining point of the basic needs. The purpose of development, first and foremost, should be to fulfil people's needs. So, what are those needs? Food, shelter, clothing, healthy food, clean water, transportation, rights, or political

participation, these are all things that can be regarded as basic needs. Education, democracy, living in an egalitarian society, clean air, internet, leisure, information, justice, family, identity, etc. can be regarded as needs.

## 2.6. What should be the role of the state in development

With the basic needs approach, development is a very powerful and influential idea that has divided the world into two groups: the under-developed world regarded as primitive people living in misery, poverty; and the developed world assumed to have the knowledge, skills, and technology to elevate the human suffering. The basic need approach became a general way of conceptualising what is required for a minimum standard of living across various communities. Given that the world is presented and structured in a top-down basis through institutions and systems that facilitate growth, how can within that mechanism, make sure that development benefits people. On the one hand, there are those who emphasise more on economic growth; the more the economy grows, the more the individuals become employed, become happy, and their income increases. Thus, the role of the government should be to facilitate growth and to let the market take care of all the problems that might emerge because the market has its own invisible hand through which it can allocate resources, and benefits to all people. That is, in order to fulfil the basic needs of the people, the states have to make sure that businesses are having an environment where they can operate freely, where the government will have a very restricted role. The state should privatise some of its public enterprises to the private sector because the private sector can become more efficient. And the state has to liberalise its financial restrictions in imports and capital and goods flow in and out of the country.

That ultimately would lead to better markets that would benefit everyone. And the governments should reduce its spending on services such as education, food production or health, etc. these have to be taken care of by economic growth, by the market. On the other hand, there are those who argue that the government has to play some kind of redistributive role. Though this may go in the different directions based on the various types of ideologies groups may have, but, nonetheless, it involves the greater involvement of the state in the economy. The state has to have laws that increase, for example, taxation on the rich, and, by collecting tax on the rich, it has to put that money for the service of the poor. The state has to protect agricultural production, it should provide basic services, it should not privatise important services like education or health because these have to be provided by the state, as they should not be determined by the market. So, since all human beings have the basic needs for food, material, shelter, all development activities, and policies should first of all promote the satisfaction of these basic needs, and only then can more social, psychological needs be addressed.

## 2.7. Education as the gateway to development

Education and health increase productivity, the more educated a society is, the more it can promote the satisfaction of the basic needs of its people. But the question is what type of education, how this education is evaluated, and what quality of education that should be distributed through our schools. This is to say that education does not necessarily mean that the same type or forms of providing knowledge work everywhere in the world. So, there is a need to have a contextually grassroots-based, experience-based education instead of a top-down Western type of education. So, there are questions around what type of education should be available for people and how. But nonetheless, the more educated society is, the more productive it becomes. Thus, education and health ultimately go in line with increasing productivity, increasing economic growth.

People are the real wealth of nations because, at the end of the day, there is nothing more important than human life in the world. So, if that is the case, we should not prioritise anything other than human lives, or development should focus on people's lives. Otherwise, the basic needs simply become code words for economists to control development processes. That is, when the different actors talk about needs, they are talking about the needs of the poor. But the critical question is, who is speaking about needs and what are their interests. The sad reality is that we do not hear the voice of the people who are deprived, the poor. The voice that we hear about needs is a voice of the so-called experts, the voice of institutions that try to manage their own activities and functions in the name of people, the poorest. So, by conceptualising people's poverty into their operational activities, these institutions somehow take away what people should do for themselves, considering them as not having the capacity. Those so-called experts take over people's voices and make them rationally for the activities of their institutions. So, the right approach should be to allow those people who are poor to own development processes, to facilitate both their empowerment and education to actively participate in planning, implementing, and benefiting from development, instead of making the needs the code words for professional items that can be conceptualised by professionals, economists, so-called experts.

