

# **Policy Advocacy Training**

**RIGHTS BASED APPROACHES**

# SESSION OBJECTIVES

**At the end of this session, participants should:**

- Have developed an understanding on the evolution of a rights based approach
- Have understood the different categories of human rights
- Have understood some controversies around a rights based approach
- Have understood the differences between rights and needs
- Have understood the implications of a rights based approach
- Have understood organisational competences for a rights based approach

# DEVELOPMENT APPROACHES

1. Economic growth ('trickle down')
2. Re-distribution with economic growth (P. Streeten)
3. Basic needs approaches (World Bank, ILO, Unicef)
4. Human development (A. Sen and M. ul Haq)
5. Sustainable human development
6. Sustainable social development
7. Human rights-based approach to development

**CONCLUSION:** Increasing demands for normative approaches to development

## RIGHTS BASED APPROACHES

- Have evolved and joined together into several streams of thought and practice:
  1. based on the international legal human rights framework, a set of United Nations conventions and covenants:- reporting by ratifying countries
  2. grown out of a myriad of social, cultural and political struggles and debates in both North and South.
  3. identified by political scientists: emphasises a historical evolution from clientelism to citizenship

## RIGHTS BASED APPROACHES

- Development agencies is a blend of all these. The meaning and importance of RBA are often contested within an agency
- Donor governments have been mainly interested in promoting fairly narrow definition of human rights – related to civil and political liberties as an aspect of good governance

# DEFINITION OF HUMAN RIGHTS

“Rights are claims that have achieved a special kind of endorsement or success; legal rights by legal systems; human rights by widespread sentiment or an international order”

(James Crawford, 1988)

# A DEFINITION OF HUMAN RIGHTS

## VALID CLAIM

Claim (Right) Holder  
(Subject)

## CORRELATIVE DUTY

Duty Bearer  
(Object)

+

(content)

“A school-aged child has a valid claim (right) to education – others have duties (or obligations) to ensure that the right is realized.”

# DIFFERENT CATEGORIES OF HUMAN RIGHTS

FREEDOM	EQUALITY	FRATERNITY
1 <sup>st</sup> Generation Rights	2 <sup>nd</sup> Generation Rights	3 <sup>rd</sup> Generation Rights
Non-Intervention by the State	Intervention by the State	Multi-State Action
Civil & Political Rights	Social, Economic & Cultural Rights	International Solidarity Rights (NIEO, RTD)

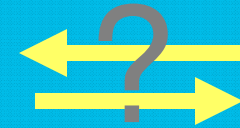


## SOME CONTROVERSIAL ISSUES

- Human Rights are “Western”
- Civil/Political Rights and Economic/Social/Cultural Rights are different. (ESC Rights are not ‘real’ rights)
- All rights are equal and of equal importance
- Having a right presupposes simultaneous ability to claim the right
- Only the State can have human rights obligations or duties

