# UNFPA

The United Nations Population Fund (UNFPA) submits this report on the topic of the Right to Development (RtoD) pursuant to resolution 30/28 in which the Human Rights Council requested a document containing a set of standards on implementation of the RtoD.

Based on the ICPD Programme of Action (PoA) and the ICPD Framework of Actions as well as programmatic experience, UNFPA argues for the critical integration of the following key principles in the further work to set standards for RtoD implementation:

1. Human rights and accountability
2. Equality and participation
3. Youth and the Demographic Dividend

## RtoD in ICPD PoA and the ICPD Beyond 2014 Review

This submission takes its outset in the ICPD Programme of Action (1994)[[1]](#footnote-1) and the ICPD Framework of Actions (ICPD Beyond 2014 review).[[2]](#footnote-2) Both documents provide the basis for UNFPA’s position on key elements of RtoD.

The **ICPD Programme of Action (ICPD PoA)**, adopted in 1994 by 179 Member States, lays out the mandate for UNFPA’s work, which places the human rights of individuals at the centre of development rather than numerical population targets in order to achieve sustainable progress. ICPD PoA reflected a consensus among 179 Member States that increasing social, economic and political equality, including a comprehensive definition of sexual and reproductive health and rights that reinforced women’s and girls’ human rights, is the basis for individual well-being, lower population growth, sustained economic growth and sustainable development. The ICPD PoA refers to RtoD in principle 3: “*The right to development must be fulfilled so as to equitably meet the population, development and environment needs of present and future generations*” followed by paragraph 3.16 of the PoA: “*The objective is to raise the quality of life for all people through appropriate population and development policies and programmes aimed at achieving poverty eradication, sustained economic growth in the context of sustainable development and sustainable patterns of consumption and production, human resource development and the guarantee of all human rights, including the right to development as a universal and inalienable right and integral part of fundamental human rights.”*

The General Assembly mandated ICPD Beyond 2014 Review, further elaborated the link of Right to Development with the ICPD. The **“Framework of Actions for the follow-up to the Programme of Action of the ICPD”** was subsequently formally acknowledged by the UN General Assembly at the special session in 2014. The General Assembly called upon countries to fulfill the commitments made in Cairo twenty years earlier and address widening inequalities and emerging challenges, as outlined in the ICPD Framework of Actions.[[3]](#footnote-3) The review substantiates the central premises of the ICPD and that of the Right to Development “The human person is the central subject of development and should be the active participant and beneficiary of the right to development.” (Article 2 of Declaration on the Right to Development). The Review points to significant progress in some areas, for some people. However, it also finds that little has changed for the poorest and most marginalized. The Framework also provides governments with evidence-based guidance on how to realize the unfinished ICPD agenda, including ways to accelerate implementation of the Programme of Action in support of countries' development objectives.

This guidance is highly relevant for the efforts to implement RtoD, hence key recommendations from the ICPD Framework of Actions are reiterated in this submission, with a view to the agreed goals and targets in 2030 Agenda for Sustainable Development.

# Critical principles to advance the Right to Development

The ICPD Framework of Actions concluded that the path to sustainable development will demand better leadership and greater innovation to address critical needs. In the following, three critical aspects central to UNFPA’s work will be elucidated in order to argue for the criticality to advance the implementation of the RtoD.

##  Human rights and accountability

The ICPD PoA established human rights, including the RtoD, as critical to advance the ICPD PoA and sustainable development as such. Twenty years later, the ICPD Framework of Actions emphasized that respect, protection, promotion and fulfilment of human rights are necessary preconditions for realizing all of the unfulfilled objectives of the Programme of Action, the elaboration and fulfilment of rights are a critical metric for determining whether, for whom, and to what extent development has been achieved. To this end, the ICPD review acknowledged that ***Governments are accountable***, as duty bearers and vital actors, for the realization of all development goals and the fulfilment of the aspirations of the ICPD PoA.[[4]](#footnote-4)

ICPD PoA has advanced the understanding that both individual and collective development aspirations benefit from a central focus on individual dignity and human rights. By updating and advancing the implementation of such principles, Governments can achieve the goals set forth in ICPD, while accelerating progress towards a resilient society and a sustainable future for all.