## 2.8. How to make people the beneficiaries of development

The central question of development is, what is the purpose of development, and how do we actually make human beings the end of development, not the means of development only? And which approach, or what mechanism should we use to understand, to measure whether development is serving people or not? Here, we look at another definition of development by Amartya Sen. Sen

defines development as a process of expanding the real freedoms that people enjoy, and the goal of development is the promotion and expansion of valuable capabilities of the people. This is not about economic growth, increasing income, producing more goods and services, or making services available. Amartya Sen considers development in relation to people's actual freedom. It is not whether people have food or income. It is whether people are living a life that they are enjoying. Thus, expanding people's freedom to live enjoyable lives should be the purpose of development. Hence, development becomes a process of expanding people's freedom, and a normative framework for evaluation and assessment of individual well-being and the social arrangements and the design of policies and proposals about social change in society. That is, the goal of development in poverty reduction should be expanding the capability that people have to enjoy valuable beings and doings. Hence, the basic purpose of development is to enlarge human freedoms. People are the beneficiaries of development and agents of the progress and change that brings it about. Thus, this process must benefit individuals equitably and build on the participation of each of them. In these regards, development can be understood as a process that expands human capabilities, the process that allows people to decide what is best for them and be able to act upon that decision.

### 2.8.1. What does expand human capabilities mean

Capability is the freedom to achieve valuable beings and doings: *being* is to become the type of a person one wants to become; whereas *doing* means to do what a person wants to do. *Freedom* is both to allow individuals to become the type of individual that they want to be, and to allow the individuals to do any functions or any activities they want to do. Therefore, capability is a set of options, or the sum of opportunities that individuals have to freely choose the type of activities that they want to do, and work towards becoming the type of human beings that they want to become. If individuals do not have enough freedom, if, for example, a person does not have enough money to buy food, that is a deprivation. But a person may have enough money, but the person may have a problem. Like having a disease that would not allow the person to eat certain types of food, and if the person does not get treatment for that disease, even if the person has money, then that person is still deprived or that person's freedom to enjoy nourishment has been deprived. Hence, expanding capability is not simply getting resources, it is expanding opportunities, the choices that people have, which reflect a person's freedom to choose between different ways of living. So, when we think about development, we should not consider, for example, growth as an end by itself. Many governments advocate, try to become elected by saying that they will bring economic growth, that they will increase the growth rate of the economy by this percent or that percent. But that does not tell the level to which growth can be translated into the actual capabilities, into actual enjoyment by people, into the actual freedom for people.



## CHAPTER 3.

Human rights, development, & the environment

### 3.1. How could development become people-centred

Development's aims should be to expand people's capabilities to function, and thus capabilities are person real freedoms, opportunities to achieve functioning. Because capabilities are the set of options, set of opportunities that are available for people to choose the things that they value to do and to become the type of beings, persons that they want to become. Development should then expand the freedom that we have in order to live the life that we choose to live. And there is agency in this capability approach to development. *Agency*, it is about a person's ability to pursue and realise valuable goals. Because people are considered as active agents, they are not simply passive recipients of support. They are agents who can make informed decisions. They have values, identities, and beliefs. So, expanding their freedom to choose the type of life that they want to live should be the goal, the main focus of development. And policies should be evaluated according to their impact on people's capabilities.

But throughout development process, although there are significant economic development, technological advances, vast numbers of the world's population continue to live in poverty. So, the central question of development is how do we make sure that the advances of progress and development that we see in the world, actually benefits people, not oppress them? Or how do we make sure that development does not come at the expense of the dignity, well-being, and rights of people, individuals, and communities? Development's purpose should be to fulfil human rights. If we respond to human rights, which are rights of all people without discrimination, if we make realising, fulfilling human rights the objective, the sole purpose of development, then development can become people-centred, can become for people by people, not against people.

