

MAINSTREAMING HUMAN RIGHTS BASED APPROACH

Experiences & Challenges

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Supported by

MISEREOR

Organised by

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Executive Summary

The need for the workshop had arisen due to lack of information and prescriptive ideas for the development organizations working on the grassroots to mainstream human rights based approach in their work. The development in conceptual and operational understanding and experience has generally been witnessed at the level of UN system, bilateral donors and big NGOs /support organizations working in many countries. The growing presence of rights based approach/HRBA in development discourse has encouraged smaller grassroots organization to adopt human rights based approach. However, there have been very few efforts in terms of their capacity building to sustain their interest and facilitate their transition to rights based Approach.

The three day workshop was organized to discuss and develop a common understanding of the human rights based approaches. A significant component of the workshop/discussions was also to have their experiences of mainstreaming human rights based approach. Three categories of organizations including International support funding organizations, middle level NGOs working at national/state level and small grassroots organizations working at village/block levels participated in the workshops. The identification and targeting of the organizations was done to facilitate a cross exchange of information and assess the level of understanding of rights based approach and its meaning.

The workshop witnessed a great difference in the organizations understanding of rights based approaches, approaches per se, and tools and methods and resultantly there was considerable lack of agreement on what “integrating” and “mainstreaming” entails. Efforts were directed towards making them comprehend their work as a part of the agenda of “human rights” rather than merely being projects on education, health services, children, women, so on and so forth.

The most important learning, which emerged from the workshop, was the realization of the limits of their micro project approaches in tackling the root causes of poverty. All the participants were in complete agreement of the need to address deeper structures of inequality and the exclusion and to confront these at legal and political as well as social, economic and cultural levels. Their dissatisfaction with projects could be evidenced by their engaging more and more with advocacy, mobilization and legal approaches.

In terms of mainstreaming of the human rights based approach in their work, it was generally witnessed that it has been addressed to some levels at program however as far as addressing it at the institutions/organizational level is concerned, the efforts have been few and sporadic rather than incorporating rights based approach and its values in organizations ethics and learning systems. Integrating the principles and basing objectives on the standards of human rights in the projects emerged as a major constraint in their quest towards mainstreaming human rights based approach.

This report in no way tries to sit in judgement on the participants understanding of rights based approach or adequacy or otherwise of their efforts of mainstreaming. Conclusions are largely derived from a common understanding developed during the workshop, and own admission of the participants of areas of outstanding concern with respect to mainstreaming. The participants own understanding increased manifestly during the discussions, group works and exercises, which is reflected in their feedback.

The workshop ended with a note of further expectations from this process which included, having handholding with some of the organizations in providing rights based analysis of their constituencies and their work to align their efforts, in applying the learnings as well as tasks emerging from the workshop, collecting case studies from their fields so as to determine best practices and how rights situation has been impacted by their work, and a follow up workshop to share discussed outcomes.

Gratitude are due to all who participated in the workshop, the participants, the resource persons, organizing team and the MISEREOR which supported this process of enquiry, which we look forward to take further. This has been an equally enriching exercise for both the participants and the organizers, we hope that the report provides a recap to the participants and engaging read for the readers who did not participate.

1. Background of the Workshop

Public Advocacy for Rights and Values in India (PAIRVI) organised a workshop on “Mainstreaming Human Rights Based Approach in Development Organizations: Experience and Challenges” which was attended by 25 participants from 8 different states of India (north and central India) and Nepal. The workshop was aimed at enhancing the understanding of the participants on the theoretical, philosophical and operational aspects of the rights based approach. The experiences of operationalising RBA at grassroots were shared between the participants in this workshop, which served as guidelines for the organizations willing to adopt and mainstream rights based approach in their development actions.

