

A Rights-Based Approach to Development:

**What the policy documents of the UN,
development cooperation and NGO
agencies say.**

This document summarizes how a selection of development cooperation agencies, UN agencies and NGOs active in Asia define the rights-based approach to development, why they have adopted their policy and how they have incorporated it into their programmes. If an organization has not adopted a rights-based approach, we have summarized how it describes the relationship between human rights and development. The descriptions and language are drawn directly from policy documents issued by the organizations themselves. These descriptions have either been provided by or reviewed by the agency concerned.

Prepared by Susan Appleyard, OHCHR Asia-Pacific, September, 2002

Questions asked in this survey of polices on rights-based approach:

This document sets out a summary of each organization's policy on human rights and development under a number of categories, in which we asked the following questions when reviewing the organization's policy documents:

Definition and Objectives

Defintion

How does the organization define a rights-based approach and what does it mean for the organization's development policies?

Position on human rights and development

Where the organization does not define a rights-based approach, how does it describe the relationship between human rights and development and what importance does it place on the role of human rights in its own development polices?

Objectives

What are the overall objectives of the organization's aid program?

Why adopt a rights-based approach?

Added-value of the rights-based approach

How does the organization describe the added-value that a rights-based approach brings to its development programme?

Guiding principles

What principles underlie the organization's approach to development? Where a rights-based approach has been adopted what principles does the organization believe underlie such an approach?

Global strategy

How has the organization implemented a rights-based approach or its policy on the relationship between human rights and development?

Challenges

What are the internal and external constraints facing the organization in adopting a rights-based approach? Where the organization has not adopted a rights-based approach, what are some of the reasons for this choice?

Development Cooperation Agencies:

- **Australian Agency for International Development (AusAID)**
- **Canadian International Development Agency (CIDA)**
- **Danish International Development Agency (DANIDA)**
- **Department for International Development (DFID) – United Kingdom**
- **European Commission**
- **Japan International Cooperation Agency (JICA)**
- **Norwegian Agency for Development Cooperation (NORAD)**
- **Swedish International Development Cooperation Agency (Sida)**

Ausaid does not adopt a rights-based approach to development.

Objectives

The objective of the Australian aid program is to advance Australia's national interest while assisting developing countries to reduce poverty and achieve sustainable development.

Position on human rights and development

The Australian government views human rights as an inseparable part of Australia's overall foreign policy approach, both because the treatment of human beings is a matter of concern to Australians and because promoting and protecting human rights underpins Australia's broader security and economic interests.

The Government's human rights policies are based on the universality of fundamental human rights – civil, political, economic, social and cultural.

From the 1997 White Paper on foreign and trade policy

Why Human Rights

Development and human rights are interdependent and mutually reinforcing. For development to be sustainable individuals in developing countries need to have secure and long-term access to the resources required to satisfy their basic needs, be they economic, social, cultural, civil or political.

Ausaid says its aid program attempts to maximise the benefits for human rights in all its development assistance activities.

Global Strategy

At the broadest level Ausaid believes its whole aid program contributes to the realisation of human rights. Ausaid supports a specific range of human rights activities through its global human rights program. This is achieved through the Human Rights Fund and the Centre for Democratic Institutions. These programs are aimed at reinforcing and giving practical effect to, the high priority that the Australian government places on civil and political rights.

This priority is also reflected through the emphasis Ausaid places on good governance. Governance is viewed as directly strengthening the capacity and climate in developing countries necessary for the realisation of civil and political rights. This is expected to lead to sustainable development by ensuring greater government accountability, effectiveness of the management of resources and the delivery of services.

Ausaid's human rights framework consists of 6 key strategies:

1. Human rights will remain a high priority for the government. Ausaid notes that the Australian government does not rank human rights.
2. Ausaid will continue to undertake activities that directly address specific economic, social, cultural, civil, and political rights. With a focus on creating durable institutional capacity to promote and protect human rights
3. Emphasis is on the practical and the obtainable and will build on high-level dialogue on human rights.
4. Activities will be developed in consultation and cooperation with partner countries on human rights initiatives. Regional and multilateral activities will also be undertaken.
5. Considerable care will continue to be applied in regard to the use of aid sanctions associated with human rights concerns.
6. Australia will continue to work with other organizations involved in human rights.

These strategies were outlined by the Minister of Foreign Affairs in his Annual Statement to Parliament, in December 1998.

Specific strategies of Ausaid include:

1. Improving awareness of, and capacity to fulfil, human rights obligations through education, training, and establishment of human rights institutions.
2. Protecting and promoting the civil and political rights of vulnerable groups, particularly women and children.
3. Promoting popular representation and participation.
4. Facilitating free and fair elections.
5. Strengthening the rule of law and improving legal systems.
6. Fostering and supporting a free media, and promoting community access to media

Challenges Associated with the rights-based approach

Ausaid's does not support a rights-based approach to development for the following reasons:

1. There is no agreed understanding about the meaning of the term.
2. The Australian Government views all human rights as indivisible and of equal priority.
3. Such an approach does not sufficiently address the role and responsibility of developing countries in dealing with the rights of their citizens.
4. Such an approach might predetermine and limit mechanisms for delivering aid.

Source

Ausaid Global Programs www.ausaid.gov.au/partner/global/humanrights.cfm

Definition & Objectives

Position on Human Rights and Development

The Canadian government regards respect for human rights not only as a fundamental value, but also as a crucial element in the development of stable, democratic and prosperous societies at peace with one another.

Canada's aid program values respect for human rights, democracy and rule of law and therefore its policies build on these values.

Objectives

CIDA's primary objective is to promote sustainable development in developing countries in order to reduce poverty and to contribute to a more secure, equitable and prosperous world.

CIDA's aid program also aims to promote prosperity, protect Canada's security within a stable global framework and to project Canadian values of democracy and the rule of law and culture.

“With respect to the development cooperation program administered by CIDA, the Government's policy is to enhance the will and capacity of developing country societies to respect the rights of children, women and men, and to govern effectively and in a democratic manner.”

Why adopt the rights-based approach?

Added Value of the rights-based approach

The adoption of a human rights, democracy and good governance approach to development creates;

- A society in which the development efforts of people, including individuals, civil society, and governments, will be effective.
- A program focused on ensuring an equitable distribution of power and resources within and between societies as well as facilitating public participation in decision making.
- A working environment in which all rights are treated equally and universally.
- The opportunity for people to be viewed as participants in their own development.
- An obligation on states to work towards ensuring that all rights are being met.

Principles

Underlying CIDA's approach to development is respect for human dignity, justice, equity, participation, and accountability

Global Strategy

To ensure its development program has human rights, democracy and good governance at its centre CIDA aims to strengthen:

- The role and capacity of civil society in developing countries in order to increase popular participation in decision making;
- Democratic institutions in order to develop and sustain responsible government;
- The competence of the public sector in order to promote the effective, honest and accountable exercise of power;
- The capacity of organizations that protect and promote human rights in order to enhance each society's ability to address human rights concerns and strengthen the security of the individual; and
- The will of leaders to respect rights, rule democratically and govern effectively.