Hence, the aim of development should be to expand people's freedom, to allow people to live more freely. But here, developments should aim at human rights because human rights are agreed international. They can be enforced. So, if we simply make sure that development is responding to the dictates of human rights, then it can ultimately benefit people. That is, all development programmes should be based on international human rights treaties. Then development as a process, as a means of realising human rights, could become effective. It could have that instrumental value. That means people can participate in the process of development. And participation in that very process becomes a human right, or the realisation of a human right to participate. So, using human rights is better to make development work for people by people, not against people, because human rights are universal, interdependent, indivisible, and inalienable.

Therefore, if development follows such a universality logic of human rights,

then development would ultimately focus on ensuring people's dignity, people's equality, and well-being. Further, if development follows the interdependence and indivisibility logic behind human rights, development becomes indivisible from all aspects of life. It cannot destroy a certain way of life; it cannot destroy the environment and protect certain interest or protect the interests of capital or economy. Furthermore, if development follows the inalienable logic behind human rights, then no one can take away development from individual's right to benefit from it, to participate in it, and to realise it. That is, rights impose duties, obligations, and responsibilities, because rights cannot be effective unless they are claimed or realised by those people whose rights are protected. So, poverty by itself becomes a violation of human rights.

### 3.2. People's engagement in the development process

By applying this rights-based approach to development in a certain community or among group of people, it implies that this group of people come together and engage in this process, the process of development. The first stage is the problem context assessment. It means that those different people or groups who live in and share a particular community, jointly look at the human challenges they are facing on a daily basis. There might be so many problems, challenges in a community or among the people or groups, there could be violence, suffering, hunger, disease, or any other issues that exists within that community. Hence, at the problem context assessment stage, those people identify the issues, the problems, or the challenge which they are facing by engaging in a dialogue, in the discussions so that they can try to create priorities, to understand the root cause and perpetuation of their problems, or challenges.

The second stage is the problem context analysis; where these problems, these challenges, the suffering, disease, hunger, or violence issues, are translated into the human rights language. That is, they explain what they are facing in terms of human rights violations. What does the outcome of this assessment mean in relation to the protected and guaranteed human rights that exist? That is, the people explain their environment, challenges, problems, and situations in light of the language of human rights being violated. On the base of that analysis, they then make again priorities and take actions toward meeting those priorities. The actions could be to talk to politicians, to create a way for them to educate each other, or to distribute duties or responsibilities among themselves.

After taking actions, they should then sit down and reassess, evaluate their situations. After reassessing it, then re-analyse. Hence, if they feel satisfied with the change the actions contributed to, they can then take another action. The idea here is if individuals, groups, or communities are facilitated to come together, assess

their situation, analyse it, and then take actions; then development automatically starts serving what the people are saying, what they are wanting, and what they are demanding using their human rights.

### 3.3. Factors limiting people to engage in the development process

Even though engaging people in the process of development might sound so promising, this has complex common challenges of its own that are faced when people come together to decide on issues or problems that are affecting them. Because power is not equally distributed in society, this affects how people are engaging in the assessment, the analysis, and action discussions on a particular problem and the choices that they are making. The outcomes are affected by those who have power to influence the process, or the decision-making process. Thus, some people and/or groups, including disabled persons, women, or racial, ethnic, sexual, or gender minorities often do not have equal representation and say in that process. For people to be equally engaged, involved in development process; capital, inequality or power relations should not influence or dominate the process. But there is the language human rights issue. Some challenges that the individuals experience may not be easily expressed during those kinds of community forum meetings. There might be the challenges particularly affecting certain groups or individuals such as the capacity, the ability to reason, the ability to explain one's challenge. Hence, even with such a type of approach that seems to be participatory, there could be the challenge of power that should always be kept in mind when engaging in such community forum meetings.