The rationale for conducting the workshop is the lack of demonstrable experience in implementing rights based approach at grassroots. Lack of experience, prescriptive, ideas, and knowledge on implementing RBA in specific country contexts and local settings of grassroots organizations, has led to a varied understanding and more diversified approaches in development sectors. Challenges in terms of integrating human rights principles and standards to development work, building meaningful partnership with communities and stakeholders and creating tools for imposing accountability and empowering communities to review their relation vis-à-vis state, prioritizing rights and partner groups etc. have been axiomatic. Equally challenging has been living human rights principles of non-discrimination and equality, accountability, transparency, justice and rule of law. Notwithstanding these challenges, many organizations have gathered valuable experiences and varied degrees of success in the quest of implementing RBA. They have overcome these challenges in their particular institutional, cultural and political setting to change the existing power structures and bring about change in the lives of communities, which is worth sharing and learning.

2. Aims and Objectives of the Workshop

Mainstreaming rights based approach among organizations is a complex process. Neither it is a *one shoe fits all formula*. The organizations need to deepen their understanding on the philosophical principles included and how they apply it on the ground in the local development context. The available knowledge in applying rights based approach is mainly limited to international institutions such as UN and international NGOs and bilateral donors. Unfortunately, their prescriptions do not apply to grassroots organisations which are far apart in their scale of operation, outlook and philosophical underpinnings.

Thus, the goal of the workshop was to enhance the theoretical as well as the operational understanding of rights based approach. The specific learning objectives of the workshop are as follows:

- To discuss the key principles that guide RBA
- To explore how these principles have been applied to the organisations, their programmes and specific thematic areas and other areas of interest of the participants
- To highlight the current debates and dilemmas related to RBA
- To investigate methods of settling common challenges encountered in applying RBA
- To develop a step-guide for organisations to implement RBA in their programmes

3. Methodology of the Workshop

The workshop was organised in completely participatory method incorporating principles of adult pedagogy, punctuated with lectures, group work, role plays and case study discussions. The discussions were mainly focussed around the following topics

- Understanding rights based Approach, (standards, principles, basic elements) Conditions/requirements for mainstreaming rights based approach
- Changes attendant mainstreaming RBA (programme, policies, organisation, attitude etc.)
- Case studies of challenges faced and strategies adopted to overcome those challenges
- Looking ahead

The target participants were selected from different thematic areas so as to bring in varied experiences. The participants were invited from amongst Pairvi partners, MISEREOR partners and INGOs like Action Aid, Oxfam, Save the Children etc. The facilitators were development practitioners, academia, people from law and justice, INGOs and representatives from the states.

The primary methodology of the workshop was participatory and interaction based. Emphasis was laid on the extracting the grassroots experiences of the participants and sharing it in the common platform so that the participants learn from each other. At the end of each session the moderator of the workshop used to link these experiences with the theoretical perspectives. Therefore the theoretical and the practical/operational aspects were dealt simultaneously. The participants were also given the exposure of the experts on various issues of RBA.

4. Understanding of human rights based approach

4.1. Defining rights based approach and arriving at common understanding

The participants were encouraged to share a “live project” on rights based approach, mainly to list and assess their understanding of rights based approach. There were significant differences in the opinion and understanding of the organizations as regards human rights based approach, and it created an immediate need to share the basic concepts, standards and principles of human rights to enable them be able to not only articulate and verbalize rights based approach in similar (if not the same) languages. The discussion was summarized as.

- Human Rights based approach dwells on the centrality of human rights as the basic concern of development
- It empowers people as holders of rights and puts state under the liability to address human rights issues as the primary duty bearers
- It seeks to address the main cause of problems and seeks their solutions
- It is based on the dignity and rights of people

4.2 Value addition of human rights based approach over traditional development approaches

Participants also identified certain elements which distinguishes human rights based approach over NEEDS based, welfare based, development Approaches. They listed it as

- Empowerment has the potential to empower people at grassroots level as holders of rights
- People are identified as integral part of development rather than recipients
- Participation is a right
- Inclusion of all to be ensured
- Based on the values of human rights, and its principles
- Introduces accountability and transparency
- Facilitates ESC Rights and MDGs rather than civil and political rights
- Integrated approach to development that is sustainable and locally owned