# HUMAN RIGHTS AND (HUMAN) DEVELOPMENT

HUMAN  
DEVELOPMENT



HUMAN  
RIGHTS

Focus on outcome  
but increasingly  
includes process

Focus on process  
but increasingly  
includes outcome

Explicitly focus on  
ESCRs, but increasingly  
include CPRs

Explicitly focus on  
CPRs, but in-  
creasingly include  
ESCRs

## WHAT IS PART OF WHAT?

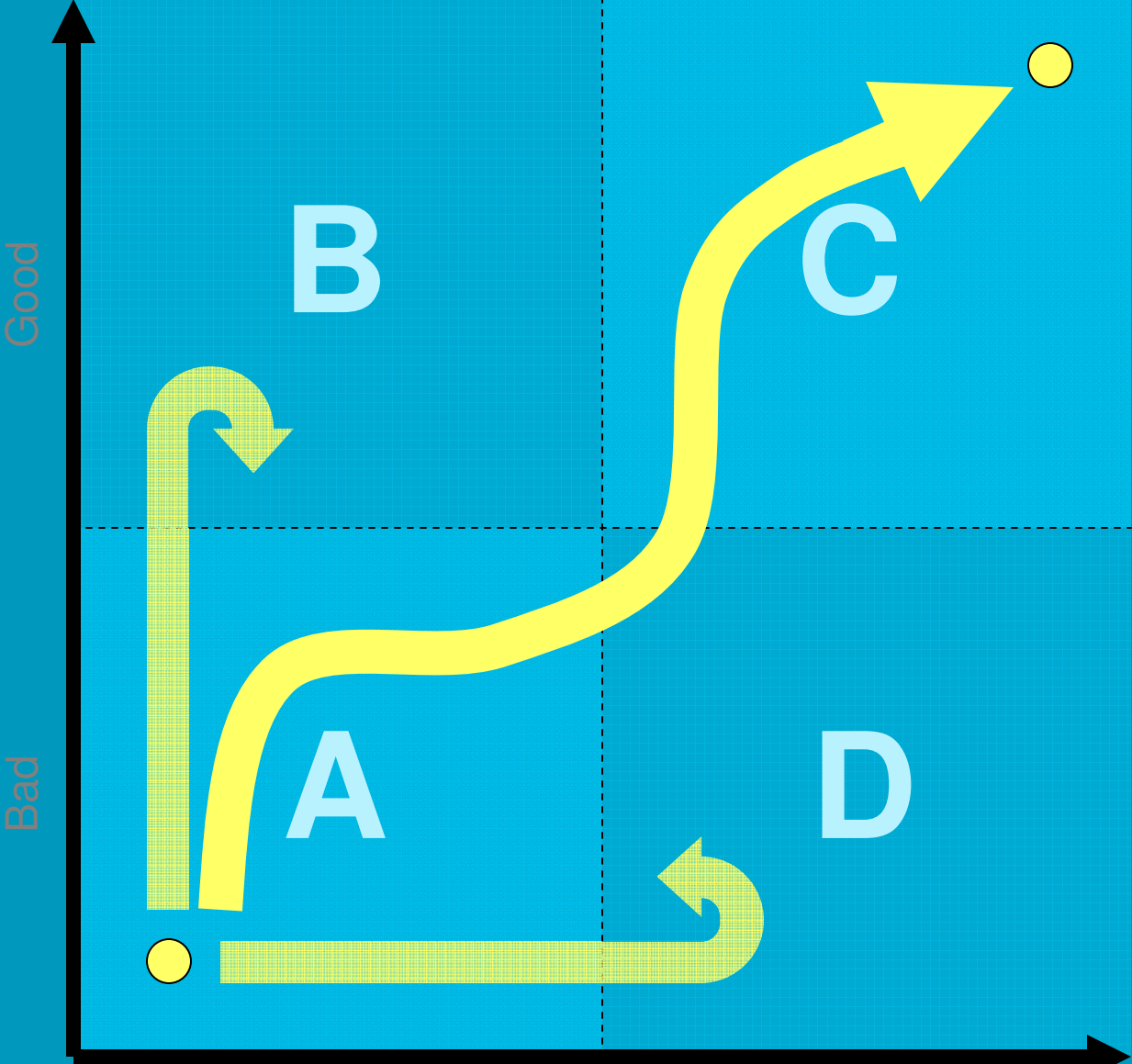
“Human Rights are an integral element of the development agenda” (i.e HRs are a necessary but not sufficient condition for Human Development)

(Social Summit, Copenhagen)

“Development should be seen as an integral part of Human Rights” (i.e. Human Development is a necessary but not sufficient condition for Human Rights)

(Vienna Declaration)

# OUTCOME



A

B

D

C

Bad

Good

# PROCESS

# HUMAN RIGHTS STANDARDS AND HUMAN RIGHTS PRINCIPLES

**Human Rights Standards = the minimum acceptable level of a desirable outcome**

**Human Rights Principles = criteria for an acceptable process**

## OUTCOME

### (Human Rights Standards)

- Eradication of hunger and malnutrition
- Universal primary education
- Access to water
- Child protection
- “Results”

## PROCESS

### (Human Rights Principles)

- Universality and indivisibility
- Equality and Non-Discrimination
- Participation and Inclusion
- Accountability and Rule of Law
- Sustainability

# NEEDS VS. RIGHTS

## NEEDS

Needs are met or satisfied

Needs do not imply duties

Needs are not necessarily universal

Needs can be met by goal or outcome strategies

Needs can be met by charity and benevolence

“To Have”

## RIGHTS

Rights are realized (respected, protected, facilitated and fulfilled)

Rights always imply correlative duties

Human rights are always universal

Human rights can be realized only by attention to both outcome and process

Charity and benevolence do not reflect duties

“To Be”

## OUTLINE OF AN RBAP

- RBA reflects a holistic understanding of the nature of well being. Example – an orphan child who cannot enjoy his/her right to equality before the law is at risk of losing his/her livelihood when a powerful neighbour seizes his/her family land.
- The right to participate is the right to claim other rights
- Claiming and establishing rights has been and is a political process and the list of internationally recognised human rights is by no means immutable.



