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Generations of Human Rights, Social Equity and Sustainable Development



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Europe 2020 Smart growth



- education
- research/innovation (creating new products/services that generate growth and jobs and help address social challenges)
- digital society (using information and communication technologies)

http://ec.europa.eu/europe2020/priorities/smart-growth/index_en.htm

Europe 2020: Sustainable growth - for a resource efficient, greener and more competitive economy



- building a **competitive low-carbon economy**; **protecting the environment** and preventing biodiversity loss; capitalising on Europe's leadership in developing **new green technologies** and production methods; introducing **efficient smart electricity grids**; **harnessing EU-scale networks** to give our businesses (especially small manufacturing firms) an additional competitive advantage ; **helping consumers** make well-informed green choices.

http://ec.europa.eu/europe2020/priorities/sustainable-growth/index_en.htm

Europe 2020: Inclusive growth – a high-employment economy delivering economic, social and territorial cohesion



Inclusive growth means: raising Europe's employment rate – **more and better jobs**, especially for women, young people and older workers; helping people of all ages anticipate and manage change through **investment in skills & training modernising** labour markets and welfare systems; ensuring the benefits of growth reach all parts of the EU http://ec.europa.eu/europe2020/priorities/inclusive-growth/index_en.htm

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Suggested readings and web resources

Learning Objectives

- **DEEPENING** and **UNDERSTANDING** Human Rights in the context of developmental issues
- **UNDERSTANDING** sustainable development and its normative requirements
- **EVALUATING** the dynamics of generations of Human Rights
- **DEBATING** the European Union's strategy for 2020 for smart, sustainable and inclusive growth
- **UNDERSTANDING** the synergies among Human Rights, development and social equity
- **ANALYSING** the EU contribution to international development and poverty reduction

Part A The International and Regional Systems of Human Rights

Learn more!

UN Department of Economic and Social Affairs – Division for Sustainable Development

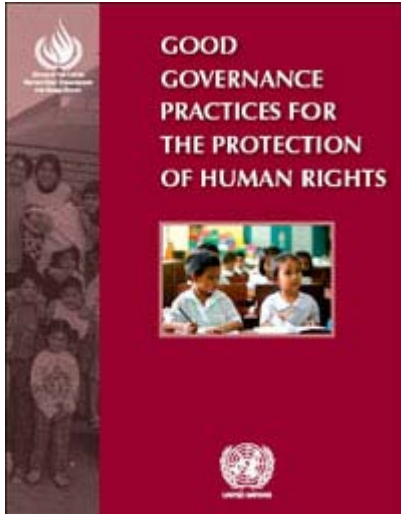


<http://www.un.org/esa/dsd/index.shtml>

UN Charter based bodies & Treaty-based bodies There are nine [core international human rights treaties](#), one of which -- on enforced disappearance-- has not yet entered into force.



<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>



<http://www.ohchr.org/Documents/Publications/GoodGovernance.pdf>

- I. What does it mean to have human rights?
- II. Systems of human rights
 - a. The universal system of Human Rights
 - b. Regional systems of HR
 - c. The European system of Human Rights
- III. Human rights as universal and indivisible

I. What does it mean to have human rights?

1. Definitions and characteristics of Human Rights

- "Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments" (The World Conference on Human Rights, Vienna Declaration.1993)
- ### **2. Negative and positive human rights (I. Berlin)**

II. Systems of Human Rights

a. The universal system of human rights

1.1 The International Bill of Human Rights

- Universal Declaration of Human Rights 1948
- International Covenant on Economic, Social and Cultural Rights 1966
- International Covenant on Civil and Political Rights 1966
- Optional Protocol to the International Covenant on Civil and Political Rights Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

1.2 The core international human rights instruments

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance
- Convention on the Rights of Persons with Disabilities

