Civil society has spoken loudly and clearly: we want a human rights-based approach to the post-2015 development framework. The Secretary General of the UN acknowledged this in his recent report – A life of dignity for all – when he wrote that one of the emerging outlines of the new framework was that it will be “rights-based, with particular emphasis on women, young people and marginalized groups…” (16) [emphasis added].

Dismissing a rights-based approach led do some of the most significant lost opportunities within the MDGs. While the MDGs were able to make some truly astonishing achievements, most civil society activists and academics recognize that insufficient attention to inequalities diminished the MDGs’ potential. The focus on averages and aggregate data obscured the degrees to which different groups, especially marginalized groups, benefited or did not benefit from the progress of the MDGs. The MDGs failed to recognize young people and the structural factors that affect their lives, ignoring the particular vulnerabilities, discrimination and violence they face. The focus on averages also obscured the serious inequalities within and between countries that affect young people’s lives. Adding to that, the lack of accountability mechanisms was also responsible for not reaching the MDGs and the marginalized groups most affected. The new development framework runs the risk of repeating this same mistake if it is not grounded in human rights, since a human rights basis requires not only a focus on the most marginalized groups, but their empowerment and active participation.

Sexual rights protect everyone’s rights to fulfill and express their sexuality and enjoy sexual health and pleasure. As recognized by the Montevideo Consensus, the Bali Declaration and other international human rights documents,1 sexual rights are human rights and include the right to health, the right to freedom of expression and the right to education. As agreed in the Bali Declaration, sexual rights guarantee youth the right to a “safe and full sex life, as well as the right to take free, informed, voluntary and responsible decisions on their sexuality, sexual orientation and gender identity, without coercion, discrimination or violence, and that guarantee the right to information and the means necessary for their sexual health and reproductive health” (D.34). All people have the right to fulfill their sexual rights, regardless of class, gender, race, ethnicity, age, disability status, sexual orientation and religion.

Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic rights for all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to the highest attainable standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights consensus documents (UN Programme of Action adopted at the International Conference on Population and Development, Cairo, 5-13 September 1994, Para 7.3).

Youth is a period of transition from the dependence of childhood to the independence of adulthood, which comes with various responsibilities and challenges related to earning one’s own livelihood and living one’s own sexual and reproductive life. While the UN defines youth as persons between the age of 15 and 24, youth is more of a fluid category than a fixed age group. It is important to recognize that youth are not homogenous and that all young people, irrespective of their differences, have an increasing capacity to deal with the challenges of living their lives on their own terms, which also involves playing a key role in the development of their communities, claiming and accessing their rights and fulfilling their personal and civic potential.

A human rights-based approach, with its foundation of equality, participation, interdependence and universality, includes the principles below and would ensure that initiatives coming out of the post-2015 development agenda reach those most in need, including young people from marginalized groups, and that programs address the root causes of poverty, such as discrimination and inequality.2

**Principles of a Human Rights-Based Approach:**

1. **Non-discrimination and Equality:** While young people are not a homogenous group, all young people face and are affected by age discrimination, which intersects with other types of discrimination, such as gender, race, sexual orientation, etc., placing certain groups of young people at heightened risk of human rights violations compared to their youth and adult peers, such as young women, young people living with HIV/AIDS, young gender nonconforming people, young LGBT people, young sex workers, young migrants or young people with disabilities.

2. **Participation and Empowerment:** Participation not only enhances the effectiveness of development programs, it is also a basic human right. No society can be fully developed if its youth are not empowered and actively engaged in the process. The active participation of young people is both an outcome and a precondition for the development of stable, prosperous and democratic societies that respect human rights for all.

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1 “Sexual rights” has been adopted as UN agreed language and included in the outcome of the Global Youth Forum 2012 and both the 2013 UNECLAC and UNESCPR Regional Population Conferences, which have been a part of ICPR Operational Review.

2 A full review of the literature on human rights, development, and sexual and reproductive rights is beyond the scope of this brief. For more comprehensive information, please see the suggested further reading at the end of the document.

3 For more information about the links between sexual and reproductive rights and poverty, please see Including Youth in the Post-2015 Development Agenda: Youth Sexual and Reproductive Rights & Poverty. Available at www.youthcoalition.org.

4 For more information on a human rights-based approach please see: http://hrbaportal.org.
Young people have a right to be involved meaningfully in the planning, implementation, evaluation, and monitoring of the development programs that affect their lives.

3. Accountability: Effective political agreements require mechanisms that ensure governments are accountable in all of the different areas of implementation. These mechanisms should be broad and include the accountability of non-state actors such as donors, financial institutions and health care provider, among others.

An explicit human rights basis for the post-2015 development agenda would enable the existing human rights system, such as the Human Rights Council, to monitor countries’ progress and hold governments accountable when their policies or programs violate human rights, including young people’s rights.

1. The post-2015 agenda should be developed in line with existing international human rights standards, including the Convention on the Rights of the Child (CRC), which recognizes the evolving capacity of children and young people to make decisions affecting their lives, including health-related decisions, and the third Optional Protocol, which enables individual petitions under the CRC.

2. The new development framework should include explicit indicators on national laws and policies related to its agenda and call for the removal of laws that violate young people’s human rights, such as parental and spousal consent laws for accessing health care or laws criminalizing same-sex sexual activity, transmission of HIV and safe abortion, as well as the inclusion of legislation that protect young people’s human rights.

3. Specific qualitative and quantitative indicators related to young people, including those from marginalized groups, should be included in the new framework for all relevant targets. For example, a health goal could include a target on youth-friendly health services that has explicit indicators related to the health needs of young people living with HIV/AIDS, young women and girls and young LGBT people. Without explicit indicators, the unique health needs of these populations would be obscured and they would not benefit as fully as their peers. Indicators to measure the participation of young people in planning and decision-making processes should also be included.

4. All programs in the new development framework should be developed using a human rights assessment that involves all members of the affected community, including young people, especially those from marginalized groups. In the human rights assessments, the assessment team must ask: How can we ensure that this program addresses the root cause(s) for the non-realization of human rights?

5. In order to assess the human rights impact of a given program, governments must collect disaggregated data along all relevant lines, including age, gender, disability status, race/ethnicity, geographical location, wealth quintile, HIV status, and other relevant characteristics. In particular, there is a need to gather data for adolescents aged 10-14, especially with regard to their sexual and reproductive health and rights, as programs frequently fail to address the needs of young adolescents.

References for further reading & bibliography


Suggested Further Reading


Special Rapporteur on the right to health: http://www.ohchr.org/EN/Issues/Health/Pages/SRRightHealthIndex.aspx