UNFPA’s work is guided by ICPD’s prerogative to advance sexual and reproductive health and rights in a holistic manner by going beyond a narrow focus on either economic, social and cultural rights in the access to services or civil and political rights, in particular to non-discrimination, right to privacy and confidentiality, and right to freedom of association. Instead it must be reiterated that ***human rights are indivisible*** and that the full spectrum of the human rights framework is key to the implementation of the RtoD and must be applied in order to measure implementation.

Despite the numerous advances in human rights, significant gaps remain in the equitable realization of these rights for all persons, as well as in the ***development of systems of accountability****.* The prospects and need for accountability systems on human rights were highlighted in the ICPD review. It is particularly important for the implementation of the Right to Development that sustainable development cannot be achieved at structural level without strengthening of human rights protection systems and the linkages between the global, regional and national level. The ICPD review reiterated that systems of accountability and good governance provide a foundation for ***realizing rights-based development objectives***; ensure that quality data and knowledge are accessible to the public and to all decision-makers; and create enabling environments that allow all citizens, their informed representatives and civil society actors to exercise a check on the actions of Governments and other key actors and public authorities. National and international law, administrative practices, and protection systems are needed to ensure equal access to programmes and quality services, prevent abuses, address systemic gaps and failures, and provide opportunities for redress and remedy. Governments should assure effective mechanisms of review and oversight of government administration, including national human rights protections systems, courts, administrative review bodies, standing parliamentary procedures and forums for community participation.[[5]](#footnote-5)

UNFPA works to support **implementation of human rights accountability at national level** through support to National Human Rights Institutions’ capacity to monitor and research. In addition, UNFPA is working at national level to support implementation of recommendations from global and regional human rights mechanisms, in particular the Universal Periodic Review (UPR) and the Convention on Elimination of Discrimination against Women (CEDAW). [[6]](#footnote-6) The key rationale behind this strategic intervention is to enhance national ownership and build capacities for accountability to ensure the effective implementation of the array of national laws and policies that were adopted in line with the ICPD programme of action.

**As for the implementation of the Right to Development, the following standards should be met:**

* **Ensure indivisibility of rights: create conditions for the equal enjoyment of civil, political, economic, social and cultural rights**
* **Strengthen systems of accountability, including through participatory monitoring**
* **Strengthen the articulation between the global, regional and national level for the implementation of international human rights recommendations on the ground**
* **Adopt and implement legislation, policies and measures that prevent, punish and eradicate gender based violence within and outside of the family, as well as in conflict and post-conflict situations**
* **Ensure that all victims/survivors of gender based violence have immediate access to critical services**
* **Guarantee equality before the law and non-discrimination for all people, by adopting laws and policies to protect the human rights of all individuals, without distinction of any kind, in the exercise of their social, cultural, economic, civil and political rights**
* **Eliminate preventable maternal mortality and morbidity as urgently as possible by strengthening health systems and thereby ensuring universal access to quality prenatal care, skilled attendance at birth, emergency obstetric care, and postnatal care for all women, including those living in rural and remote areas.**
* **Ensure access to remedies and redress to victims of human rights violations.**

##  Equality and participation

2030 Agenda makes a strong call to ensure that ***inequalities are reduced*** by first serving the most vulnerable and marginalized. In promoting universal access to SRHR, UNFPA has long endorsed such values, working to improve coverage and quality of health services for those “furthest behind”.

Economic and social inequalities are both the cause and the consequence of other social inequalities, including those experienced because of gender, race, disability, age or other dimensions of identity and circumstance. The ICPD Framework of Actions emphasized the need for comprehensive measures to ensure ***equality,*** ***non-discrimination and the realization of human potential*** for all population groups. UNFPA is supporting Member States to address the multiple and overlapping forms of inequality, disempowerment and discrimination, through a commitment to equality and non-discrimination for all persons, without distinction of any kind, in the exercise of their social, cultural, economic, civil and political rights, including the right to gainful employment, residence and access to services, as well as the need to promulgate and enforce laws that take active steps to protect people from discrimination, stigma and violence.[[7]](#footnote-7)