CIDA has been working on respect for human rights, democratisation and good governance for many years. Recent initiatives include work on:

- Policy coherence
- Dialogue promotion
- Programming
- Potential negative impacts of development
- Response to extreme situations

Sources

All information is taken from:

Government of Canada Policy for CIDA on Human Rights, Democratisation and Good Governance.

[http://www.acdi-cida.gc.ca/cida_ind.nsf/852562900065549c8525624c0055bafb/498e7f0a30827528852563ff00611f10/\\$FILE/HRDG-Policy-e.pdf](http://www.acdi-cida.gc.ca/cida_ind.nsf/852562900065549c8525624c0055bafb/498e7f0a30827528852563ff00611f10/$FILE/HRDG-Policy-e.pdf)

Tara Collins, Senator Landon Pearson and Caroline Delany *Rights Based Approach*

This paper has been reviewed by DANIDA.

Human rights and democracy form an integral part of the development program.

Definition & Objectives

Position on human rights and development

DANIDA believes that human development encompasses not only economic and social welfare, but also the right to live with assurance of the protection that comes from respect for the rights of the individual as laid down by international conventions on human rights.

Also important to human development is the opportunity for all individual to engage democratically in the decision making processes that have bearing on their own lives and the future of their countries.

Therefore assistance on human rights and democracy is pursued at all levels within the DANIDA program, and at all stages of preparation and implementation.

Objectives

The primary goal of DANIDA is to promote sustainable development through poverty-oriented economic growth.

Encompassed in Denmark's development policy is the promotion of sustainable development through pro-poor growth. The creation of equity between men and women, respect for human rights and democracy, environment and popular participation are all central aspects of this policy.

DANIDA intends to achieve this by ensuring critical investment in education and health, development of infrastructure and support for the development of a private sector as a stimulus for growth. DANIDA also believes strong partnerships with developing countries are essential to development

Why Adopt a rights-based approach?

Added-value of the rights-based approach

This approach encourages:

- sustainable development that is oriented towards poverty reduction, the prevention of conflict respect for equal participation of women and men, regard for the environment and respect for human rights;
- good governance and administrative practices free of corruption leading to the development of pro-poor growth and fostering stable societies with the ability to peacefully resolve conflicts;
- the development of capacity of civil societies to engage in active and critical dialogue;
- partner governments to take responsibility for their own development by producing a poverty oriented national development strategy;
- the development of a better institutional framework for economic, social and political development.

A legal foundation in international and national law is provided by this approach. This enables recourse, for individuals whose rights have been violated, in domestic, regional and international courts

Guiding principles

DANIDA focuses on participation, equity, and accountability through democratisation.

Participation, particularly popular participation is a right for all people and an avenue through which the interests of the poor could be promoted.

Equality is used to refer specifically to men and women and includes equal access to and control of resources for both genders.

Global Strategy

In order to promote democratisation and respect for human rights DANIDA will:

- Promote democratisation and respect for human rights as an integral element in development activities at the same time as providing independent support for democratisation and human rights activities;
- Focus on democratisation and human rights as central elements in its political dialogue with the developing countries and in negotiations in the international system and strengthen the interaction between the two;
- Support democratic reforms that promote popular participation and influence at national level by strengthening democratic systems based on free and fair elections and at local level, through decentralisation and municipal reforms that devolve genuine decision-making competency to local representatives;
- Support the establishment of local autonomy and of national political systems that can accommodate ethnic, cultural and religious diversity and contribute to universal respect for minorities and the rights of indigenous people;
- Support the establishment of a well-functioning legal system, the promotion of the rule of law and the combating of violations of human rights, including torture and other cruel, inhuman or degrading treatment or punishment;
- Support the formulation of political objectives, the establishment of institutions and the propagation of ethical values to counter corruption, abuse of power and organised crime;
- Promote mechanisms for ensuring the systematic involvement of civil society and the organizations that represent the poor in the formulation and implementation of reform initiatives both nationally and locally; and
- Support an increased and more effective contribution from regional and international organizations, which are in many respects particularly well suited for promoting democratisation and respect for human rights.

Lessons Learned

- Human rights and democracy assistance is best when it is flexible responsive, timely and ingenious. Local contexts will differ in their requirements;
- Flexibility must be based on, and combined with, adequate problem analysis, clarity of purpose, identifiable outputs, a longer time horizon and improved project appraisal;
- Monitoring a typical human rights and democracy program requires near continuous dialogue, oversight and adjustment;

- Good programming and close monitoring will require a Danish presence of some kind in the field; and
- The political situation in the country needs to be considered before deciding to launch either comprehensive programs or single projects.

Challenges

A human rights and democracy approach to development faces the following challenges:

- How to respond to the fragility of multi-cultural societies?
- How to address the challenge of policy coherence?
- How to address the business community in human rights and democracy?

Sources

Denmark's Development Policy-Strategy
Denmark's Development Policy-Analysis Partnership 2000

From: http://www.um.dk/aspfiles/ny_publiste.asp?kat=82

Definition & Objectives

Definition

A human rights approach to development means empowering people to make their own decisions, rather than be passive objects of choices made on their behalf. It focuses on empowering all people to claim their right to opportunities and services made available through pro-poor development.

A rights based approach means that:

- development organizations should work in ways which strengthen accountability of governments to people living in poverty, particularly ensuring that citizen's can hold governments to account in regard to human rights obligations;
- promoting social justice and recognizing that equality matters. Addressing discrimination in legislation, policies and society will contribute to an environment in which excluded people have more control over their the rights and that the rights of poor people are not sacrificed for aggregate gain;
- poor people's perspectives will be linked with the national and international policy processes.
- poor people are both empowered and engaged in the decision-making processes which affect their lives.

Objectives

The UK's policy on international development is based on a commitment to the achievement of the International Development Targets, which can only be achieved through the engagement of poor people in the development processes that affect their lives. The objective of DFID is therefore to eliminate poverty.

Why Adopt the Rights-Based Approach?

Added-value of the rights-based approach

The rights-based approach facilitates more effective development in the following ways;

- The UDHR (and subsequent human rights instruments) defines clearly the economic, social, cultural, civil and political rights that should be available for all people. Thereby setting out the core responsibilities that all governments have towards their citizens. Some can be measured against the International Development Targets;
- Human rights provide a means of empowering all people to be active citizens with rights, expectations and responsibilities; and
- It focuses the discussion of poverty elimination on addressing the root causes.

Principles

DFID identifies three underlying principles, integral to the realisation of all human rights and the achievement of the International Development targets:

1. Participation – enabling people to realise their rights to participate in, and access information relating to, the decision making processes which affect their lives.
2. Inclusion – building socially inclusive societies, based on the values of equality and non-discrimination, through development which promotes human rights for all people.

3. Fulfilling obligation – strengthening institutions and policies which ensure that obligations to protect and promote the realisation of all human rights are fulfilled by states and other duty bearers.

Global Strategy

The Government's 1997 White paper on International Development, DFID set out its clear commitment to human rights.

DFID continues to work to implement this commitment in the following ways:

- through the development of expertise and understanding of rights-based approach through project work with partners from civil society as well as national and multilateral organizations;
- by working with partners to establish the root causes of poverty, discrimination and exclusion;
- establishing participatory methodologies for the assessment of local level understandings of poverty;
- developing expertise in regard to political and legal aspects of human rights; and
- through the integration of human rights into all levels of development. This has required a shift in DFID's development approach to a focus on empowerment of people living in poverty.

