Human Rights Parameters of Development Planning

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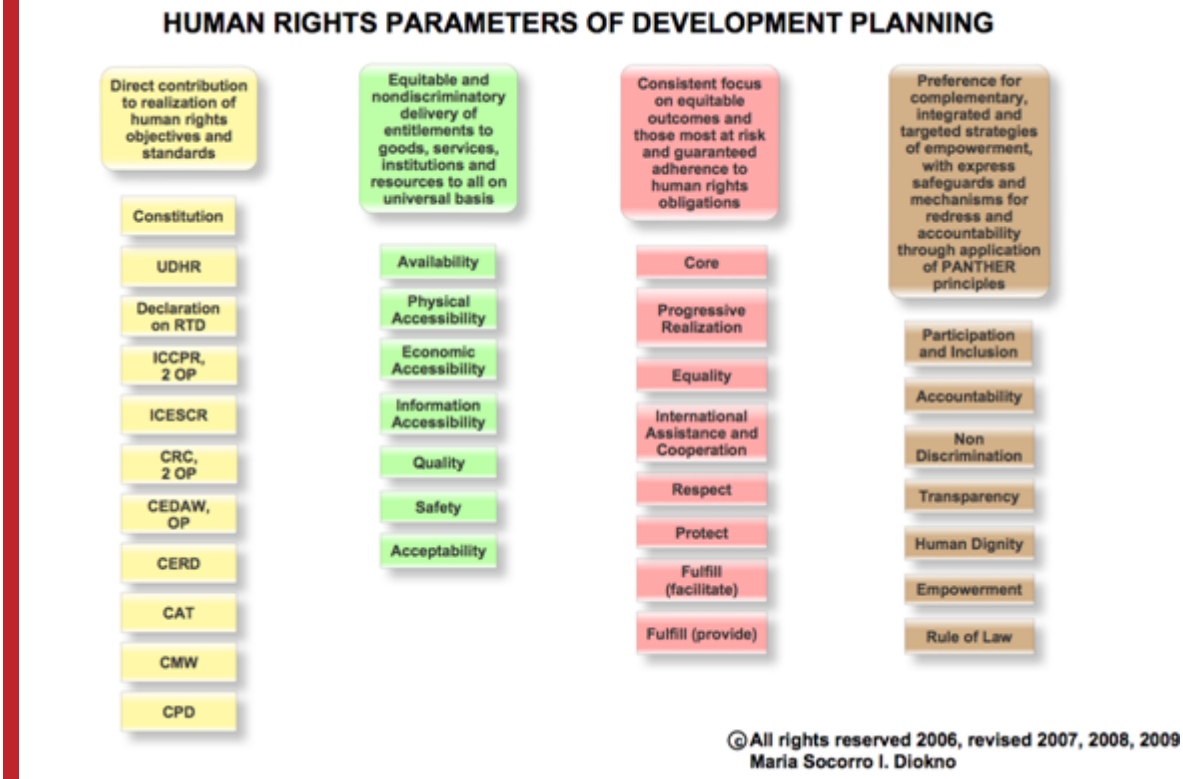
Human Rights Parameters of Development Planning

Four parameters define the human rights based approach to development planning: direct contribution to realizing human rights objectives and standards; equitable and nondiscriminatory delivery of entitlements to all on a universal basis; consistent focus on equitable outcomes and those most at risk and guaranteed adherence to human rights obligations; and preference for complementary, integrated and targeted strategies of inclusion, equality and empowerment, with express safeguards and mechanisms for redress and accountability through the application of PANTHER principles. (*Figure 3*)

Figure 3.



Direct contribution to realizing human rights objectives and standards

The human rights based approach to development planning directly contributes to the realization of development goals and objectives based on human rights standards. Human rights have been codified in a set of domestic and international instruments adopted by governments all over the world; these instruments include the country's Constitution and interpretative jurisprudence, international customary law (also known as *soft law*, and refers to general norms of international law principles and practice that represent a broad consensus of the international

community and have a strong moral force on the conduct of states) and conventions signed and ratified by states. Together, these instruments constitute the human rights framework of a country. These instruments set forth human rights objectives and standards of development planning; among human rights development planning objectives are the constant improvement of the wellbeing of every man, woman and child;[1] the eradication of social injustice;[2] and the provision of affordable quality goods and services that result in the realization of human rights for all.[3] The Philippine Human Rights Framework for Development Planning presents the Philippine human rights framework and emphasizes human rights objectives and standards of development planning.