## OUTLINE OF AN RBAP

- Right to development is a contested solidarity right
- The UN Declaration notes that ‘States have the duty to take steps, individually and collectively, formulate international development policies with a view to facilitating the full realisation of the right’ and that ‘effective international cooperation is essential in providing countries with appropriate means and facilities to foster their comprehensive development’.

# IMPLICATIONS OF RBA

- **Power, Politics and Claims:** RBA includes responding to popular movements: rights frameworks is globally expanding and adapting as a basis for claiming social justice.
- **Beneficiaries, stakeholders, clients and citizens:** Development agencies have moved from perceiving the ultimate recipients of their aid as beneficiaries to seeing them as either stakeholders or clients/customers
  - RBA sees people as citizens: a citizen connotes someone with rights rather than someone receiving welfare or buying services. People becomes agents and subjects, rather than objects, of their own development

# IMPLICATIONS OF RBA

- **Rights and responsibilities:** rights are inalienable but do imply responsibilities.
- **Working on both sides of the equation:** Empowerment programmes of those infected and affected with HIV/AIDS will not change relationship without equivalent changes in the behaviour of state institutions.
  - Human rights have often been seen as a matter of rights and responsibilities of individual citizens vis-à-vis the state, excluding the issue of rights-based relations between citizens.
  - There are also direct rights of citizens in relation to the responsibilities of global actors such as transnational corporations whose legal entity may be in another country

# IMPLICATIONS OF RBA

- **Rights, needs and poverty:** reducing poverty by basic needs (utilitarian) – seeks to achieve the greatest happiness for the greatest number.
  - The rationale for the fights against HIV/Aids no longer derives merely from the fact that the infected and affected have needs but also from the fact that they have rights – entitlements that give rise to legal obligations on the part of others
- **Rights on the ground:** Both RBA and sustainable livelihoods approaches are about claims and entitlements. RBA starts from a normative position as to what peoples' entitlements should be while sustainable livelihoods approach looks at what is happening on the ground and the presence or absence of assets or entitlements.

# IMPLICATIONS OF RBA

- **Analyse unequal power relations** and identify means to change these.
- **Promote equality**, non-discrimination and address the barriers which prevent the most marginalised from claiming their rights.
  - This requires social and gender analysis and a preparedness to support civil society advocacy
- Emphasise **empowerment of the poorest and those to whom no-one listens**. Rights-based practice strengthens our capacity to support those struggling for social justice, while recognising that the actors themselves may not define their struggle in such terms.

# IMPLICATIONS OF RBA

- **Exploit the potential of legal systems to promote justice** for people living with HIV/Aids: legal awareness and training of paralegals etc
- Pay more public attention to **government' reports to UN committees**. This signals our commitment to support and strengthen the application of the human rights framework
- Encourage **governments to be fully accountable to their citizens**: work on both sides of the equation. PRSP was a typical case as it has helped governments to listen more to their citizens
- Make explicit and put into practice **the rules of engagement (us and partners)** on mutual accountability, responsiveness and transparency

# VALUE ADDED BY RBA TO DEVELOPMENT

1. RBA to Development requires attention to both outcome and process. It is therefore inter-sectoral
2. Human rights can be used to challenge power
3. A RBA to Development promotes the rule of law (stops impunity, corruption, access to justice etc.)

## VALUE ADDED BY RBA TO DEVELOPMENT

4. Gives more attention to exclusion, disparities and injustice, and addresses the basic causes of problems, which requires inter-disciplinarity
5. Gives more attention to legal and institutional reforms and national policy review
6. There is an international monitoring mechanism in place



## ORGANIZATIONAL COMPETENCIES

- Ability to access, process and use the right information rapidly.
- Agility in recognizing the potential of information technologies and in putting them to work.
- Capacity for rapid analysis, decision-making and action.
- Substantive, technical expertise in areas related to focus of core work.

## ORGANIZATIONAL COMPETENCIES

- Ability to stay on focus for the medium- and long-term strategies, to decline to take on work outside the focus, and to know when to make strategic exceptions.
- Seamless synergy among functional units in the organization, making the connections between global and local, and among the different types of work.
- An internal environment or culture that rewards innovation, within the focus.

## ORGANIZATIONAL COMPETENCIES

- Broad-based ability to communicate the rationale for the rights-based approach, the core work and the performance to a wide range of audiences.
- Ability to apply communication skills to marketing the rights-based mission, seamless synergies between program work and fundraising and communication, creating the core of the value chain between stakeholders and excluded communities.
- Diverse sources of income and a reliable income stream to enable the organization to take positions that may be controversial to some stakeholders.