4.3 Mainstreaming human rights into development work; methods and approaches

The discussions brought out that where some of the organizations have taken a conscious decision to mainstream human rights in their work, some have not consciously tried but are doing “rights based work”. Some of organizations have even gone to the extent of revising their VMG and accordingly much integration in terms of participation, inclusion, efforts towards macro-micro linkages could be observed. However, their methods varied in the sense that where some of them have laid more stress on social mobilization, networking and advocacy, some could mix social mobilization with legal approaches (filing PIL et cetera) to optimize the results. Some of the participants had also tried their hands at auditing the quality of government services. However, one important fact missing from this mainstreaming approach has been that it has been mainstreamed in certain projects only. The appreciation of the fact that mainstreaming has to precede at organizational level (integrating the principles of human rights) or “into the organization” before the programmes has relatively given less

importance. Values of transparency, accountability (towards the communities), inter-sectoral coordination, addressing the range of issues requiring attention, capacity building etc. came up as urgent areas of enquiry in the mainstream framework of most of the organizations. One most important impediment in mainstreaming that came up during the discussions was lack of understanding of legal framework (international as well as national) and articulating aims and objectives in terms of human rights principles.

The overall discussion brought certain facts relating to the mainstreaming such as;

- The process of making rights a reality is a political one rather than technical or procedural one because it entails challenging confronting the structural inequalities that underlie the negation of rights
- Many organizations understand human rights as separate activity rather than as a cross cutting aspect of all areas of programme support.
- It is much easier to refer to human rights approach in policy statement than to implement it in the practice
- Mainstreaming of human rights requires besides legal knowledge, additional skills such as community organizing, capacity building and participatory appraisal, as well as sectoral knowledge in relevant thematic areas. An organization possessing all of these can be more successful in mainstreaming.

4.4 Internal mainstreaming vs. external mainstreaming

The participants discussed and listed some important areas of mainstreaming, (internal and external/programmatically), which they understood being the touchstone of mainstreaming

Internal/organizational/institutional	Programmatic
Revisiting VMG	Focus on vulnerable
Building staff capacity	Building capacity of community
Developing sound data base	Focussing on most vulnerable
Having long term vision/programmes rather than micro project approach	
Addressing a range of rights, intersectoral coordination,	Broad basing of programmes
Investing in Networking, advocacy	Working with HR Institutions
Look at stakeholders in decision making / inclusion of community interests	Ensuring local stakeholding/ownership
Recognition of violations and express linkage to rights	Auditing govt services to seek accountability

4.5 Strategies adopted to mainstream rights based approach

Based on the understanding of mainstreaming human rights based approach and the extent of mainstreaming, the organizations have adopted a number of strategies in their work. They feel that as the tools of rights based approach these have helped in bringing issues of human rights on the public consciousness, political agenda and seek accountable from the govt. these strategies primarily include:

- Social mobilization & strengthening community based organizations
- Facilitating stakeholders' dialogue
- Networking and advocacy
- Use of media
- Audit of government services
- Public hearing and social audits

4.6 Achievements and outcomes of human rights based strategies

The participants were asked to find out the comparative benefits by “mainstreaming” which they would not have accomplished human rights in their programmes. Collectively they identified a number of achievements which they have been achieve only due to working in rights based approach. These were listed as

- Heightened awareness and organizational and advocacy skills levels of disadvantaged communities
- Reduction in gender and class based discrimination levels
- Enhancement in community leaders’ awareness and responsibilities levels regarding public duties, transparency and accountability roles
- Production of culturally appropriate community leadership training and material
- Promotion of good practices models on access to justice, community services, information to women, marginalized communities and dalits
- Availability of some preliminary documentation and data and experiences to promote research, advocacy and development interventions

4.7 Challenges faced

The participants shared the challenges they faced during the transition from Needs based to rights based process. It was observed that the participants generally lack a holistic perspective about the concept of human rights based approach. At times their approach was found leaning heavily towards ensuring service delivery rather than ensuring systemic changes. Many myths were clarified during the sessions. However, with the limited orientation about the RBA, the participant organisations brainstormed to delineate the challenges faced by them in implementing RBA. They can be listed as follows:

