



Supported by

MISEREOR
IHR HILFSWERK



TRAINING MODULE

RIGHTS BASED APPROACH TO DEVELOPMENT & PROGRAMMING

RIGHTS BASED APPROACH TO DEVELOPMENT & PROGRAMMING

TRAINING MODULE



Supported by

MISEREOR
IHR HILFSWERK

Rights Based Approach to Development & Programming

Training Module prepared and published by

Public Advocacy Initiatives for Rights and Values in India (PAIRVI)

K8, Third Floor, Lajpat Nagar III, New Delhi 110024 (India)

Ph. +91 11 29841266, email: pairvidelhi1@gmail.com, info@pairvi.org, Web: www.pairvi.org

Typyography and Layout by Rajneesh

© PAIRVI, New Delhi

Content of the book can be reproduced in part or in full for non-commercial purposes citing and acknowledging the publisher.

CONTENT

Session 1: Introducing Rights and Rights Based Approach

1. Introduction
2. What are rights
3. What is development/sustainable development
4. What is rights based approach
5. Why is rights based approach needed
6. Major milestones in development of standards
7. Main principles

Session 2: Adopting Rights Based Approach

1. Whether RBA applies only to the government; what about NGOs
2. RBA in the national context
3. Identifying the RBA element
4. Adoption of RBA by NGOs
5. NGOs & RBA; what does it change
6. Rights based programming

List of Abbreviations

Session I

INTRODUCING RIGHTS AND RIGHTS BASED APPROACH

LEARNING OBJECTIVES

- ▶ Awareness about Rights
- ▶ Concept of Development
- ▶ Rights Based Approach to Development

AIDS REQUIRED

- ▶ White board and markers
- ▶ Chart papers and pen
- ▶ Computer/Laptop
- ▶ Projector and screen

SESSION PLAN

Sl.	Topic	Methodology	Duration
1	Introduction		5 minutes
2	What are rights	Guided discussion	10 minutes
3	What is development/ sustainable development	Guided discussion	10 minutes
4	What is rights based approach	Presentation	10 minutes
5	Why is rights based approach needed	Guided discussion	10 minutes
6	Major milestones in development of standards	Presentation	10 minutes
7	Main principles	Presentation	10 minutes
8	Developing a shared understanding	Group work	5 minutes

1. Introduction

The facilitator should explain the context/background of the training and learning objectives.

2. What are rights

The facilitator should ask few participants to express their understanding of rights in one/few words and highlight words which match (his proposed) definition of rights (rights are legal entitlements). S/he should also explain the sources of rights and should be well versed with the concepts of generation of rights, negative and positive rights, Civil and Political rights and Economic, Social and Cultural rights.



Though this is the most accepted definition of rights, the facilitator can explore with the participants whether this is a perfect definition? Whether rights should always be dependent on legislations to be available to people?

EVOLUTION OF HUMAN RIGHTS

- ▶ 1st, 2nd and 3rd generation human rights
- ▶ Negative and positive rights

Civil and political Negative rights	ESC rights Positive rights	Collective rights multi state action
Life and liberty	Education	Environment
Association	Health	Peace
Movement	Food	Pollutio free environment
Speech and Expression	Livelihood	Right to development
Participate in government	Religion & culture
.....

3. What is development/sustainable development

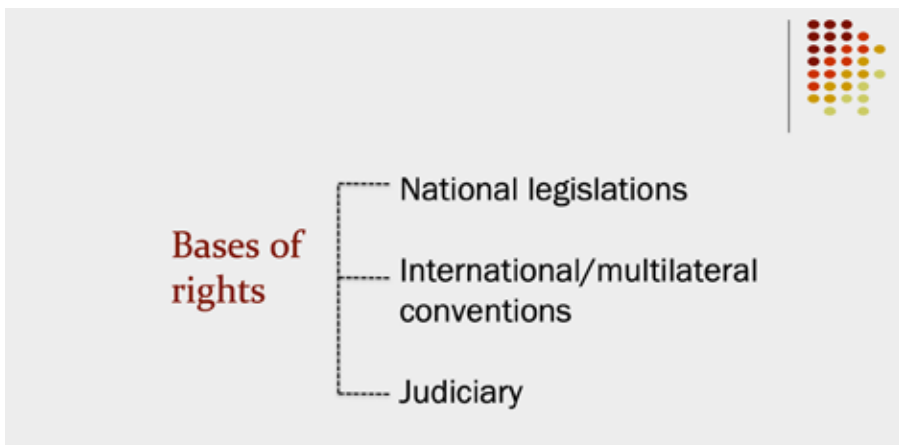
Through the definition of rights, the facilitator should pose question rights for what, what should rights lead to, and link rights with development. He should collect definitions/understanding of development from the participants and highlight that most definition of development lacked environmental and accountability approach, and therefore the need for rights based approach/natural justice approach/sustainable development approach.