In addition very specific and concrete strategies have been established by DFID to ensure the key principles of the rights-based approach are effectively implemented. Details of these strategies can be found in DFID's paper *Realising Human Rights for Poor People* (October 2000).

Challenges associated with the rights-based approach

The following challenges of the implementation of the rights-based approach have been identified by DFID:

1. Bridging the gap between the aspirations contained in the principles of the UDHR and the experiences of people living in poverty;
2. Resources and strategic planning are required to ensure the progressive realisation of human rights in the medium and long term;
3. Legal measures alone cannot be relied on to protect human rights;
4. There exists no single prescription for effective citizens' participation;
5. The creation of formal state institutions responsible for promoting human rights is not enough. Accountability requires that citizens must participate;
6. Development must be viewed as a political process. The achievement of development and equality will involve a political struggle over priorities and access to resources;
7. Poor and powerless people may be excluded from popular human rights movements therefore focused effort is required to protect and promote their human rights;
8. There is increasing scope to translate human rights into national legislation and policy implementation;
9. Governments are faced with a variety of challenges. The effective promotion of human rights requires an understanding of these challenges; and
10. Non-state parties (such as the private sector) also have a responsibility to respect human rights and must be a part of the rights-based approach.

Sources

All information is taken from:

DFID *Realising Human Rights for Poor People*. 2000

This paper has been reviewed by the Delegation of the European Commission.

The human rights program of the European Commission is implemented via the Union's Initiative for Human Rights.

Definition & Objectives

Position on Human Rights and Development

The 2001 *EU Annual Report on Human Rights* underlines that respect for human rights should be an integral element of, and be prioritised in, all European Commission activities, including European Commission conflict prevention efforts. Furthermore human rights matters must be addressed openly and efficiently in peace-building dialogues and in agreements with third countries.

The normative framework of human rights defines for the European Commission what practices, monitoring and enforcing will be required to build respect for human rights.

Objectives

The fight against poverty is a major priority of the European Commission. Focus also falls on ensuring that the most disadvantaged members of society are beneficiaries of development.

The European Commission's human rights objectives include global advocacy and awareness raising. The European Commission also aims to provide public services on a global scale. One such example is the establishment of the International Criminal Court.

On a regional level the European Commission believes its work is particularly important for those areas where the target audience is very large and where a primary aim is to raise awareness and change day to day practice, as in the courts, law enforcement agencies, regional ombudsmen and local government

Why Adopt the rights-based approach?

Added-value of the rights-based approach

The European Commission believes that democracy, good governance and human rights are inextricably linked, and attainment of one is instrumental to the attainment of the other. They are both objectives in themselves, and also instruments of development.

Placing importance on human rights in their development policy has allowed the European Commission to be a strong supporter of the rights of indigenous people particularly in relation to living standards, marginalisation, poverty and discrimination.

Guiding principles

The guiding principles could be derived from the European Commission's thematic working areas. These include:

- Strengthening democratisation, good governance and the rule of law;
- Activities in support of the abolition of the death penalty;
- Support for the fight against torture and impunity and for international tribunals and criminal courts; and
- Combating racism and xenophobia and discrimination against minorities.

Thus the principles of the European Commission's human rights development strategy possibly include:

- Accountability
- Non-discrimination
- Fulfilling obligations

Global Strategy

The European Community actively implements its commitment to the principles of human rights and democracy through its development cooperation programs and human rights instruments, including the European Initiative for Democracy and Human Rights.

The thematic strategies of the European Commission are outlined above.

It must be pointed out that certain key areas for the European Commission, such as the rights of the child and gender issues have been mainstreamed throughout the identified areas of support rather than being addressed as unique priorities.

The European Commission believes that by relying on a bottom-up development approach and proactively defined development strategies, holistic development will eventuate.

The current areas identified as priorities by the European Commission are:

- The promotion of coherent and consistent policies in support of human rights and democratisation, within and between European Community policies and between those policies and action of the European Commission and that of other member states;
- Placement of higher priority on human rights and democratisation in the European Commission's relations with third countries and taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance; and
- Through the adoption of a more strategic approach to the EIDHR matching programs and projects in the field with the European Commission commitments on human rights.

Source

All information is taken from:

European Initiative for Democracy and Human Rights Programming Document 2002 –2004.
European Union Annual Report on Human Rights 2001

While the Japanese government recognises human rights are an important aspect of development it in no way focuses on this issue in its development program. Instead human security is the cornerstone of Japan's international cooperation program.

Definition & Objectives

Position on human rights and development

The principles of freedom, democracy, and fundamental human rights are aspects of Japan's programming.

Global Strategy

Japan believes that it is important to foster mutual understanding through dialogue in order to resolve human rights problems.

Japan promotes the strengthening of democracy and the protection and promotion of human rights in developing countries under their basic policy of Partnership for Democratic Development. This includes support for improvement of legal and electoral systems and for the training of judicial, administrative and police officials.

Japan has been actively working for the advancement of women and has cited the importance of the empowerment of women, respect for the rights of women as avenues through which to realise gender equality.

Guided by the belief that human rights are universal, Japan has expressed its concern for human rights violations, calling on countries of concern to improve their human rights situations. Japan pays full attention to human rights situations and democratisation as proclaimed in the ODA charter. When improvement in human rights situations or any trace of democratisation is recognised, Japan assists these changes through aid. On the contrary, when the situation is clearly in conflict with human rights or democratisation, Japan reviews its ODA projects in the country concerned.

Source

www.mofa.go.jp

This paper has been reviewed by NORAD.

NORAD supports a rights-based approach to development.

Definition & Objectives

Definition

A rights based approach to development is a concept that integrates all human rights norms, standards and principles of international human rights systems, including the right to development, into the plans, policies and processes of development.

This is the framework for the Norwegian Government's development cooperation as set out in the National Human Rights Action Plan adopted by Norway in December 2000.

Objectives

Norway's investments in partner countries are intended to help them fight poverty, strengthen the rights of vulnerable groups and achieve sustainable economic development without destroying the environment and natural resource base.

Norway's development cooperation is based on the conviction that all human beings are of equal worth regardless of their background, gender, life philosophy or religion, ethnic origin or cultural tradition. Therefore equality and a fundamental respect for their partner countries' choices, plans and priorities are at the base of Norway's development program.

Why Adopt the rights-based approach?

Added-value of the rights-based approach

NORAD believes that development and the fight against poverty are to a large extent based on the realisation of fundamental human rights and that the right to development is a fundamental human right that all people are entitled to participate in, contribute to and enjoy.

A rights based approach;

- not only sustains the development of individuals but also encourages the initiative required for further economic and social progress;
- allows women, children, the disabled and indigenous people to become the focus of development programming;
- provides a bench-mark and a framework for policy dialogue relating to country strategies and programs along with the planning and implementation of programs;
- ensures that development cooperation addresses critical dimensions of human society and human development, and hence contributes to better development; and
- Provides access to the international system of human rights which provides normative standards for development.

Principles

Norad believes the principles of participation and accountability are central to the implementation of the right to development.

Global Strategy

NORAD's goal is to improve the ability of partner countries to fulfil their own human rights obligations by promoting a human rights culture in these countries.