Equitable and nondiscriminatory delivery of entitlements to all on a universal basis

The human rights based approach to development planning represents a firm commitment to deliver entitlements equitably, equally and without discrimination to all on a universal basis. Human rights are *freedoms of action*—the power to make choices without coercion or restraint and the power to act on one's own choices without interference, restraint or obstruction; responsibly exercising freedoms means acting in a way that does not exceed the limits of human rights or does not encroach upon the rights of others. Human rights are also *entitlements* to goods, services, institutions and resources necessary for a life in dignity: entitlements are implicit in human rights and spring from the normative elements of each human right; generally speaking, normative elements include *availability, physical accessibility, economic accessibility, information accessibility, quality, safety* and *cultural acceptability*. Entitlements are influenced by a variety of factors that are the object of development planning. Human Rights and their Normative Elements in Development Planning elaborates on the normative content of selected human rights and demonstrates the relationship between indicative factors of development planning and human rights entitlements.

Consistent focus on equitable outcomes and those most at risk and guaranteed adherence to human rights obligations

The human rights based approach to development planning consistently, effectively and diligently focuses on just and fair outcomes and on those excluded from enjoying the fruits of development planning as well as those who might suffer as a result of development planning, by guaranteeing adherence to human rights obligations. Human rights stress the embodiment of obligations of conduct and of result in development planning. Human rights are claims made by individuals on the conduct of other individuals, society and the state and on the design and implementation of social, political and economic arrangements needed to facilitate or secure freedoms and entitlements. From these claims arise corresponding obligations to act towards

[1] Universal Declaration of Human Rights.
[2] Declaration on the Right to Development.
[3] International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the Rights of All Migrant Workers and Members of their Families, and Convention on the Rights of Persons with Disabilities.

(i.e., *obligations of conduct*) and to cause (i.e., *obligations of result*) the enforcement, promotion and guarantee of all human rights. These obligations primarily rest on governments and consist of a set of norms, standards and principles of permissible conduct and limits and checks on state action. Human rights obligations are of varying levels and include *core obligations, obligations of progressive realization, obligations of equality, obligations of nondiscrimination, obligations of international cooperation and assistance,* and *obligations to respect, protect and fulfill (facilitate and provide) human rights.* Human Rights Obligations in Development Planning describes the nature and levels of state obligations and their application to development planning.

Preference for complementary, integrated and targeted strategies of inclusion, equality and empowerment, with express safeguards and mechanisms for redress and accountability through application of PANTHER principles

For human rights, the process of development planning is as important as its outcome. Human rights deviate from a purely technocratic approach to development planning, by placing the human being at its very core. Human rights look beyond income, utility and growth, instead focusing on constantly improving the wellbeing of every man, woman and child to enable them to enjoy a quality of life consistent with their inherent dignity. Human rights call for "paradigm shifts in economics and development, away from approaches that focus exclusively on income, growth and utility, with an increased emphasis on individual entitlements, capabilities, freedoms and rights."[4] Human rights thus favor development planning strategies of inclusion, equality and empowerment, accompanied by express safeguards against exclusion and discrimination such as affirmative action, temporary special measures, and special and differential treatment, as well as clear and accessible mechanisms for redress and accountability. Human rights also mandate participatory, accountable, nondiscriminatory, transparent, ethical, and empowering development processes that abide by the rule of law. These human rights principles, more easily remembered by the mnemonic PANTHER coined by the Food and Agriculture Organization, are discussed in Human Rights (PANTHER) Principles in Development Planning.

[4] Overseas Development Institute, *Economic Theory, Freedom and Human Rights: The Work of Amartya Sen*, ODI Briefing Paper, November 2001.

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The second part (**Human Rights Parameters of Development Planning**) discusses the human rights parameters of development planning and presents these in graphical form in Human Rights Figure 3 (*Human Rights Parameters of Development Planning*). Human rights parameters are: direct contribution to realizing human rights objectives and standards; equitable and nondiscriminatory delivery of entitlements to all on a universal basis; consistent focus on equitable outcomes and those most at risk and guaranteed adherence to human rights obligations; and preference for complementary, integrated and targeted strategies of inclusion, equality and empowerment, with express safeguards and mechanisms for redress and accountability through the application of PANTHER principles. The second part contains four chapters.