4. What is rights based approach

The facilitator should discuss few definitions and explain them in simple sentences, emphasizing that even though the participants cannot remember/define rights based approach; they should be able to understand connection between development, sustainability and rights, and core elements of RBA.

- ▶ Rights based approach to development recognizes that structural reasons of poverty are lack of rights and seeks convergence of economic development with human rights and implies that objectives of development are human rights.
- ▶ Rights based approach to development puts the state under a legal duty to provide rights to the people and gives people the right to participate in their own development.
- ▶ Rights based approach to development integrates the norms and principles of human rights to programmes plans and actions and puts human rights as objectives of developments.
- ▶ It is a value driven approach where the human development is the core of all state actions.
- ▶ It is an approach where rights have corresponding duties. (Accountability)
- ▶ People are source and destiny of all actions. (participation and inclusion)
- ▶ People themselves have control over their own lives. (empowerment)



RBA



Known variously as -

- Rights based Approach
- Rights based approach to development
- Human rights based approach
- Human rights based approach to development
- Human rights based approach to sustainable development

The facilitator may ask the participants how many of them describe their activities as “working in rights base,” “rights mode” etc. S/he should emphasise that despite difference in nomenclature, the approach remains the same.

RBA Definitions



“The RBA means **describing situations** not in terms of human needs or areas of development but **in terms of the obligations to respond to the rights of individuals**”



Definitions continued...



“A RBA is found on the conviction that each an every human being, by the virtue of being a human being is a holder of rights. A right entails an obligation on the part of the government to respect, promote, protect and fulfill it...a RBA involves not charity or simply economic development but a process of enabling and empowering those not enjoying their rights”

Definitions continued...



“A rights based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights....”



United Nations

Summing up



The basic underlying theme of RBA is that it puts people in the centre of development where they are key actors and participants in the development process and development allows greater freedoms in enjoyment of their rights and state is obligated to respect, protect and fulfill those rights.

The facilitator from a comparison of definitions, should explain that in all definitions, there are following commonalities:

1. Each individual has human rights.
2. Human rights creates an obligation on the state/duty bearer to fulfil those rights.
3. The process of development should empower people to claim and enjoy their rights, and participate in development activities.
4. The normative framework/standards derive from the international human rights framework.

What is Rights based Approach?

Human rights - based approach

DUTY-BEARERS
State is the primary

RIGHTS-HOLDERS
Individuals (& groups)

Fulfills obligations towards

<https://youtu.be/DchjpiHOpeE>



5. Why is rights based approach needed

This should clearly bring out the distinction between other approaches and RBA, and RBA as a measure of development and rights in the governance, policies, planning, implementation, monitoring and review.

Why RBA?



- NBA has failed
- RBA goes into structural reasons and better analysis of poverty and disempowerment
- People are recognized as key actors in the development
- Participation is both means and goal
- Programmes are focussed on most vulnerable
- Development is locally owned and sustainable

From needs to rights



Progressive Transition of development work

CHARITY	No obligation, no consultation, no consistency
WELFARE	No obligation, consultation but no participation, consistency
DEVELOPMENT	Moral obligation, participation, consistency but no rights
EMPOWERMENT	Participation, rights, legal obligation

NBA Vs. RBA



Fulfillment by charity	Substantive claims
Deserving	Claim to entitlement
No definite obligation	Clear obligation
Receiving charity	Active participation
Some have to be left out	Everyone has same rights
Voluntary	Mandatory

6. Major milestone in development of RBA standards

The participants should be explained that due to poor guarantee of ESC Rights in different countries in the world, RBA draws standards from international human rights instruments. The facilitator should explain briefly standards of rights under major human rights instruments like UN Charter, ICPCR, ICESCR, CERD, CEDAW. The facilitator should also draw the participants in a discussion to lay down national standards from the constitution of India and rights based legislations like RTI, Right to employment, FRA and other legislations like Protection of Human Rights Act (and others).

Milestones on development of Human rights



- United Nations, 1945
- United Nations Declaration on Human Rights, 1948
- Covenant on Elimination of Racial Discrimination, 1965
- International Covenant on Civil and Political rights, 1966 & International Covenant on Economic, Social and Cultural Rights, 1966
- Covenant on Elimination of all kinds of discrimination against women, 1979
- Covenant against torture, inhuman or degrading treatment, 1984
- Declaration on the right to development, 1986
- Convention on the rights of the child, 1989
- Vienna Congress, 1993
- International Conference of Populations and Development, 1994

Brief history of human rights



https://youtu.be/6XXGF_V8_7M



United Nations, 1945

The United Nations Organization founded in 1945 after the Second World War by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.

Read More at: <https://www.un.org/en/sections/history/history-united-nations/index.html>



United Nations Declaration on Human Rights, 1948

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly at its third session on 10 Dec. 1948.

The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976.

Read More at: <https://www.un.org/en/universal-declaration-human-rights/>



Covenant on Elimination of Racial Discrimination, 1965



The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted by the UNGA on 21 December 1965, and entered into force on 4 January 1969.

