

## Preface

### Making Fundamental Rights Count

While the twentieth century was marred by some of history's worst violence—repeated genocides underscoring one group's ability to utterly dehumanize another—and by neglect that led to millions of preventable deaths each year, it was also a century in which people from every nation, religion, and ethnic group around the world came together for the first time to recognize common human rights. Hopes turned into promises. These collective aspirations were embodied in global agreements through the United Nations and other international organizations, but those same bodies had little direct control over translating the dreams of basic rights into daily realities. The responsibility to ensure equal rights irrespective of gender, class, race, ethnicity, or religion; to prevent discrimination on the basis of disability; and to ensure access to health, education, and decent working conditions continues to fall primarily on the shoulders of individual countries.

Have the promises been kept? Little information has been systematically gathered regarding countries' efforts to improve equity. Through human rights organizations and other like-minded institutions, civil society has begun to document and publicize violations of political and civil rights; however, far fewer efforts have been made to track progress in achieving social and economic rights across societies. In the first decade of the twenty-first century, there are few places to which one may turn for readily accessible,

easily interpretable information on whether different countries are making critical progress toward providing everyone with the fundamental rights necessary to achieve healthy, productive lives for themselves and their children. At a time when computer search engines can immediately locate any nation's GDP, it is far more difficult to find out how many and which countries have effectively ensured basic rights at work; which nations have genuinely guaranteed equal rights across race, ethnicity, gender, and religion; or how accessible and affordable is quality education—a critical foundation for equal opportunity.

Over the past decade, I have had the great privilege of leading a committed, energetic team of researchers in helping to fill this information gap. Our World Rights Legal Data (WoRLD) center examines the status of economic and social rights in 192 UN nations, with a focus on rights that promote equity. A fruitful dialogue can be had about which measures are most important when it comes to enabling all people to prosper. Is ensuring that everyone has an equal opportunity at achieving success the most critical factor, or ensuring that people's basic needs for safety, food, water, housing, and healthcare have been met? Our work takes as a premise that it is a combination of both of these measures. Regardless of where human beings are born or live and irrespective of their skills and capacities, they should be able to live under decent conditions. Furthermore, the conditions they face as they learn as children and labor as adults should give people an equitable chance at succeeding beyond that floor of having basic needs fulfilled. As a result, this initiative to document rights around the globe includes examining the quality and nature of education that shapes children's life chances; the attributes of working conditions that shape adults' lives and those of their families; the prevention of discrimination that biases outcomes; and the laws that move countries closer to the promise of just, equitable societies. *Raising the Global Floor* is the first book emerging from this major initiative to map constitutions, laws, and public policies around the world that form the foundation for basic guarantees and equal opportunities.

### Why Take an Interest in Conditions Worldwide?

Each of us has to decide whether to be concerned with equity in our local community, in our country, or globally. There are two main reasons to care about what countries around the world are doing to address poverty, health,

education, working conditions, and other areas that have the capacity to increase or erode equal opportunity. The first stems from a fundamental belief in the equal value of all human lives, irrespective of where people are born. The same sense of compassion and fairness that motivates us to work to prevent children from going hungry locally makes us concerned that children not go hungry elsewhere. Still, far more people share this moral, philosophical, or spiritual premise than act on it—in part because it is easier to ignore devastating conditions that are far away than those that are nearby, and in part out of a sense of futility about solving problems from which we are geographically removed. We hope this initiative will be one of many that helps chip away at barriers to thinking beyond inequalities and injustices just in our local areas, by providing information that makes it harder to ignore and easier to address these disparities globally.

But not everyone believes we have a strong obligation to ensure a decent floor of living conditions and equal opportunity for all human beings. For those who believe otherwise, who feel their primary obligation is only to their neighbors, there is a second reason to take an interest in global conditions. The remarkably rapid globalization that occurred during the twentieth century, the dramatic rise in the speed of transportation, the availability of inexpensive and instantaneous communication, and the relative ease of migration changed the facts about what influences life in Houston and Gaborone alike. The most recent economic crisis should remove all doubt that the world's economies are tightly intertwined. Economic success or failure in one country can rapidly spread and produce major effects on a cascading number of nations. Long before the current economic crisis, it was evident that poor labor standards in one country affected the likelihood of other countries offering decent working conditions. Similarly, the story of global climate change has left as little question about the world's environmental interconnectedness as AIDS left about the world's health interdependence.

Anyone concerned only with their own nation's economic success, high standards of working conditions, health, welfare, or environment needs to address these same conditions globally if they want to succeed at addressing them sustainably at home. To do so requires knowing what the conditions are in the rest of the world—a critical knowledge gap this project begins to fill—regarding policies that help to guarantee a minimum standard of decent living and working conditions, nondiscrimination, and equal opportunity worldwide.

## Why Examine Legal Rights?

To examine what countries have done to guarantee basic rights and equalize opportunity, we began by looking at countries' constitutions and laws as these are the mechanisms by which nations formalize their long-term, national commitments to those living within their borders. Unlegislated policies, in contrast, can be unpredictable from one year to the next and are often local rather than national in scope. While individual programs give us a sense of what protections are available in a city or region, they may not be representative of a country's national policies and practices.

While legislation has the advantage of being, on average, more enduring, it is also an imperfect measure because countries can have good laws on the books but poor implementation. We consider it crucial that initiatives that examine legal rights be followed up with assessments of implementation and efforts to hold countries accountable for follow-through.

Why are laws important if there is no guarantee of full implementation? Across countries, having laws on paper does make a difference in practice. Laws lead to change by shaping public attitudes, encouraging government follow-through with inspections and implementation, and enabling court action for enforcement. Even when local enforcement is inadequate, laws may still have an impact by shaping the terms of political debate. Most important, laws that promote equality have led to significant change even in advance of societal norms. Many efforts to increase equal access and equal opportunity—whether across gender, ethnicity, religion, or sexual orientation—have generated resistance historically. Laws are a mechanism by which power can be democratically redistributed, changes in institutions can be created to ensure greater fairness, and a social floor guaranteeing minimum humane conditions can be established.

## Why Global Findings Have Been Unavailable Before Now and What Can Be Done With Them

In the past, detailed global comparisons of legal rights have not been available because of the many barriers to performing such comparisons. Finding out what laws are on the books in 192 UN nations requires access to all of the laws in their original languages or in translations, a multilingual team, an immense amount of work to make them comparable, and then countless person

hours to sift through all the information. When we began this initiative, we did not fully appreciate the amount of work required to bring this information together in a comprehensible, accessible format.

As we develop this global rights data center, our hope is that the information it contains will not merely sit in a book or in reports, but rather be actively used to promote change. We hope the data will empower citizens worldwide to learn how their own nations measure up when it comes to providing basic guarantees, and where lacking, to press their governments to move toward achieving global standards for the protection of rights.

### **Raising the Global Floor**

The first set of laws this book examines are those pertaining to labor and working conditions. Alison Earle has worked side by side with me since the beginning of this initiative. The most common way for working men, women, and their families worldwide to exit poverty is through work. Education is a ladder out of poverty, because it gives access to better jobs. Jobs define people's income as well as the conditions under which they work and live, which in turn affect their own health, the health of their families, and future opportunities for their children. It is the central role that good working conditions play in addressing poverty, in providing equal opportunities for adults, and in shaping the opportunities of adults and children alike that led us to start with labor.

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