1.3 Mechanism of monitoring

- Charter based mechanisms (1503 Procedure)
- Treaty based bodies and the complaint mechanisms established within the International Human Rights System
 - a. Human Rights Committee (HRC) <http://www2.ohchr.org/english/bodies/hrc/index.htm>
 - b. Committee on the Elimination of Racial Discrimination
<http://www2.ohchr.org/english/bodies/cerd/index.htm>
 - c. Committee against Torture <http://www2.ohchr.org/english/bodies/cat/index.htm>
 - d. Committee on the Elimination of Discrimination against Women (CEDAW)
<http://www2.ohchr.org/english/bodies/cedaw/index.htm>
 - e. Committee on the Rights of the Persons with Disabilities (CRPD)
<http://www2.ohchr.org/english/law/disabilities-convention.htm>
 - f. Committee on Migrant Workers <http://www2.ohchr.org/english/bodies/cmw/index.htm>
 - g. **NEW:** Recently (21 January 2010) The Human Rights Council took into consideration the possibility of a new optional protocol to UNCRC (Convention of the Rights of Child) that will entitle Child's Rights Committee to receive and analyze individual complaints
http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.43_AEV.pdf

b. Regional systems of HR

c. The European system of Human Rights

1.1 The Strasbourg system – Council of Europe

- Council of Europe and the protection of Human Rights
- Convention for the Protection of Human Rights and Fundamental Freedoms adopted at 4th of November 1950 (as amended by the optional protocols 11 and 14) http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf;
- The European Court of Human Rights. Individual petitions procedure (art.34). Admissibility conditions http://www.echr.coe.int/NR/rdonlyres/DA9A7AF9-361D-4A0F-BCC8-F7CD0EE5469B/0/Key_caselaw_issue

1.2 The European Union system of Human Rights – Luxembourg system

- a) Steps towards a European Union's system of Human Rights
- "The Paradox of the EU's Human Rights Policies" (P.Alston, J.H.H.Weiler, 2000)
 - European Union and the Democratic Deficit (Agenda 2000)
 - Human Rights and Laeken Declaration " *The Future of European Union*"
http://www.saxonbooks.co.uk/laeken_declaration.htm
 - The legal frame for a Human Rights policy of the European Union
- b) European Union and the Charter of Fundamental Rights of the European Union.
- The Cologne European Council (3-4 June, 1999) and the decision to draft a Charter of Human Rights of the citizens of the European Union
http://www.europarl.europa.eu/charter/default_en.htm
 - The solemn proclamation of the Charter at the European Council in Nice (December, 2000).
 - The legal statute of the Charter after the entering in force of the Treaty of Lisbon

1.3 The Charter of Fundamental Rights of the European Union: the catalog of the rights

- a. The European Council in Cologne in June 1999 and the decision to elaborate a special document that affirms the Human Rights of the European citizens.
- b. The Charter of Fundamental Rights of the European Union has been officially proclaimed on the 7 December at the European Council in Nice (but without becoming a part of the Treaty of Nice).
- c. The Charter states the civil and political rights of the European citizens as well as the economic, social and cultural ones. They are grouped in six categories:
- Human dignity
 - Freedoms
 - Equality
 - Solidarity : Workers' right to information and consultation within the undertaking; Right of collective bargaining and action; Protection in the event of unjustified dismissal; Fair and just working conditions; Prohibition of child labour and protection of young people at work; Family and professional life; Social security and social assistance; Health care.
 - Citizen's rights
 - Justice
- d. The Charter became part of the primary European law after the Lisbon Treaty entered in force (December, 2009).

III. Human rights as universal, indivisible, interdependent and interrelated

Part B The dynamics of Human Rights Codification and the Generations of Human Rights

I. From the Universal Declaration of Human Rights to the twin covenants

International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) - The Bill of Human Rights

II. The grounding philosophy and typologies of the rights codified in the Bill of Human Rights

- The dynamics of human rights codification evolved from the civil, political, economic, social and cultural rights to a wide range of rights which 'envelop' and provide an effective protection to different categories of persons (women, children, ethnic minorities) and also to persons and groups of persons in difficult circumstances (refugees, migrants, asylum seekers).

- At a later stage the codification process covered the so called "collective rights" (the right to peace, to an ecological environment, to development etc) and also the rights of the future generations.

- This dynamics of the codification process and the categories of the rights regulated are analyzed as "generations of human rights".