The bottom line is, when states take initiatives, people act; they participate in developmental activities. So, if those activities are directed toward fulfilling the human rights of individuals or groups, that is achievement of the obligations to fulfil human rights by the duty-bearers, this is seen as a progressive realisation of economic, social, and cultural rights. Though this is a big challenge for poor countries that do not have enough resource or infrastructure to respond to all human rights claims of their citizens. But they have to make sure that they use the maximum level of available resources that they have to ensure that the rights-holders can claim and realise their human rights, because it is the obligation of the duty-bearers to respect, protect, and fulfil human rights. Thus, if development follows such a human rights-based approach, people will find the mechanisms to hold the duty-bearers accountable for their developmental responsibilities. Because the key human rights principles entail the duty not to discriminate between groups or individuals on the base of poor, rich, ethnicity, race, gender, etc. Hence, participation by itself in development is a human right, and this right requires, imposes, the duty to facilitate evaluation and monitoring mechanism that their citizens can have a say in the process of development.

### 3.4. Applying human rights principles in the process of development

By applying such a rights-based approach to development process, development would then pursue excellent international principles that guarantee the dignity, equality, interests, and rights of all human beings. Because international human rights are based on universality, inalienability, indivisibility, interdependence, inter-relatedness, and on equality, non-discrimination, inclusion, participation, and accountability; if these could be applied to development or decision-making process, development would ultimately realise the dignity, the interest, and rights of all the people, development would aim at serving all people equally without discrimination, it would require the participation and inclusion of each individual, and it would ensure accountability through the rule of law. If there are human rights violations in the process of development, there has to be a mechanism through which those violations are addressed. There has to be access to courts. If we aim at applying and realising human rights using development, ultimately development will benefit human life and human beings.

The human-rights-based approach puts citizens first, the people who have the legitimate right to realise their human rights. Further, the rights-based approach has an added advantage of putting basic needs into normative human rights. It also ensures accountability. That is, international and national monitoring to development can become possible when we apply the rights-based approach. With every human-rights declaration, there are international mechanisms that are created or institutions that are put in place in order to implement that right. There can be a commission or committee that oversees the implementation of that human right. So, if we apply the rights-based approach, we can make use of the existence of such international institutions and organisations who would assist or facilitate the implementation and realisation of human rights. And this approach increases participation, communication, and agency. This approach encourages each individual to have a say in the process of making decisions for development.

This rights-based approach promotes justice and fairness, as it pays attention to disparity, exclusion, and discrimination. It encourages legal reform, and when there are legal reforms, institutions are created, and trainings are provided. Information is provided, and capacity is strengthened to create an environment that would help the realisation of those new reforms. So, this allows the creation of new institutions. It allows the emergence of strong networking, strong cooperation, and communication among different actors while they are engaging together to realise a new reform, a new change. By following this logic in development, then development assistance becomes an obligation for the responsibility-bearers, not simply as charity. International organisations that provide support to various development programmes or projects, their support is thus not merely as charity.

But it becomes part of their obligation to provide assistance on the basis of empowering people. So, even though this rights-based approach by itself tends to focus on the human right theories, and principles, not local histories and cultures, at least it can help to anchor, to use local histories, and local experiences as part of the development process, and since the rights-based approach is based on the sovereignty of states, based on the commitment of the states to implement human rights, then accepting this approach may help to strengthen the ability of the state to respond to the lawful demands and claims of its citizens.

### 3.5. Limitations to the rights-based approach in development process

There are important points that are expressed in relation to the shortcomings, and the danger of simply applying the rights-based approach in the process of development, regardless of the consideration of the context upon which it is applied. It often happens that a legal formalisation may be mistaken as an end in itself, but not as a means. For example, what seems to have been emphasised in the human rights declaration is not health, but it is a right to health, not an engagement, but declaration. That is, if we simply emphasise on the rights-based approach, we may end up by simply formalising, creating rules that will not work in reality. We may have a declaration, a constitution that guarantees peoples to have the right to health, the right to privacy, the right to democratic participation, etc. But in reality, that might not exist nor work. Often so and consequently, the rights-based approach may take declaration to right to health as an achievement. That formalising systems of rules might be taken as outcomes without necessarily achieving the results on the ground because on the ground, the reality, may be diverse, complex to simply be addressed by the proclamation of human rights.