- Organizations consider HRBA as essentially confrontationalist in nature. The government also thinks in a similar way. Therefore organisations dependent on the government funding find it very difficult to adopt RBA.
- Changing organizations approach only is not sufficient. There is a lack of appreciation by different stakeholders of the HRBA and they continue to have different perspectives, which at times act as an impediment.
- There is a lack of understanding on the international/regional/national human rights framework and mechanism in the organisations. The strategies and interventions are not placed within a legal/rights framework due to which they have a very limited scope and effect.
- Financial sustainability is the most critical factor for adopting RBA. Organisations having sustained source of funding find it easier to shift to the RBA mode.
- The necessity to work on civil and political rights brings the organization in direct confrontation with the state.
- There is a lack of the capacity of budgetary analysis in the organisations to realise the ESC rights especially in the absence of which the organisations fail to design proper and effective advocacy strategies.
- It is a difficult proposition for smaller organisations that lack essential skills to address the power relations. The only means widely available to address the power relation is that of the confrontational one.
- There is little appreciation of the capacity gaps of the duty bearers. In its absence, the efforts are not directed towards the primary duty bearer or the authority who has the power to improve the situation.
- In the present era of globalisation and liberalisation, the role of non-state actors and esp. market forces have become so powerful and has emerged as a strong counter pressure group, having little consideration for the resource poor. These are mostly out of reach of the development organisations.

4.8 Experiences and Lessons learned

The participants were requested to list lessons learned in mainstreaming for their mutual learning as well for the other organizations outside the workshop. A number of lessons based both on positive experiences as well as challenges faced came up, which would serve as a valuable guidelines for the organizations trying to demystify mainstreaming human rights based Approach and in the midst of it.

- Building capacity and its optimum use is the real clinching factor
- Using policy framework for generating accountability and demanding entitlements is essential
- Using women as leaders and anchors is imperative
- Focus on understanding local context, and power equations
- Rights based approach needs to be built up on service delivery rather than on its debris
- Issues surrounding participation is crucial
- Mainstreaming has specific lessons to be used in specific contexts. no one shoe fits all!

6. Looking beyond the workshop

The participants found the workshop informative and relevant for their own work. As next steps while a majority of them decided to have a similar workshop in their area/constituency (with/without help of Pairvi), some of them set a more serious agenda for themselves in terms of reviewing and analyzing their work from a human rights based approach. Assistance from Pairvi was also expected in helping their transition from project to programme approach, building capacity of fellow NGOs and staff members, collecting case studies from the field. Few participants were also interested in organizing capacity building on international/regional/legal framework related to their thematic areas. An interesting proposition to organize a workshop for donors' education also came up from the participants. There was a consensus on having a follow up workshop after six months.

It is suggested that the period before the follow up workshop should provide hands on support to smaller organizations in grasping the finer aspects of the mainstreaming through case consultations. While with the organizations who have addressed the issue of mainstreaming in more adequate manner, the collection of case studies from the field showing the actual impact of mainstreaming on empowerment and rights situation should be attempted. Some organizations that need assistance in transition should be provided technical support.

7. Feedback

- The participants were largely impressed with the workshop methodology. Around two-third participants found the workshop methodology 'excellent' whereas the rest of them found it 'good'.
- More than one-third of the participants found the workshop timings excellent. Around 42 per cent participants found it 'good' and around one-fifth of the participants rated it as 'average' in their feedback.
- The arrangements and logistics of the workshop were highly appreciated by the participants in their feedback. Around 93 per cent of the participants rated the arrangements and services as 'excellent'.

Some of the thoughts expressed by the participants are given verbatim:

- "I had very little knowledge on HRBA but in this workshop I have learnt a lot about RBA from other people's experience. Now I am eager to go back and start incorporating principles of RBA in my work."
- "Earlier my perspective on RBA was confined to Rights Holders only. Now I know that it is all about filling the gap between the Rights Holders and Duty Bearers. It is more important to work with the Duty Bearers which we often don't consider in our programmes."
- "Earlier we were working for the rights, but learnt the skills of RBA for the first time, which is very useful for the work we are engaged in."