III. Generations of human rights

1. The first generation of Human Rights and The Universal Declaration of Human Rights (1948)
2. The second generation of Human Rights: the UN twin covenants (ICCPR, ICSECR- 1966 as well as the other core treaties in the international system)
3. The third generation of Human Rights: collective, environmental and development rights
4. The fourth generation of Human Rights and the right to sustainable development *of the future generations*

Vienna Declaration and Plan of Action (The World Conference on Human Rights, Vienna, 1993) connected human rights and especially the right to development to the future generations. According to the universally recognized principle of social equity the future generations are entitled to find at their birth a friendly environment, sufficient resources for development as well as an unmodified human genome.

Vienna Declaration and Plan of Action
<p>11. <i>"The right to development should be fulfilled so as to meet equitably the developmental and</i></p>

environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Consequently, the World Conference on Human Rights calls on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping.

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern". <http://www2.ohchr.org/english/law/vienna.htm>

Part C Sustainable Development –origins, sources, progress

I. Origins of the concept of Sustainable Development: UN Stockholm Conference (1972)

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III. The Rio Declaration and the 27 principles adopted

IV Human rights, sustainable development and good governance

V. Millennium Development Goals

- eradicating poverty and hunger in the world;
- achieving universal primary education;
- strengthening gender equality;
- reducing child mortality;
- improving maternal health;
- combating HIV/AIDS, malaria and other diseases;
- ensuring environmental sustainability;
- developing a global partnership for development.


<http://www.un.org/en/mdg/summit2010/>

http://europa.eu/legislation_summaries/development/general_development_framework/r12533_en.htm

VI. European Union and Millennium Development Goals



http://ec.europa.eu/development/icenter/repository/mdg_paper_final_20080916_en.pdf

- European Report on Development of 19 September 2008 "Millennium Development Goals at Midpoint: Where do we stand and where do we need to go?" ([pdf](#) )

Part D EUROPE 2020: A European strategy for smart, sustainable and inclusive growth

I. Europe 2020

1. Objectives

1.1 Smart growth

1.2 Sustainable growth

1.3 Inclusive growth

2. Headline indicators for smart sustainable and inclusive growth.

Europe 2020, a strategy for jobs and smart, sustainable and inclusive growth, is based on five EU headline targets which are currently measured by eight headline indicators.

http://epp.eurostat.ec.europa.eu/portal/page/portal/europe_2020_indicators/headline_indicators

Part E Conclusions: Human rights, social equity and sustainable development in times of crisis

Suggested readings and web resources

Suggested readings

Philip Alston, Mary Robinson (Eds) *Human Rights and Development. Towards Mutual Reinforcement*, Oxford University Press, 2005

Derek G.Evans, Human Rights: Four Generation of Practice and Development in Abdi, A and L.Shultz (Eds), *Educating for Human Rights and Global Citizenship*, Sate University of New York Press, 2007

Konrad Ginther, Erik Denters and Paul J.I.M de Waart (Eds), *Sustainable Development and Good Governance*, Martinus Nijhoff Publishers.

Friedl weiss, Erck denters and Paul de Waart (Eds) *International Economic Lw with a Human Face*, Kluwer Law International, 1998.

Daniel J. Whelan, *Indivisible Human Rights. A History*, Pennsylvania Studies in Human Rights Series, 2010

James D Wolfensohn, Some Reflection on Human Rights and Development in Philip Alston, Mary Robinson (Eds) *Human Rights and Development. Towards Mutual Reinforcement*, Oxford University Press, 2005

Web resources

European Union and Millennium Development Goals

http://ec.europa.eu/development/icenter/repository/mdg_paper_final_20080916_en.pdf

Good Governance Practices for the Protection of Human Rights

<http://www.ohchr.org/Documents/Publications/GoodGovernance.pdf>

THE HUMAN RIGHTS APPROACH TO SUSTAINABLE DEVELOPMENT: ENVIRONMENTAL RIGHTS, PUBLIC PARTICIPATION AND HUMAN SECURITY www.unac.org/youth_sd/youth_e/

Vienna Declaration and Programme of Action <http://www2.ohchr.org/english/law/vienna.htm>