In using data for planning of development, the ICPD Framework of Actions reiterated the need for ***disaggregation of data*** and that States should ensure adequate measures that allow monitoring of inequality in access to public services, accountability structures and information, including sampling that will enable stratification and comparisons by race and ethnicity, age (including youth and older persons) and household wealth, and with greater attention to spatial circumstances, especially those that reflect insecurity of place, such as slums or informal settlements, among recent migrants and internally displaced persons.[[8]](#footnote-8)

Social and health consequences of inequality and exclusion not only hinder human rights-based development, but they also have the potential to ***destabilize societies.*** The ICPD Framework of Actions also highlighted how in today’s globalized world, where information spreads throughout countries and the world in an instant, the increasing concentration of wealth and its links with unemployment, social injustice and powerlessness of millions have become a touchstone for political protests, conflict and instability.[[9]](#footnote-9)

In this regard***participation of rights-holders*** is quintessential. Member States should adapt necessary legal frameworks and formulate policies, with the full participation of those who are discriminated against, including women, adolescents, older persons, persons with disabilities, indigenous persons, ethnic and racial minorities, migrants, persons living with HIV, persons of diverse sexual orientations and gender identities and sex workers, and with the ***participation of civil society*** ***throughout the process*** of design, implementation evaluation of those policies.[[10]](#footnote-10) While States continue to bear the primary obligation to ensure human rights, it is increasingly recognized that achieving good governance and development is the ***responsibility of a variety of non-State actors.*** Thus, the promotion of favorable conditions for free and inclusive participation of all stakeholders — Governments, parliamentarians, civil society and others, representing a diversity of opinions, interests and skills — remains a priority. Greater efforts must be made to redress inconsistencies and foster the inclusive, transparent participation of all key population groups in the decisions that affect them, including adolescents and youth, persons with disabilities, older persons and indigenous peoples.[[11]](#footnote-11) In addition, the private sector plays a distinct role in addressing adverse impacts of business activities on human rights and development.[[12]](#footnote-12)

**As for the implementation of the Right to Development, the following standards should be met:**

* **Reduce economic and social inequality, through comprehensive investment for the progressive realization of economic, social and cultural rights as well as to address violations to civil and political rights, including the obligation of non-discrimination and freedom from violence.**
* **Invest in data disaggregation to strengthen transparency and informed investments in development and population groups living in vulnerability and marginalization.**
* **Strengthen systematic participation and demand creation: Governments should guarantee and facilitate active participation of all people, including through non-governmental actors, in the development, implementation, monitoring and evaluation of policies and programmes.**
* **Invest in building young people’s capabilities and equip them with the skills to meet the labour demands of the current and emerging economies, and develop labour protection policies and programmes that ensure employment which is safe, secure, and non-discriminatory.**
* **Ensure that migrants are able to realize fundamental human rights of liberty, security of person, freedom of belief and protection against forced labour and trafficking, and full rights in the workplace, including equal pay for equal work and decent working conditions, as well as equal access to basic services.**
* **Comprehensive measures are needed to ensure non-discrimination, equality, and the realization of human potential for all population groups.**
* **Undertake the necessary long-term investments in training, recruiting and rewarding health care workers to increase their numbers and strengthen their capacity, with a focus on ensuring that human resources are available to provide universal access to quality SRH services.**

##  Youth and the Demographic Dividend

The demographic dividend and its recognition in the Agenda 2030 Declaration underlines the importance of youth to advance the RtoD. Roughly one quarter of the world’s population is between 10 and 24 years old. The aspirations and achievements of these young people will shape the future. Never before have there been so many young people, never again is there likely to be such potential for progress.

Sustainable development cannot be achieved without assuring that all women and men, girls and boys are able to exercise their human rights, which entails expanding their capabilities, enjoying access to reproductive health and rights, finding decent work, and contributing to sustainable growth. Defining the necessary policies and investments to secure that future, demands that governments have the capacity to know their demographic realities including disaggregated data on size, sex, location, and age structure of their present and future populations, so that they can tailor investments to ensure inclusive growth, and leave no one behind including those who are most disadvantaged and marginalized.

Countries with the greatest ***demographic advantages for development*** are those entering a period in which the working age population will have a low proportion of young dependents, and the benefits of good health, quality education and decent employment. The smaller number of children per household generally leads to larger investments per child, more freedom for women to enter the formal workforce, and more household savings for a secure old age. When this happens, the national economic payoff can be substantial, leading to a demographic dividend.