NORAD invests specifically in human rights and democracy by:

- Promoting measures to strengthen civil and political rights by providing assistance to a constitutional state, a diversified media, elections, reforms in elected bodies, popular participation and good governance;
- Promoting measures to strengthen economic and social rights, by providing assistance for basic education, the health sector and the private sector;
- Promoting measures to strengthen cultural rights, by providing assistance for multilingual education and cultural diversity;
- Making efforts to mainstream human rights into other program areas such as monitoring and evaluation (ie. *Handbook on Human Rights Assessment*);
- Ensuring issues related to human rights are addressed in policy dialogue with partner countries;
- Placing emphasis on the need to consolidate legal frameworks by means of reform of domestic legislation and adherence to international human rights treaties; and
- Reporting back to the Ministry of Foreign Affairs on the extent to which it is possible to contribute towards alleviating poverty and promoting human rights.

In relation to women's rights and gender equity NORAD has adopted the following strategies:

- Helping to ensure that development projects do not discriminate against women, but play a role in strengthening the rights of both women and men,
- Provide support for development projects that strengthen the position of women in society.

Democratisation is also a priority of NORAD's development program.

Sources

All information is taken from:

NORAD *Invests in the Future: NORAD's Strategy for 2000-2005*

Mr Roald Naess Minister Counsellor Permanent , *Statement on the Right to Development*
Mission of Norway, Geneva, 2001

Handbook in Human Rights Assessment NORAD
http://www.norad.no/default.asp?V_DOC_ID=244

This paper has been reviewed by Sida.

Definition and Objectives

Definition

The Swedish International Development Cooperation Agency (Sida) defines the rights-based approach as the ‘consideration of people’s economic, cultural, civil, political and social rights in all aspects of the development process’. At the same time Sida also advocates the democratisation of society as a pivotal aspect of development.

Objectives

Raising the standard of living of poor people throughout the world is at the centre of Sida’s goals. At Sida it is believed that this can more easily be achieved by adopting a democracy and human rights approach to development.

The common values of the UDHR and other international and regional human rights conventions are normative expression of what Sida wants to achieve through its development program. The aim is twofold: to promote respect for human rights and to improve development cooperation.

Why Adopt the rights-based approach?

Added-value of the rights-based approach

Over the past decade human rights and democracy have increasingly become a part of Sida’s development program. A rights-based approach, enables Sida to more easily encourage the development of respect, protection, promotion, and provision of human rights in its partner countries.

Thus adopting a democracy and rights-based approach to development contributes the following to Sida’s development cooperation program:

- A shared pool of values based on the international human rights conventions;
- A clear division of responsibility based on state’s obligations and individual’s human rights;
- A process in which participation is fundamental;
- A people-centred development program;
- A mandate to promote national and global responsibility to respect human rights;
- A holistic view of relationships, problems and potential of individuals and society;
- An analytical tool that facilitates and contributes to the identification of target groups and problem areas, leading to efficient collaboration with cooperation partners and countries; and
- A measuring instrument and indicator that facilitates clearer scrutiny of the gains that have been made. Human rights indicators become instruments against which achievements of various programs can be measured. They provide a common frame of reference, which facilitates the follow-up of development cooperation.

Principles

Sida very clearly prioritises non-discrimination and participation as the central principles of the rights-based approach.

Non-discrimination – a rights-based approach encourages identification of and focus on people who are discriminated against and the power structures within society that directly impact on their development

Participation – the efficiency of development programs is enhanced because the rights-based approach leads to more consultations with individuals and communities who are directly affected by development.

Global Strategy

Sida has adopted the following strategies to ensure its development program is effectively grounded in the rights-based approach.

- Adoption of country strategies for Sweden's development Cooperation with partner countries, which will act as key management tools in the mainstreaming process;
- Development of the rights-based approach within both the health and education sector. Special attention has been given to both the rights of the child and rights in humanitarian assistance;
- Capacity building within the Ministry of Foreign Affairs and Sida, particularly in relation to implementation and training of international conventions;
- Development and implementation of democracy and human rights policy documents via the establishment of a consultative group between Sida and the Ministry of Foreign Affairs;
- Encouraging governments to assume responsibility for observing international conventions they have ratified; and
- External exchanges of practitioners and experts in the field of the rights-based approaches to development. Including the appointment of regional human rights advisers and program officers.

Underlying these strategies is Sida's belief that its task is to assist in the creation of the preconditions necessary for change and sustainable development. Partner countries must ultimately assume responsibility for their own development.

Source

All information is taken from:

Sida *A Democracy and Human Rights Based Approach to Development Cooperation*, 2001

www.sida.se

NON-GOVERNMENTAL ORGANIZATIONS:

- **Care**
- **Catholic Relief Services**
- **OXFAM**
- **Save the Children – Sweden**

Definitions and Objectives

Definition

For CARE, a rights-based approach deliberately and explicitly focuses on people achieving the minimum conditions for living with dignity. It does so by exposing the roots of vulnerability and marginalization and expanding the range of responses. It empowers people to claim and exercise their rights and fulfill their responsibilities. A rights-based approach recognizes poor, displaced, and war-affected people as having inherent rights essential to livelihood security – rights that are validated by international law.

Objectives

CARE International's mission is to serve individuals and families in the poorest communities of the world. Drawing strength from our global diversity, resources and experience, we promote innovative solutions and are advocates for global responsibility. We facilitate lasting change by:

- Strengthening capacity for self help;
- Providing economic opportunity;
- Delivering relief in emergencies;
- Influencing policy decisions at all levels;
- Addressing discrimination in all forms.

Why adopt a rights-based approach?

Added value of the rights-based approach

CARE believes that the adoption of a rights-based approach will enhance program quality and impact by:

- Pinpointing the denial of rights as important causes of poverty and vulnerability
- Helping us to identify practical new strategies and alliances for addressing the root causes of poverty
- Helping us to avoid unintentionally doing harm in our projects
- Encouraging us to influence policy issues we thought were beyond our control
- Helping us to better understand and promote empowerment

Guiding principles

CARE International is in the process of revising its programming principles. The revised principles will include the following concepts (although the exact wording may change):

- lasting and fundamental change
- working with others
- empowering people
- participation and accountability
- equality, diversity and anti-discrimination

CARE has also identified seven defining characteristics of rights based programming. They are:

1. We stand in solidarity with poor and marginalized people whose rights are denied, adding our voice to theirs and holding ourselves accountable to them.
2. We support poor and marginalized people's efforts to take control of their own lives and fulfil their rights, responsibilities and aspirations.
3. We hold others accountable for fulfilling their responsibilities toward poor and marginalized people.
4. We oppose any discrimination based on sex/gender, race, nationality, ethnicity, class, religion, age, physical ability, caste or sexual orientation.
5. We examine and address the root causes of poverty and rights denial.
6. We promote non-violence in the democratic and just resolution of conflicts contributing to poverty and rights denial.
7. We work in concert with others to promote the human rights of poor and marginalized people.