- “After this workshop I am now able to analyse my programme from the rights perspective in a better way. The workshop has created my interest to revisit RBA in my organisation and do more study.”
- “The knowledge and experience gained in this workshop is definitely going to help me and my organisation to achieve our goals. The dual process of the workshop in which we learned from each other’s experience is quite appreciable.”
- “Experiences of other organisations are very helpful to plan our strategies in the future. The workshop taught us the tools of planning, strategy making, monitoring and evaluation which is crucial for the implementation of the RBA in our programmes.”
- “We were working on the rights but did not have a complete idea of what RBA is. The workshop has made it clear and all its related aspects.”
- “Earlier we used to think that RBA is a technical and difficult subject. But now it is made clear to me and I know how to mainstream it in our programme.”
- “After three days of experience sharing by people from different organisations, we have now arrived to a common understanding about RBA. We have been using the RBA in our interventions but listening to others has expanded our knowledge and one is better prepared to face the challenges.”
- “Besides content, the process and methodology of workshop is a great learning for me.”

Annexure 1: Participants List

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Annex 2. Schedule of the Workshop

The workshop was full of extensive and brainstorming exercises which lasted for three days. The details of the specific sessions are given below:

4.1. Session ONE: Expectation Mapping

The aims and expected outputs were shared with the participants. Their expectations from the workshop were plotted and accordingly the content of the workshop was improvised.

4.2. Session TWO: Demonstration of the Live Projects/Programmes

The participants shared one of their projects/programmes based on their existing understanding about RBA.

4.3. Session THREE: Arriving at the Common Understanding

Various principles, standards, basic elements of the RBA and the value addition were shared with the participants in order to arrive at a common understanding on the RBA. Various definitions of RBA were also examined in this session.

4.4. Session FOUR: Group Task on Assessing RBA in an organisation

Participants were divided into four teams. Each team had a volunteer organisation which agreed to provide all sorts of details of their organisation to their team members. The task was for the team members to ask relevant questions to analyse the approach of the organisation. The exercise highlighted the parameters identified by the participants to analyse the approach of an organisation. It was observed during this session that gradually the participants were able to identify the critical aspects of the rights based approach.

4.5. Session FIVE: Experiences of Action Aid on RBA

The session was taken by Mr. Jagat Patnaik who presented the Action Aid's perspective on the rights based approach.

4.6. Session SIX: Child Rights and RBA

Ms. Nupur Pande from Save the Children explained how the issues of children can be addressed using the Rights based approach.

4.7. Session SEVEN: Rights bases approach to the Labour Rights

Labour rights were presented from the rights based perspective by Mr. J. John from Centre for Education and Communication (CEC).

4.8. Session EIGHT: CECOEDECON's Experiences of shifting from Need based to Rights based approach

The presentation was made by the participants from CECOEDECON in which they demonstrated how their organisation shifted to rights mode from the needs mode gradually. It was a three phase transition which helped in gradual attitudinal change of the organisation and the masses. The workshop participants appreciated the presentation.

4.9. Session NINE: Exercise to test and demonstrate the understanding of RBA

An exercise was conducted in which some conditions, situations or statements were given to the participants and they were asked to respond from the rights based perspective. The exercise was quite helpful in explaining the finer details of the rights based approach.

4.10. Session TEN: Challenges in adopting RBA in our programmes

The session was the focussed in identifying the challenges which a development organisation has to face while using the RBA in the programmes. Broadly participative and interactive in nature, the session explores the entire trajectory of the challenges faced by the organisations. The findings of this session are discussed in section 5 of this report.

4.11. Session ELEVEN: My RBA three days back and Feedback

The last session was based on the evaluation of the workshop and the feedback of the participants. The participants were asked to reflect on their understanding three days back and then to compare it with their present understanding. Section 6 and 7 of this report presents the feedback and expectations of the participants from the Pairvi.

Annexure 3: Resource Persons

Prof. Sanjai Bhatt, Head, Department of Social work, University of Delhi

Mr. Jayant, Head of Programmes, Churches Auxiliary for Social Action

Mr. Jagat Patnaik, Head Programmes, Action Aid India

Mr. J. John, Director, Centre for Education and Communication

Ms. Nupur Pandey, Save the Children

Mr. Vinod Koshti, Independent Consultant

Mr. Ajay K. Jha, Director, Pairvi