

»» 50 years of International Covenants on Human Rights: Where do we stand?

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Human rights and development are mutually reinforcing: development is inconceivable without the respect, protection and guarantee of fundamental human rights such as education, food and political freedoms. On the other hand, development helps to enable people to claim and exercise their rights. It is therefore not surprising that the Sustainable Development Agenda 2030 relates to internationally enshrined human rights and addresses many topics related to human rights.

The covenants as basic pillars of binding human rights

Drawing on the (initially non-binding) Universal Declaration of Human Rights of 1948, human rights were codified in more detail in 1966 in two separate covenants. These covenants became binding under international law in 1976:

- The International Covenant on Civil and Political Rights (ICCPR) defines civil and political rights (“CP rights”), such as protection against torture and arbitrariness from the state, political participation, freedom of expression, equal opportunity, etc.
 - The International Covenant on Economic Social and Cultural Rights (ICESR) contains economic, social and cultural rights (“ESC rights”) such as the right to work, education, health, an adequate standard of living, etc.
- The two covenants were further differentiated later on by additional treaties regarding specific groups or topics (e.g. children, persons with disabilities, women, labour rights in the context of the ILO).

The “measurement challenge”

There are significant measurement challenges involved in evaluating where we stand when it comes to the implementation of both covenants. First of all, it is encouraging that the vast majority of states have joined the covenants (of the 193 UN member states, there are 168 state parties to the ICCPR and 164 state parties to the ICESR). In addition, the substantive content of the covenants was

clarified even more with sometimes very specific requirements. The inclusion of human rights in national legal systems in many countries has led to new policy programmes and improvements (in India, for example, the National Food Security Bill with special assistance measures to realize the right to food for vulnerable sections of the population). They are a point of reference for movements that stand up against injustice.

The (politically highly sensitive) attempt by UNDP to develop a Human Freedom Index similar to the Human Development Index, as a ranking of countries, failed due to resistance from some UN member states. Commonly used comparative indices do not refer to the entire range of rights but only to single (often civil and political) rights (e.g. the Rule of Law Index). Socio-economic statistics created for other purposes can often also be used as a guide, such as the number of persons with health insurance (right to health and social security) or the number of unemployed persons (right to work).

Plenty of light, but some shadows too

Some common indices can be used for a rough estimation of trends in the implementation of CP rights (Freedom House, Polity Project, Bertelsmann Transformation Index, etc.). The number of countries where civil liberties and political rights are enshrined has increased significantly over time, especially since 1990, according to these indices. It is only in recent years that some indices point towards (slightly) downward trends (in particular for the actual implementation of freedom of the press, free elections, actions of NGOs and – in the face of acute crises – even the right to life and physical integrity).

The developments regarding extreme poverty and life expectancy can be used as proxy trend indicators for ESC rights because they reflect many individual rights in this group (e.g. right to health, right to food, right to an adequate standard of living):

- The proportion of extremely poor people in the world (based on the World Bank’s international poverty line) dropped almost continuously between 1981 (start of the period) and 2013 by 42.2% (or 1.9 billion people) to 10.7% (767 million people).
- Life expectancy at birth increased continuously across the globe according to the World Bank between 1966 and 2014 from 56.0 to 71.5 years.

Overall, this suggests substantial advances over the long term for both CP and ESC rights. This should not, however, obscure the fact that there are still serious violations of human rights even today. The data mentioned above are rough proxy indicators that can at best convey a picture of average development only. However, human rights are inherent to all individuals. It is not just the overall results but whether human rights standards and principles (such as non-discrimination, participation, transparency, physical accessibility, cultural acceptability, financial affordability, etc.) have been realized along the way. A more detailed evaluation would require taking account of a variety of contextual, disaggregated and qualitative data for each guaranteed right.

What is the role of international DC?

The respective state party bears primary responsibility for the implementation of the covenants. However, the international community also bears responsibility in light of the human rights “duty to cooperate”. Some important contributions international DC can make here include, for example, support for projects aimed directly at a better implementation of human rights (access to education, drinking water, food, etc.) or that improve political conditions (equality, conflict prevention, democratisation) as well as the systematic integration of human rights aspects in the planning and implementation of projects (risk analysis, participation, safeguards, complaint mechanisms, etc.).■