



A2K and Human Rights

A2K3

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Panellists

- Marisella Ouma, ACA2K
- Molly K. Beutz, New York Law School
- Christian Courtis, International Commission of Jurists
- Caroline Dommen, 3D -> Trade - Human Rights - Equitable Economy





Relationship between A2K and human rights

- Shared concerns, themes and underlying approach
- Measuring achievement
- Legal bases for advocacy





Shared concerns

- pro-public interest approach to policy-making, seek outcomes consistent with development commitments
- commitment to transparency in policy-making
- giving individuals and groups the means to claim their rights (through giving them the means to know about them)





Shared themes

- **Education**
- **indigenous knowledge**
- **linguistic and cultural diversity**
- **freedom of expression**
- **gender issues**





Shared underlying approach

Amartya Sen's capabilities approach to human development:

- consistent with human rights' approach of looking at the quality of life - particularly of the most vulnerable - rather than overall economic figures or quantitative data.





A word of caution

From a human rights perspective, access to some knowledge may not be desirable





Measuring achievement I

A human rights approach:

- **Availability**
- **Accessibility**
 - Non-discrimination
 - Physical accessibility
 - Economic accessibility (i.e. affordability)
- **Acceptability or Quality**

CESCR General Comment on the Right to Education
<http://www2.ohchr.org/english/bodies/cescr/comments.htm>





Measuring achievement II

Another human rights approach:

Obligations of action

1. Respect
2. Protect
3. Fulfil

Obligations of process

1. Non-discrimination
2. Adequate progress
3. Participation
4. Effective remedy

Resource

See Human Rights Impact

Centre, www.humanrightsimpact.org





Legal bases for advocacy

- **Right to education**
Art. 26 UDHR, art. 13 ICESCR & art. 29 CRC
- **Right to adequate food**
Art. 25 UDHR, art. 11 ICESCR & art. 27 CRC
- **Right to health**
Art. 24 UDHR, art. 12 ICESCR & art. 24 CRC
- **Right to development**
Art. 28 UDHR & art. 2(1) ICESCR





Marisella Ouma

LAW, TECHNOLOGY AND ACCESS TO EDUCATIONAL MATERIAL





CHRISTIAN COURTIS

The Right to Education



Molly K. Beutz

The Right to Take Part in Cultural Life: Reconciling IPRs and Article 15 of the ICESCR





CHRISTIAN COURTIS

Economic, Social and Cultural Rights
Legal Content, Means for their Defense





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3D → Trade - Human Rights - Equitable Economy promotes collaboration amongst trade, development and human rights professionals, to ensure that trade rules are developed and applied in ways that promote an equitable economy.

Our objectives are :

- To promote collaborative efforts between people working to promote an equitable economy,
- To strengthen the capacity of human rights advocates to raise their concerns with trade decision-makers,
- To encourage the use of human rights mechanisms and rules in support of efforts to promote an equitable economy, and
- To ensure accountability of all economic actors.