Global strategy

To integrate rights into our programming, CARE engages in field-based experimentation and learning, applies a rights-based approach in pilot projects, and documents and disseminates its experience and results. CARE uses a "promotional" approach that emphasizes positive ways to engage governments, non-state actors, corporations, civil society organizations and marginalized communities – through cooperation, education, dialogue and advocacy – to affirm rights. CARE works with allies to advocate for institutional, cultural and legal norms, policies and practices that are transparent, socially responsible, and that respect, protect and fulfill the human rights of the people we serve. CARE also continues to refine program planning, assessment, design, monitoring and evaluation to advance a rights-based approach to programming. CARE holds itself accountable for the impact of its programs, both on people's achievement of their social and economic rights and on their enjoyment of other rights.

Challenges

As CARE moves from its traditional role of service delivery to one of promoting rights-based approaches to development, it faces numerous challenges, including:

- Transitioning conventional ongoing programs to a rights focus;
- Developing and employing better tools and skills for analysing underlying causes of poverty;
- Learning to work better with partners;
- Improving our work in advocacy;
- Changing internal systems and procedures to better support rights based programming;
- Ensuring staff members have the appropriate skills for rights-based programming;
- Learning how to implement rights-based programs in restrictive environments;
- Convincing donors of the value of rights-based programming;

Sources

Information written by CARE

<http://www.care.org>

CATHOLIC RELIEF SERVICES

This paper was written by Catholic Relief Services.

Definition

The central focus of Catholic Relief Services is to promote justice in our activities, overseas and domestically, in both external and internal relationships. While many agencies use the term “Rights Based Programming”, within CRS we follow the language provided by Catholic Social Teaching, which is “justice” or “social justice” programming. This focus is central to all efforts undertaken by CRS. Also, while many of our programs have human rights programming it is conducted under the heading of “Civil Society and Capacity Building”. Therefore, CRS as part of an overall justice strategy has begun to apply a “Justice Lens” to our work. The Justice Lens is a tool that helps us to analyze the world around us in terms of the promotion of justice; sharpen our responses to injustice; and consistently apply these values to internal and external relationships and programs.

Objectives

Catholic Relief Services was founded in 1943 by the Catholic Bishops of the United States to assist the poor and disadvantaged outside the country. The fundamental motivating force in all activities of CRS is the Gospel of Jesus Christ as it pertains to the alleviation of human suffering, the development of people and the fostering of charity and justice in the world. CRS provides direct aid to the poor, and involves people in their own development, helping them to realize their potential. CRS also works to educate the people of the United States to fulfill their moral responsibilities toward our brothers and sisters around the world by helping the poor, working to remove the causes of poverty, and promoting social justice.

Principles

CRS draws upon a rich tradition of Scripture and Catholic social teaching which serves as the basis of our Guiding Principles and provides us with a vision of what a just world might look like. These Principles are shared across religious and cultural boundaries and articulate values that are common among people who seek to promote and work towards true justice and lasting peace.

Global Strategy

The Justice Lens focuses CRS’ attention and assistance on people overseas who are the poorest, most vulnerable and most marginalized in their societies. It also helps the agency more fully to address inequities and discrimination based on gender, ethnicity, religion, race, age, ability, and class. To complement its relief and development activities overseas, CRS supports the United States Catholic Bishops’ call for Global Solidarity by promoting awareness of international and social justice issues. Because root causes of poverty are related to international or domestic policies that may perpetuate inequity and injustice, Catholic Relief Services works with local dioceses, the offices of the U.S. Conference of Catholic Bishops, and with other international Catholic networks to promote more just and socially responsible policies and practices—in the U.S. and abroad

Challenges associated with the rights-based approach

The Justice Lens affects how we understand the local contexts in which we work, what we seek to achieve and for whom. It also affects the processes we use in our analyses of local situations and in our program design. For example, the Justice Lens leads us to emphasize methods where community members directly participate and share in the planning process as well as the outcome; strive to promote respect for human dignity and people's ownership of the development process, and base our work on a shared vision and openness to different perspectives.

It is important to realize that the Justice Lens does not provide staff with easy answers though. Instead, it helps frame the analysis of the situation so that the most informed decision possible can be made. With the Justice Lens, the Agency will **examine, plan and implement** all of its work in a new and thoughtful way, focusing on the underlying justice issues behind the complex situations. Many times people look for easy answers to difficult situations; unfortunately, the Justice Lens will not provide many answers such as these. Rather than offering an easy answer to diverse and complex issues, the Justice Lens is instead a **tool** to raise questions and stimulate thinking so that the Agency continues to place justice at the forefront of its responses and actions.

Building on the strength of decades of relief and development experience, and placing emphasis on the roots of our mission in Catholic Social Teaching, CRS applies the Justice Lens to overseas programming areas such as agriculture, community health, education, emergency response, HIV/AIDS, microfinance, peacebuilding, civil society and safety net programs. Complementing these programming areas are several themes that are woven throughout our work: capacity building, food security, gender and justice.

Sources

Information written by Catholic Relief Services

www.catholicrelief.org

This paper has been reviewed by OXFAM.

Definition & Objectives

Oxfam's commitment to overcoming poverty is intimately linked to the achievement of universal human rights.

Oxfam focuses on the realisation of economic and social rights within the wider human rights continuum. Equity is key in the realisation of these rights.

Oxfam International's working plan for 2001-2004 is based on a Rights-Based framework. The organization has identified five rights-based aims, which provide the framework for Oxfam's work; their unifying theme is to make globalization work for poor and excluded people by establishing and implementing new "fair rules for the global economy".

This rights-based approach is complemented by the recognition that all the world's people are responsible for trying to secure their own and others' human rights: *I cannot be free while you are not free; my prosperity must not be at the cost of your poverty*. This is the moral basis of Oxfam's commitment to global citizenship, and is necessary in order to bring about economic and social justice.

Why Adopt the rights-based approach?

Added-value of the rights-based approach

- Human rights international standards and instruments provide a moral and normative framework,
- The five rights founding the Oxfam International Strategic Plan are:
 - **The right to a sustainable livelihood** (economic and environmental equity, and sustainable livelihoods for future generations)
 - **The right to basic social services** (equitable access to basic health care and education)
 - **The right to life and security** (equitable provision of protection, relief and rehabilitation)
 - **The right to be heard** (equitable participation in political, economic and social policy-making and decisions)
 - **The right to an identity** (equity in gender and diversity)
- Equity is key in the realisation of these rights.

Global Strategy

Focus:

- Oxfam believes that a sharper focus is required in the area of economic and social rights, which have been the poor relation in comparison to civil and political rights.
- This focus reflects the organization's competence and corporate identity.

Working at several levels:

- with individuals and groups to strengthen their ability to self-organise and express their voice;
- at the level of governments and international institutions, through lobbying and advocacy, to change policies that deny or infringe rights;
- and at the level of public awareness to raise awareness of rights, and means of redress, through development education, public information and campaigning.
- On the latter, Oxfam has made a commitment to participate in, support and promote the emerging movement for global citizenship to put economic and social rights at the top of the agenda of this global movement.