Another important point is when change relies too much on professionals and the lawyers, it consequently alienates people from their own way of addressing governance issues because the rights-based approach also tends to become somehow technical in a sense that gender grievances, shortcomings, suffering, and violence issues within communities, are not fully interpreted in light of the human rights language. Thus, in order to do that, there is somehow a need to use the language of human rights that is only understood by those lawyers and professionals in order to realise or enforce human rights. Another important point is that the poorest, the most vulnerable have no access to legal or other institutions that can realise their rights. There might be a human rights system, but the poorest, the most marginalised and the most vulnerable in society might not have the ability to explain or to express their situation using the human rights language. Further, they may not be able to engage with institutions to transform their issues because that requires a significant level of capacity, and because the human rights language is somehow distant from their daily life experiences, then

human rights become ineffective and inaccessible for them, thus, their right to participate in the development is violated.

Hence, the rights-based approach may increase reliance on the states, or it could strengthen bad governments. That is, if the people would rely too much on the professionals and the lawyers to transform their issues into the human rights language to solve society's problems, what would happen at the end of the day would be creating the legal rules and regimes that would help the government to have access to the various lives of its citizens. It would allow the government to rule over society where the citizens do not have control over the government behaviours. Hence, these are some of the possible challenges to the rights-based approach. And, of course, the question of power relationships is another concern since within society, power is distributed not only in relation to rights, but in relation to culture, sex, gender, and other social norms while the rights-based approach does not address structural, or cultural power imbalances that exist in society. So, these criticisms may convince us not simply throw away and avoid the rights-based approach, but instead they may help to be creative, to apply locally relevant solutions that could address some of the challenges that are seen daily in relation to development, human rights, and inequality among people.

### 3.6. Should development be compatible with environmental protection

We live in a world that can be regarded as highly developed when we consider technological advances. But this same world is also highly affected and degraded when we consider the health of the environments and of the ecological diversity. Scientists generally believe that the time we live in can be regarded as the time of the Anthropocene, or the era of humans. The Anthropocene can be defined as an era dominated by the increasingly stronger and an obviously lasting impact of mankind on nature. That is, in addition to agricultural use, land deforestation, or fossil fuel burning, human activities have become responsible for the creation of dangerous substances which are responsible for the Ozone deteriorations. Human beings have become geological forces that impact the health, and the general pattern of life in the environment or in the world. Hence, there are various ways in which these impacts give rise to erosion or sediment transportation due to human processes, the change in the chemical composition of the atmosphere, soil, and ocean, and environmental conditions such as global warming, ocean acidification; habitat loss; predation; species invasion, or climate refuges. Because of human activities, the general behaviour of the earth and the environment is changing.

So, what is important is to understand that it is the desire for development in the absence of human rights standards that the activities of the human species are

causing such a massive change in the world with powerful geological forces in influencing and changing the environment. Thus, it is important to understand that it is not simply human activities that cause changes to the environment, it is also the human thinking, the way that people think about the world, about the environment, and about themselves in changing their life-style, production, and consumption habits in relation to the environment. So, is it possible to say that the conception of human rights that we have, can or should defend, and protect the environment? In relation to the environment, human rights are the rights of human beings, but they are not the rights of the environment, they are not the rights of animals, or the rights of nature. Hence, how is it possible to protect non-human beings with human rights?

