

Rights-based Advocacy

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The Sustainable Development Agenda, despite having reached global consensus and being firmly grounded in international human rights standards, is not legally binding. Moreover, the existing mechanisms for monitoring its implementation by States are relatively weak.¹

However, **under international human rights law, States are obliged to uphold numerous commitments.** Indeed, when a State ratifies an international treaty, it commits itself to protect, respect, and fulfill the obligations set out in that treaty.² To do so, **Governments have to implement domestic measures and legislative frameworks in accordance with their treaty obligations.**

Three types of State obligations:

1. *Respect*: Refrain from interfering directly or indirectly with the enjoyment of the rights set out in the treaty.
2. *Protect*: Prevent third parties from interfering with the rights set out in the treaty.
3. *Fulfill*: Adopt appropriate measures (legislative, administrative, judicial, etc.) to facilitate the enjoyment of the rights set out in the treaty.

To date, there are **nine core international human rights treaties**, also called “*the core human rights instruments*”. Some of these treaties are **supplemented by “Optional Protocols”, which provide additional substantive rights.** However, as these protocols are facultative, State parties to the treaty may decide not to ratify them. In addition, **other universal instruments** relating to human rights **are available online.**³

It is important to mention that some States have made reservations to various articles of the international human rights treaties. That is, they do not agree with some specific provisions, although they have ratified the treaty.

International human rights law defines the relationship between States that voluntarily accept the obligations in human rights treaties as “*duty-bearers*” **of human rights, and people** living in those States as “*rights-holders*”. The primary responsibility to ensure the enjoyment of human rights by all rights-holders rests with the Government. As aforementioned, this is more than a responsibility; it is a legal obligation.

However, to ensure this happens, all rights-holders, especially the most vulnerable and marginalized, must be fully aware of their rights and be empowered enough to claim for them and to hold Governments accountable for breaches of human rights. Similarly, governments

need to understand what their obligations are and have the capacity to meet them. In doing so, they should be supported by other stakeholders, including those that share some level of responsibility with them. Society as a whole has a significant role to play in the implementation of human rights.

This is what is called a “*human rights-based approach*” to development: “*A conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights*.”⁴

It is a **transformative approach** in as much as it is guided by human rights principles and addresses the inequalities, discriminatory practices, and unjust power relations that are at the heart of many of the world’s major injustices. **With this approach, the duty-bearers and the rights-holders play an active role in development.**

It took decades for the **United Nations System** to get to a “*Common Understanding*”⁵ of the **human rights-based approach to human development**. The World Conference on Human Rights in Vienna in 1993 was a turning point that accelerated the debates of the international community on the link between human rights and development.

Human rights-based approach UN common understanding:

1. All programs of development cooperation, policies, and technical assistance should further the realization of human rights, as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Programs of development cooperation contribute to the development of the capacities of “duty-bearers” to meet their obligations and of “rights-holders” to claim their rights.

Although it was born within the United Nations System, nowadays, the human rights-based approach is the guiding framework for many other organizations, including multilateral and nongovernmental ones.⁶

As aforementioned, States’ accountability is a core characteristic of this approach.

HOW ARE STATES’ PARTIES LEGAL OBLIGATIONS MONITORED AND WHO IS RESPONSIBLE FOR THIS?

Monitoring and accountability takes place at different levels (national, regional, and international) and involves a variety of actors, including the State itself, national human rights institutions, civil society organizations, and international bodies. Civil society actors, in particular, can play a crucial role in the follow-up and implementation of human rights.

Indeed, **precise mechanisms have been established to monitor the implementation of each one of the nine core international human rights treaties implementation by State parties.**

When a Government ratifies a treaty, it agrees to be reviewed periodically and to be held accountable by these mechanisms. Noncompliance by a State party can negatively affect the State’s reputation within the international community. **These mechanisms constitute the so-called “International Human Rights Protection System.”**

Table 1.1 lists the nine core human rights instruments and their monitoring bodies.

In addition, **all Governments**, including those that have not ratified one or more human rights treaties, **regularly review each other's fulfillment of human rights, through a "peer review" mechanism**, known as the **Universal Periodic Review (UPR) of the Human Rights Council**.

Chapter 2 provides more details on the structure and functioning of these international mechanisms, especially on what opportunities there are for non-State actors' engagement to contribute to monitoring and accountability.

Many of the nine core human rights treaties contain legal obligations directly or indirectly relating to girls' and women's health. Ensuring that States protect, respect, and fulfill those obligations accelerates the achievement of the sustainable development goals (SDGs) and targets. **Non-State actors dedicated to the improvement of women's health and well-being can significantly contribute to strengthening States' accountability and hold Governments accountable** for breaches of girls' and women's human rights.

Table 1.1: The nine core human rights instruments and monitoring bodies.

<i>Date of adoption</i>	<i>International human rights instruments</i>	<i>International human rights treaty bodies (monitoring bodies)</i>
21 December 1965	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Committee for the Elimination of All Forms of Racial Discrimination (CERD)
16 December 1966	International Covenant on Civil and Political Rights (ICCPR)	Committee for Civil and Political Rights (CCPR)
16 December 1966	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)
18 December 1979	International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Committee on the Elimination of Discrimination against Women (CEDAW)
10 December 1984	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture (CAT) Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), established pursuant to the Optional Protocol of the Convention against Torture (OPCAT)
20 November 1989	Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC)
18 December 1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW)	Committee on Migrant Workers (CMW)
20 December 2006	International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	Committee on Enforced Disappearances (CED)
13 December 2006	Convention on the Rights of Persons with Disabilities (CRPD)	Committee on the Rights of Persons with Disabilities (CRPD)

This is why, a global player like The International Federation of Gynecology and Obstetrics (FIGO), together with its Member Societies, should engage in international “rights-based advocacy” to make a difference at a country level.

To use the robust existing human rights mechanisms is potentially the most effective way to inform, support, and enforce the “nonbinding” Sustainable Development Agenda. By strategically aligning girls’ and women’s health-related SDG targets with legal obligations stipulated in human rights treaties, FIGO and its Member Societies can strengthen Governments’ accountability in delivering the SDG commitments and protecting girls’ and women’s human rights.

Annexure 1 of this Handbook underlines the links between the SDG targets and the corresponding human rights obligations in the areas of sexual and reproductive health and rights, maternal and neonatal health, etc., that are most relevant to FIGO. The table can be used to inform and prepare advocacy strategies.

The **rationale for the engagement of FIGO and its Member Societies in international human rights-based advocacy** is based on the need for:

- Collaborative efforts to advance girls’ and women’s health and rights to reach the SDGs
- Organizations’ commitment to apply the international human rights mechanism recommendations as powerful tools to support and shape local action⁷
- Actors like FIGO to provide independent, scientific, reliable information about the condition of girls’ and women’s rights related to health. FIGO and its Member Societies can also partner with other non-State actors and provide them with research material that can be used for evidence-based advocacy.

Indeed, FIGO can take advantage of its intellectual and scientific capital to obtain a higher level of respect, protection and fulfillment of girls’ and women’s sexual, reproductive, maternal health, and rights, **at global and national levels.**

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