To operationalise the rights based approach Oxfam has developed practical planning steps based on:

- A clearer identification of groups whose rights are denied and, or violated,
- A better exploration of the mechanisms by which those rights are denied or violated and the processes of exclusion from processes by which they might be addressed,
- Clearer identification of the institutions at different levels (including households, civil society organizations, state actors and the private sector) which are key in the perpetuation of denial and violation, or fulfilment, and the arrangements, policies and practices by which they do so,
- Identifying the strengths and weaknesses of actors at different levels in bringing about change in those arrangements, policies and practices, including changes in the ideas and beliefs which perpetuate them

Challenges

- In recent years the major implication has been to radically change the organizational planning process in order to focus all the work on five rights based aims.
- Oxfam has defined "Strategic Change Objectives" (SCOs) for each Aim. Such objectives cannot be met by any one organization, Oxfam needs to strengthen and widen its co-operation with a range of other actors who have not been associated with Oxfam in the past, for example, other campaigning organizations and advocacy allies.
- One of the major challenges for Oxfam in advancing poor people's human rights lies in successfully linking the work done at different levels in order to achieve greater impact and more change.
- The final challenge for those adopting a rights-based approach is how this will be monitored and evaluated.

Sources

All information is taken from:

Oxfam International 2001 *Towards Global Equity – Strategic Plan 2001-2004*

http://www.oxfam.org/about_stra.htm

Roche, Chris and Roseveare, Caroline, *Oxfam Great Britain conference Paper on Social and Economic Rights* 2002

This paper has been reviewed by Save the Children.

Definition & Objectives

Definition

To define the rights-based approach Save the Children contrasts the rights-based approach with the needs-based approach (see p.22 [Save the Children handbook](#)). The key differences are that a rights-based approach adds legal and moral obligations and accountability and, that the holders of the rights are encouraged and empowered to claim their rights.

Objectives

The overall goal is the advancement of the rights of the Child as defined in international law: improving the position of children so that all boys and girls can fully enjoy their rights, and building societies that acknowledge and respect children's rights.

Why Adopt the rights-based approach?

Added-value of the rights-based approach

Organizations adopt rights-based approaches to programming for two good reasons: firstly they believe that it is morally right and secondly, because they think it brings a number of benefits to traditional approaches to work. These benefits include:

- Providing a long-term goal to which all work is directed and a set of standards to measure progress towards this goal.
- A goal and standards, which are clearly set out in an international legal framework, which is shared, by governments, donors and civil society.
- Identifying the responsibilities of governments, donors, private sector, communities and individuals to bind them to action – as well as ways in which they can be held accountable.
- Incorporating what is widely regarded as “good development practice” (i.e. a focus on participation, equity, sustainability, non-discrimination, poverty eradication and multi-sectoral working) into one overall holistic approach.

Guiding principles

The Convention on the Rights of the Child is the guiding framework and reference point. While child rights programming puts an emphasis on accountability, equity, non-discrimination, inclusion and participation.

Global Strategy

Applying a rights-based approach to programming means:

- Putting children at the centre, recognising them as **rights-holders** and social actors.
- Recognising governments as primary **duty-bearers** accountable to their citizens – including children – and the international community.
- Recognising parents and families as **primary care-givers**, protectors and guides – and supporting them in these roles.

- Giving priority to children and a **child friendly environment**.
- Being **gender sensitive** and seeking inclusive solutions which involve a focus on **those boys and girls who are at risk and discriminated against**.
- Addressing **unequal power structures** (class, sex, ethnicity, age, etc).
- Holding a **holistic vision** of the rights of the child while making strategic choices and taking specific actions.
- Setting **goals** in terms of **fulfillment of rights**.
- Aiming for sustainable results for children by **focusing** on not only on the immediate but also the **root causes of problems**.
- Using **participatory and empowering approaches** in particular regarding children.
- Building **partnerships and alliances** for promotion of the rights of the child.
- Counting on **international cooperation**
- A focus on those who are most at risk and discriminated against.
- Taking an holistic perspective which requires a **multi-sectoral response**.
- Providing a long-term goal which is clearly set out in **international legal frameworks** which are shared by governments, donors and civil society.
- Encouraging **legal and other reform**, such as the establishment of regular monitoring mechanisms, which create a much greater likelihood of sustainable change.

Challenges

Questions SC had to answer:

- Is the CRC biased towards a Western notion of policy and childhood?
- Is there a contradiction between cultural rights and universal human rights?
- How can the CRC be implemented in places where there is no functional legal system?
- How can the CRC be implemented where the government capacity is very weak?
- Are child rights at the expense of parents' rights?

Organizational implications could include:

- Changing scope and focus – linking service delivery, advocacy, awareness raising and influencing work,
- Developing capacities and competencies of staff,
- Adapting structure, teams, staff, partners,
- Introducing policies and procedures (e.g. child protection policy, non-discrimination, child participation),
- Changing external relations: new partnerships and networks, communication, donors, international rights system.

Sources

All information is taken from:

Save the Children *Child Rights Programming – How to Apply Rights-Based Approaches in Programming*

<http://www.savethechildren.net/homepage/>

UNITED NATIONS AND RELATED AGENCIES:

- **UNAIDS**
- **United Nations Development Fund for Women**
- **United Nations Development Programme**
- **UNICEF**
- **World Bank**
- **World Health Organization**

This paper has been reviewed by UNAIDS/HIV.

Definition & Objectives

Human rights promotion and protection is central to the response to HIV/AIDS. Denying the rights of people living with HIV, and those affected by the epidemic, imperils not only their well-being, but life itself.

Definition

A rights-based effective response to the HIV/AIDS epidemic involves establishing appropriate governmental institutional responsibilities, implementing law reform and support services and promoting a supportive environment for groups vulnerable to HIV/AIDS and for those living with HIV/AIDS.

Objectives

As the main advocate for global action on HIV/AIDS, UNAIDS leads, strengthens and supports an expanded response aimed at preventing the transmission of HIV, providing care and support, reducing the vulnerability of individuals and communities to HIV/AIDS, and alleviating the impact of the epidemic.

Why Adopt the rights-based approach?

Added-value of the rights-based approach

The protection of human rights is essential to safeguard human dignity in the context of HIV/AIDS and to ensure effective, rights-based responses to HIV/AIDS. An effective response requires the implementation of all human rights and fundamental freedoms of all people in accordance with existing international human rights standards.

Principles

Important principles include:

- Participation
- Transparency
- Accountability

Global Strategy

In broad terms the strategies of UNAIDS focus on:

- Institutional responsibilities and processes
- Law review, reform and support services
- Promotion of a supportive and enabling environment

Source

HIV/AIDS and Human Rights – International Guidelines 1998

HIV/AIDS and Human Rights – Guideline 6 (Pre-Publication Edition) 2002

www.unaids.org

This paper has been reviewed by UNDP.

Definition & Objectives

Definition

Human rights are moral norms, standards of accountability and weapons in the struggle for social justice. A rights-based approach is based on the values, standards and principles captured in the UN Charter, the Universal Declaration of Human Rights and subsequent legally binding human rights conventions and treaties.

A human rights perspective to development calls for enhanced attention to and a full understanding of the legal framework of a country and the factors that create and perpetuate discrimination and social exclusion and hinder people from realising their full potential.

Civil and political rights and social, economic, and cultural rights should be simultaneously advanced in a rights based approach to poverty eradication.

Objectives

The UNDP strives for the right of everyone, particularly the poor, to development.

The mission of UNDP is to promote sustainable development, which will reinforce (and be reinforced by) the realisation of human rights.