For example, when we are interested in protecting the environment, we are also interested in the future generation; the generations that will come tomorrow. But human rights are about existing generations. A right is given to an individual. And the life of the individual, or the legal personality of the individual, is limited from birth to death. So, with that type of conception, how is it possible to give the future generations human rights? And thus, defend environment's rights for their interests? And what about the rights of the rights of nature, if human rights are about protecting human interests, human needs, and human desires. Thus, can we say that nature has its own right? Its own desire. It needs to be protected. Is nature a living being and has its own right? So, the question of inalienability is important here because the conception of human right is based on this idea that humans from within, from their own being, have their own inherent inalienable rights. That is, responsibility on human beings cannot emanate from authorities or from nature or from other entities. So, is it possible to limit the right of the individual based on the interest of the environment, which is an unhuman entity? And equality is also among human beings, not between human beings and non-humans, with this in mind, there are a lot of controversies. And there is the notion of liberty and freedom which is often related to the rights to property. When we say liberty and freedom, human beings have the freedom to exploit and use natural resources. So, the liberties here is unhinged and unrestricted. And the notion of freedom in neoliberalism, is freedom from any authority, including the state. So, liberty applies to the liberty of human beings to use and exploit nature for their own interests.

### 3.7. Effects of the development process on the environment

So far, looking at development from different aspects encourages to critically think about the relationship between environment and development. Both seem to be very important ideas. But there is inherent contradiction between the two. If for example we look at the UN sustainable development goals and how the danger and the solution for environmental risks has been framed in that document, in

the UN sustainable development goals, it is recognised that increasing global temperature, sea level rise, ocean acidification, and other climate change impacts are seriously affecting many countries, and the survival of many societies and of the biological support systems of the planet is at risk. There is a clear recognition, international recognition, that the planet's life is at risk. Then what is the solution? The solution forward seems to open up various approaches, diverse approaches, not just one approach but many approaches. It says, we recognise that there are different approaches, visions, models, tools that are available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development. And we reaffirm that the planet Earth and its ecosystems are our common home, and that Mother Earth is a common expression in a number of countries and regions.

This is a very important statement because it recognises the existence of diverse world-views about the world. It is important then to reflect on the different ways of looking at the environment. So far, we have got the sense that human rights conceptualise only the interests of human beings. But are there other models of understanding other interests not just people's rights but also the rights of the environment, the rights of animals or the rights of other beings? Thus, to broaden our understanding of human rights beyond the interests of human beings, it is important to reflect on how other cultures, think about nature, about the earth. The way we understand the world is important in determining and influencing what we do in the environment. The idea of nature as having its own qualities is not completely unique to Western thought either. It is important to understand that the interests of the environment at this period in time is not just optional. It is not feasible anymore to disregard the Earth as resources that can continuously be exploited without regard, without care, and with accountability because we see that there are significant threads to the lives of human beings and to the lives of in the environment. Hence, what we need to change is not simply what we do through development, it should also involve how we look at the world and how we look at ourselves in relation to the world. That means we need to appreciate the diversity of knowledge, not just the culture but also world-views. We also need to understand the importance of diverse perspectives and we need to create new mechanisms of accountability in order to address the dangers we are facing in the period of the Anthropocene. But why is this so important?

Today more than half of the world's resources is owned by just very few people. These realities show us that the institutionalisation of development activities and the dominance of corporations led to the creation of a global economic structure that isolated millions of people, that excluded millions of people from benefiting from development. So, if the destruction of the environment is actually to benefit just a few people, what are the ways in which change could be introduced to address environmental concerns? There is a possibility of holding multinational

companies accountable but not to regulate how they operate their business. The 1999 UN Global Compact sets out guidelines for corporations to follow. It has 10 principles covering general human rights, labour rights, environmental rights, and anti-corruption standards. But these are voluntary guidelines with no penalties for non-compliance or monetary mechanisms. That means they are not so effective because companies who violate the UN Global Compact cannot be punished by the UN directly or by any legal mechanism. Hence, this probably can help to frame the language by which to argue, or to try to hold multinational corporations accountable for their impact on the environment.