UNFPA works with partners, including civil society, communities and governments, to encourage policies that can help realize this dividend, respecting human rights and gender equality. Such policies include improving access to quality education and jobs, as well as investing in the health, particularly the sexual and reproductive health and rights of young people. Both ***public action and private investment*** are critical to guarantee the rights, freedoms, health, education, and safe employment of people and to create a climate for investment and build the needed businesses for well-paid jobs. Governments need to make the necessary investments to ensure the conditions that are critical for realizing the demographic dividend, such as:

* Rapid improvements in human rights-based health, including sexual and reproductive health (voluntary family planning, maternal health, HIV prevention and treatment, etc. ) gender equality and the women’s empowerment;
* Widespread human capital investment for a healthy, well-educated and skilled workforce;
* A business-friendly environment and the sustainable growth of formal and decent employment for both men and women

**As for the implementation of the Right to Development, the following standards should be met:**

* **To implement policies to invest in the needs of adolescents and youth, to empower them with capabilities and provide them with opportunities, including empowerment, quality education, health and decent work, to realize their full potential as a way of harnessing the demographic dividend.**
* **Young people should be at the center of development: States should invest in building young people’s capabilities and equip them with the skills to meet the labor demands of the current and emerging economies, and develop labor protection policies and programmes. Efforts must also include a focus on productive investment in technologies, machineries, infrastructure, and the sustainable use of natural resources to create employment opportunities for young people.[[13]](#footnote-13)**
* **Develop, in partnership with young people and health care providers, policies, laws, and programmes that recognize, promote, and protect young peoples’ sexual and reproductive health and rights and lifelong health.**
* **In youth development, States must take into account disparities with regards to gender and invest accordingly in empowerment of young women and girls to observe equal access to development. States should implement their commitments to promote and protect the rights of girls by enacting and implementing targeted and coordinated policies and programmes that concretely address:
(a) ensuring gender parity in access to school;
(b) providing comprehensive sexuality education;
(c) reducing adolescent pregnancy;
(d) enabling the reintegration of pregnant girls and young mothers into education at all levels, with a view to empowering the girl child and young women to achieve their fullest potential; and
(e) eliminating of harmful traditional practices such as child, early and forced marriage and female genital mutilation/cutting.[[14]](#footnote-14)**
1. UNFPA (2014): International Conference on Population and Development Programme of Action (1994), Twentieth anniversary edition, http://www.unfpa.org/publications/international-conference-population-and-development-programme-action [↑](#footnote-ref-1)
2. UN (A/69/62)(2014): “Framework of Actions for the follow-up to the Programme of Action of the ICPD”, http://icpdbeyond2014.org/about/view/29-global-review-report [↑](#footnote-ref-2)
3. UNSG (2014): "Framework of actions for the follow-up to the Programme of Action of the International Conference on Population and Development beyond 2014, Report of the Secretary-General", <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/223/69/PDF/N1422369.pdf?OpenElement> [↑](#footnote-ref-3)
4. ICPD Framework of Actions, para 20, 21. [↑](#footnote-ref-4)
5. ICPD Framework of Actions, para 755 [↑](#footnote-ref-5)
6. For more information, please see UNFPA’s report on SRHR in the UPR’s first cycle. UNFPA (2014): “From Commitment to Action on Sexual and Reproductive Health and Rights”, <http://www.unfpa.org/publications/commitment-action-sexual-and-reproductive-health-and-rights> [↑](#footnote-ref-6)
7. ICPD Framework of Actions, para 285 [↑](#footnote-ref-7)
8. ICPD Framework of Actions, para 683 [↑](#footnote-ref-8)
9. ICPD Framework of Actions, para 76 [↑](#footnote-ref-9)
10. ICPD Framework of Actions, para 286 [↑](#footnote-ref-10)
11. ICPD Framework of Actions, para 756 [↑](#footnote-ref-11)
12. In resolution 17/4 (2011), the Human Rights Council endorsed the “Guiding Principles for Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework”. [↑](#footnote-ref-12)
13. ICPD Framework of Actions, para 194 [↑](#footnote-ref-13)
14. ICPD Framework of Actions, para 165 [↑](#footnote-ref-14)