The central goal of UNDP's development strategy is the promotion of human well-being. Human rights define and defend human well-being. A rights based approach to development therefore provides both the conceptual and practical framework for the realisation of human rights through the development process.

Why adopt the rights-based approach?

Added-value of the rights-based approach

A human rights approach will:

- Assist in fulfilling UNDP's responsibilities to integrate human rights within its activities;
- assist UNDP to understand how laws, social norms, traditional practices and institutional actions positively or negatively affect people;
- Enhance the enabling environment for equitable development by empowering people to make their own decisions;
- Introduce legal tools and institutions as a means of securing freedoms and human development; and
- Not only define development issues, but also translate people's needs into rights, recognising the human person as the active subject of development;

A human rights-based approach will add value to the UNDP's development program by:

- drawing attention to the importance of respecting, protecting, promoting and fulfilling all human rights of all people;
- Focusing on the most marginalized and excluded in society as their human rights are most widely denied and often left unfulfilled.
- creating a better analysed and more focused strategic intervention by providing the normative foundation for tackling fundamental development issues;
- bringing about the requirements necessary for a shift in development values and behaviour; and
- being backed by the Rule of Law arising from States obligations. This provides legitimacy to basic tenets of human development – empowerment equity and sustainability.

Principles

Universality and Indivisibility

- Every man, woman or child is entitled to enjoy his or her human rights simply by virtue of being human.
- Enjoyment of one right is indivisibly inter-related to the enjoyment of other rights.

Equality and Non-discrimination

- By international law the principle of non-discrimination is the enjoyment of human rights on any grounds.
- Equality requires that all persons within a society enjoy equal access to the available goods and services that are necessary to fulfil basic human needs.

Participation and Inclusion

- The international human rights framework ensures that all people are entitled to participate in society to the maximum of their potential.
- Necessitates the provision of a supportive environment to enable people to develop and express their full potential and creativity.

Accountability and the Rule of Law

- States have the primary responsibility to create the enabling environment in which all people may enjoy all human rights
- Rights themselves must be protected by law, thus ensuring there will be no impunity for human rights violations.

Global Strategy

UNDP has identified three focus areas for its human rights programs, including:

- Providing support for governance institutions, with an emphasis on building human rights capacity of these institutions and providing direct support to human rights institutions
- Developing a human rights approach to sustainable development
- Contributing to the human rights policy dialogue.

UNDP's Corporate Strategy for a human rights and human development framework is to:

- Adopt a holistic perspective to development in which all rights will be considered when analysing problems, setting priorities and allocating resources.
- Develop law reform, institutions and policies, set human rights related standards and create mechanisms to monitor progress while in the process of promoting and protecting human rights for development
- Build capacity within existing institutions of governance and provide support to promote and protect human rights.
- Encourage governments to recognise their obligation to ratify international human rights treaties and reinforce their commitment to such treaties.

Sources

All information is taken from:

UNDP, *Integrating human rights with sustainable human development: A UNDP policy document* 1998

<http://magnet.undp.org/Docs/policy5.html>

UNDP fact sheet: *Human Rights* <http://www.undp.org/rbap/rights/enghr.pdf>

This paper has been reviewed by UNICEF.

UNICEF applies a human rights based approach to its work with children. The rights-based approach is the central focus of its policies and programmes – based on the framework and principles of the UN Convention on the Rights of the Child and the World Fit for Children – adopted at the UN Special Session, May 2002.

Definition & Objectives

A rights-based approach to development within UNICEF strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights.

UNICEF Mission Statement 1996

Why adopted a rights-based approach?

Added-value of the RBA

The child rights approach helps focus on the whole child rather than on sectoral problems, and broadens the ages and the situations in which we look at problems children face, to include children under 18 years of age in diverse contexts around the world.

By honouring binding commitments to children and women, governments can transform the human rights vision of human dignity, equality, peace and security into universal reality.

For UNICEF, the rights-based approach is linked to results-based management which enables the agency to show concrete outputs and results that impact upon children.

Guiding principles

The Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women are the driving force behind UNICEF's work for children and women.

The three guiding principles are:

Accountability - which aims to ensure programs recognise children as:

- Holders/subjects of rights
- Social actors
- An integral part of the family and community
- Potential to make positive contributions to development

Universality - which recognises the universality of rights.

all children – all rights – all the time – everywhere – without discrimination

Indivisibility - which has the goal of encouraging programs to recognise the indivisibility and interdependence of rights.

Programmes are therefore based on obligations to children which State Parties accept, are accountable to respect, protect and fulfil the rights of children. Governments are viewed as stakeholders to be supported in their activities to fulfill the rights of the children, rather than beneficiaries to be assisted in delivering services. Families and communities are primary caregivers, protectors and guides of children.

Foundation Principles:

- Non-discrimination
- Best interests of the child must be the primary consideration
- Right to life, survival and development which imply the need to ensure access to basic services.
- Views of the child must be taken into account.- in keeping with their evolving capacities

Global Strategy

A rights based approach to development will require the following:

- building a wide range of strategic partnerships and alliances to realise and sustain children's human rights
- integrated and inter-sectoral approaches. The realisation of rights is dependent on processes whereby sector inputs effectively converge and are mutually reinforcing
- Development processes that are complex multi-dimensional, cross-disciplinary, people-based and social context specific.
- Participation and empowerment of children, parents and families living in poverty. Their voices must be heard and respected in all phases of the program process.
- Sustainable outcomes and clear results for children. Sustained realisation of children's rights depends on policies, priorities, practices and political commitment.

On a more specific level country program priorities should be based on:

- understanding of the root causes and factors influencing and impact on children
- holistic understanding of children and development
- an analysis of current and potential roles of stakeholders and partners
- Strategies should be a mix of advocacy, communication, capacity building and partnership-building.

Programmes of cooperation are systematic efforts:

to influence decisions and mobilise resources for advancement of rights

- to improve public policy
- to promote positive social values and practices.

Source <http://www.unicef.org/programme/strategy/rights/mainmenu.html>

This paper was written by UNIFEM.

Position on human rights and development

Women's human rights are central to all UNIFEM programmes. UNIFEM builds capacity of all its partners to use the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as the basis for rights-based initiatives. Recognizing that women's rights and gender equality cannot be attained until every nation can claim that the female half of its population is safe, UNIFEM places particular emphasis on eliminating violence against women.

Global Strategy

UNIFEM supports women to understand and advocate for their human rights through innovative initiatives and programs in the following four areas:

- Elimination violence against women and girls by investing in prevention, protection and advocacy strategies.
- Strengthening the effective implementation and use of the CEDAW
- Enhancing governments, advocates and UN partners' understanding of the intersection between human rights, gender and HIV and AIDS to strengthen responses to the pandemic.
- Promoting the integration of gender perspective into mainstream human rights machineries and organizations.

Two globally agreed documents are central guides for UNIFEM efforts. The Beijing Platform for Action (PFA), adopted by government at the 1995 Fourth World Conference on Women, was re-affirmed and strengthened in 2000 during the global five-year review of progress organized by the UN. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the "women's bill of rights" has been ratified by over 165 countries and is a cornerstone of all UNIFEM programs.

Source

Text provided by UNIFEM

www.unifem.undp.org

This paper was written by the World Bank.