## 3.8. Is sustainable development the solution to environment protection

Sustainable development is seen as a solution to address the environmental concerns in today society. And the UN sustainable development goals, accept and recognise that there is a global risk, a planetary risk, that we all are facing as result of environmental destruction. But there are criticisms, that sustainability and development cannot go together. Development is a process that continues to use, exploit the environment for its own growth, for economical advances. To make development sustainable is to allow such a continued exploitation of the environment without introducing massive and important change. So, the concern is that this approach can neutralise existing concerns for the environment, where economic growth becomes more relevant and important than the environment. Sustainable development suggests some kind of effortless and painless political transition. It tries to avoid the question of redistribution, the question of justice, the question of addressing the existing unsustainability and environmental harm that has been committed against the environment. Therefore, it is important to recognise that the current existing unsustainability and environmental harm have to be addressed, there has to be a focus on reducing environmental harm we have already caused. However, the language of sustainable development simply postpones past and present problems by making the current polluters, or those who caused massive environmental harm, as solutions givers, as doctors of their own disease, or doctors of their own problems.

The climate change agenda and climate justice can be seen as the example. There have never been serious commitments and actions to address climate change and focus more on climate justice. For example, the 1997 Kyoto Protocol seemed to be a promising document, but it was implemented from 2008 to 2012, just for 12 years. Then nothing important replaced it after that period. And we know that there has been increasing greenhouse gas emissions until now. But still, there is not such a very strong and effective mechanism created at the global level to address climate change. Although the 2016 Paris Agreement seems to have come into force, there are controversies of how it is delivering on its commitments. This shows how

much the existing political policies do not have serious considerations to address climate change. That means climate change cannot simply be addressed by the existing neoliberal systems. It requires movement. Rights activists and defender. It requires individuals affected by environment destruction to resist and to stand for environmental defence to get environmental justice. This is need more as we see initiatives, activities, developmental processes that are being undertaken in the name of saving the environment. A vast amount of land has been enclaved for national parks. However, the manner in which these types of reservations are created has created a concern because it does not often involve local people, especially indigenous people.

- For example, local people lost the land for ecotourism, for community participation, going hand in hand with state violence in some places. This shows us that protecting the environment by the use of violence, by the use of state repression, could continue the violation of human rights of local and indigenous people who depend on the environment.

Thus, using the environment on the one hand and protecting the environment on the other often goes to the level of violence by the state. The irony is that the people and the states use violent means in order to protect or in order to violate environmental rights. And new mechanisms of appropriation are being created that might prolong developmental activities by those who have power, by those who are rich. Biodiversity conservation, biocarbon sequestration, biofuel production, ecosystem services, ecotourism, parks, forests, reserves, these are great. But who is responsible for these activities? And what is the consequence of undertaking these activities at the expense of local people, small landholders? These are human rights concerns that go with the environmental concerns. Thus, although we are interested in protecting the environment, we should pay attention, we should be careful, that the way we protect the environment does not violate the rights of individuals, especially those who have little power in society.

Therefore, keep a relationship between the environment and human beings that respect, protect, and fulfil both the rights of human beings and of the environment, movements of the people, active movements of ordinary individuals, rights activists, and defenders are important to resist and stand for human rights and for environmental defence to get environmental justice.

# References & resources

For the manual's references and further educational resources we recommend consulting external sources to better inform your human rights analysis, and understanding of development in relation to environmental protection:

- The Universal Declaration of Human Rights.
- Universal Periodic Review Recommendations.
- NGO reports like those from Human Rights Watch, Amnesty International, Freedom House, etc.
- Human rights treaty bodies:
  - the Human Rights Committee for the International Convention on Civil and Political Rights (ICCPR),
  - the Committee on Economic, Social and Cultural Rights for the International Convention on Economic, Social and Cultural Rights (ICESCR),
  - the Committee on the Elimination of Discrimination against Women and National Country Reports on CEDAW Implementation for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
  - the UN Committee on the Rights of the Child for the Convention on the Rights of the Child (CRC),
  - the Committee on the Elimination of Racial Discrimination for the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), etc.
- Regional human rights bodies:
  - the American Convention on Human Rights,
  - the African Charter on Human and Peoples' Rights,
  - the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- Special procedures such as the special rapporteurs and working groups.
- National human rights institutions, academics, and scholars.

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