Position on Human Rights and Development

Changes within and outside the Bank have led to greater awareness of the links between the principles of human rights and our poverty reduction mandate. Most all the landmark strategic pieces produced by the Bank in the last three years—the CDF, the WDR 2000/01, the PRSP, and the Strategic Framework Paper, speak to the importance of what are essentially human rights principles: fair and inclusive institutions, empowerment, accountability, transparency, participation. The Bank’s unequivocal support for the Millennium Declaration and the Monterrey Consensus, which endorse respect for human rights as part of a multifaceted response to the development challenge, also testifies to our commitment to these principles.

Why the World Bank does not adopt a rights-based approach

Limitations by our Articles of Agreement prohibiting the Bank’s interference in domestic political affairs of its members, of which political and civil rights have been deemed part and parcel, as well as sensitivities of some member-states to the risk of the Bank’s encroachment on national sovereignty or national socio-cultural differences, have led the Bank to be cautious in its official remarks about human rights. The area of human rights is fraught with very sensitive and difficult issues. Some relate to the nature and definition of human rights as embodied in the international conventions; others are more political—touching cords of discontent between governments or against governments and IFIs from parts of the NGO community.

The UNDP Human Development Report 2000 on “Human Rights and Human Development” states that “to have a particular right is to have a claim on other people or institutions that they should help or collaborate in ensuring access to some freedom.” Unicef argues that “other people or institutions” should include parents and communities, not only governments. To the extent that these claims grant people an entitlement that gives rise to legal obligations on others, it creates the difficulties which the Bank has had with what constitutes an entitlement or a legal obligation. Nevertheless, there is an incipient move toward including in Bank projects, particularly in community driven development projects and some judicial reform projects, components which strengthen people’s awareness or claiming of rights, as we have recognized that it is precisely the absence of this information or access that has often prevented policies or projects from realizing their intended benefits.

Strategies

Moreover, the Bank has evolved from a focus on a primarily economic concept of development to a more holistic and comprehensive view of development that includes economic, as well as social, cultural and political aspects. Human rights set common standards of achievement in economic development and establishes measures of stakeholders responsibilities and accountability. Human rights establishes the importance of “processes” in attaining development outcomes (poverty eradication, MDGs) and, thus, greatly improves our understanding of the relationship between notions of efficiency and equity.

Along these lines, the Bank considers that the role of the state should be that of a facilitator and enabler while fostering capacity to fight poverty more effectively. Hence, the Bank promotes an enabling environment at the country level that facilitates development and freedom for greater human dignity. As the Bank moves further to assist countries in the promotion of good governance, project and programmatic lending is increasingly concerned with the rule of law. By increasing the efficiency of the legal and judicial system, providing greater access to justice, and reforming the public sector at large to enhance accountability and transparency as well as to increase participation, the Bank is playing a complementary role to the human rights community.

Principles

The Office of the High Commissioner for Human Rights has recently prepared draft guidance/guidelines on a human rights approach to national poverty reduction strategies. The draft emphasizes that these are not specifically or exclusively for PRSPs or the Bank, and that the term guidelines should be interpreted as guidance not rules. Discussed at a June 2002 workshop in which several Bank staff participated, the guidelines provide some valuable insights into how poverty reduction and human rights are two mutually reinforcing approaches which can strengthen the Bank's effectiveness more generally in fighting poverty.

Among the core human rights principles cited in the June 2002 guidelines where there is significant convergence with trends in the Bank are the following principles related the *process* of formulating poverty reduction strategies:

- More meaningful *identification of the poor*: with greater focus on the attributes, causal relationships, and differential impacts of public policy
- *Equality and non-discrimination*: following on more focused analysis of the attributes of vulnerable groups, including women, developing strategies for social inclusion
- *Participation and empowerment*: increasing participation at design, decision and implementation stages
- *Accountability and transparency*: systems and policies which help to increase these.

An internal staff learning workshop on human rights and the role of the Bank was held May 2, at which President Wolfensohn called upon ESSD Vice President Ian Johnson to convene a cross-Network team to advise him on how the Bank should address human rights issues. This group is currently at work. It is exploring what the Bank can do to demonstrate more effectively our alignment with human rights principles, along the lines cited above, while remaining faithful to our Articles of Agreement.

Source

Text provided by the World Bank.

This paper has been reviewed by WHO.

Definition & Objectives

Definition

A rights-based approach to health refers to the process of:

- using human rights as a framework for health development;
- assessing and addressing the human rights implications of any health policy, programme or legislation; and
- making human rights an integral dimension in the design, implementation, monitoring and evaluation of health-related policies and programs in all spheres, including political, economic and social.

Objectives

WHO's objective, as set out in its Constitution, is the attainment by all peoples of the highest possible level of health. Health is defined in WHO's Constitution as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Why a human rights approach to development?

Human rights may benefit work in the area of public health by:

- Explicit recognition of the highest attainable standard of health as a human right;
- Acting as a tool to enhance health outcomes by using a human rights approach to designing, implementing and evaluating health policies and programs;
- Providing an empowering strategy for health which engages vulnerable and marginalized groups as meaningful and active participants;
- Providing a useful framework, vocabulary and form of guidance to identify, analyse and respond to the underlying determinants of health;
- Enhancing governmental accountability for health;
- Being a powerful authoritative basis for advocacy and cooperation with governments, international organizations, international financial institutions and in the building of partnerships with relevant actors from civil society;
- Providing international mechanisms to monitor the realisation of health as a human right;
- Providing accepted international norms and standards;
- Providing consistent guidance to states as human rights cross-cut all United Nations activities; and
- Increasing scope of analysis and range of partners in countries.

Principles

The principles on which a rights approach is based include:

- Safeguarding human dignity;
- Paying attention to those population groups considered to be most vulnerable in society thus ensuring participation of beneficiaries;
- Accessibility;
- Gendered perspective;
- Equality and freedom from discrimination;

- Making explicit linkages to international human rights norms and standards;
- Attainment of the right to the highest attainable standard of health; and
- Transparency and accountability

Global Strategy

Strategies of the WHO include:

- articulating the concrete governmental obligations to respect, protect and fulfil human rights;
- Identifying benchmarks and indicators to ensure monitoring of the progressive realisation of rights in the field of health;
- Incorporating safeguards to protect against majoritarian threats upon the minority;
- Disaggregated health data to detect underlying discrimination;
- Ensuring the right to education and the right to seek, receive and impart information and ideas concerning health issues at the same time as ensuring the right to privacy;
- Only limiting the exercise of enjoyment of a right by a health policy or program as a last resort, and only considering this legitimate if each of the provisions reflected in the Siracusa principles are met; and
- Juxtaposing the human rights implications of health legislation, policy or program with the desired public health objectives and ensuring the optimal balance between good public health outcomes and the promotion and protection of human rights.

In broader terms WHO strategies include:

- Development of a health and human rights approach within WHO;
- Promote health interests on the international human rights agenda; and
- Support governments to integrate human rights in health policies and strategies

Sources

WHO, *25 Questions and Answers on Health and Human Rights 2002*

<http://www.who.int/hhr/information/25%20Questions%20and%20Answers%20on%20Health%20and%20Human%20Rights.pdf>

www.who.int