A third-generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races. The Convention also requires its parties to outlaw hate speech and criminalize membership in racist organizations.

Read More at:

<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>



International Covenant on Civil and Political rights, 1966



ICCPR is a multilateral treaty adopted by the United Nations General Assembly, on 16 December 1966, and in force from 23 March 1976.

The Covenant commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.

Read More at:

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



International Covenant on Economic, Social and Cultural Rights, 1966



ICESCR is a multilateral treaty adopted by the UNGA on 16 December 1966 and came in force from 3 January 1976.

ICESCR commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living.

Read More at:

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>



Covenant on Elimination of All kinds of Discrimination against Women, 1979



Adopted in 1979, described as international bill of rights for women, came into force on 3 September 1981. Convention has six parts with 30 articles focusing on

- non-discrimination, sex stereotypes, and sex trafficking, women's rights in the public sphere with an emphasis on political life, representation, and rights to nationality.
- economic and social rights of women, particularly focusing on education, employment, and health, including special protections for rural women and the problems they face.
- women's right to equality in marriage and family life along with the right to equality before the law.
- CEDAW as well as the states parties' reporting procedure.

Read More at: <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>



Covenant against torture, inhuman or degrading treatment, 1984



The United Nations Convention against Torture (UNCAT) is an international human rights treaty that aims to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world.

The Convention requires states to take effective measures to prevent torture in any territory under their jurisdiction, and forbids states to transport people to any country where there is reason to believe that they will be tortured.

The text of the Convention was adopted by the United Nations General Assembly on 10 December 1984 and came into force on 26 June 1987.

Read More at: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>



Declaration on the right to development, 1986



The Declaration on the Right to Development was adopted by the General Assembly by resolution 41/128 of 4 December 1986.

The Declaration contains 10 articles which proclaims that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The Declaration identifies the human being as the central subject of development and attributes States the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals.

Read More at: <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>





Convention on the rights of the child, 1989

The UNCRC sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.

The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children.

The UN General Assembly adopted the Convention on 20 November 1989 and it came into force on 2 September 1990.

Read more at:

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



Vienna Congress, 1993

The World Conference on Human Rights was held in Vienna, Austria, on 14 to 25 June 1993, first human rights conference since the end of the Cold War. The main result of the conference was the Vienna Declaration and Programme of Action (VDPA).

Preamble of the VDPA states "The World Conference on Human Rights, Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner."

Read More at: <https://www.ohchr.org/en/aboutus/pages/viennawc.aspx>



International Conference of Population and Development, 1994



The ICPD was held in Cairo, Egypt, on 5–13 September 1994 on a variety of population related issues. Its resulting Programme of Action is the steering document for the United Nations Population Fund (UNFPA).

The Conference delegates achieved consensus on the following four qualitative and quantitative goals:

- Universal education
- Reduction of infant and child mortality
- Reduction of maternal mortality
- Access to reproductive and sexual health services including family planning

Read More at: https://www.un.org/en/development/desa/population/events/pdf/expert/27/SupportingDocuments/A_CONF.171_13_Rev.1.pdf



Right to Development



DECLARATION
ON THE RIGHT
TO DEVELOPMENT

<https://youtu.be/pdKfypBTIdI>

7. Main principles

The facilitator will explain main principles like universality, equality, interdependence and indivisibility, focus on the most marginalized, and accountability, briefly explaining what each principle means in operation. He should conclude by explaining accountability at different levels.

Core principles of RBA

- Universality
- Indivisibility and Interdependence
- Equality, non-discrimination & focus on marginalized
- Participation
- Accountability



Universality



All people in the world irrespective of geographical location and economic status of the countries are subject to same rights.



Indivisibility & Interdependence



All rights are indivisible and interdependent meaning that there can be no prioritization of Civil and political and ESC rights or within them. States are equally liable to make available all the rights subject to the resources available.

Equality, non-discrimination and focus on the marginalized



RBA presumes equality of all individuals without any preference on the basis of sex, caste, religion, place of birth or residence and absolute non-discrimination on any or all of these grounds. However, affirmative policies can be made in favor of the most marginalized and they have to be given priority.

Participation



- Participation presumes that people have a right to participate in their development and they are key actors at all the stages in the process of development.
- Participation does not mean consultation. It means real, meaningful and effective involvement.



Accountability



RBA presumes that the state is primarily accountable for providing rights to people. Besides states, international community, multilateral organizations, NGOs and even individuals have responsibilities.



ADOPTING RIGHTS BASED APPROACH

LEARNING OBJECTIVES

- ▶ Implications of RBA for Governments
- ▶ Implications of RBA for NGOs
- ▶ Rights Based Programming

AIDS REQUIRED

- ▶ Computer/Laptop
- ▶ Projector and screen

SESSION PLAN

Sl.	Topic	Methodology	Duration
1	Whether RBA applies only to the government; what about NGOs	Role play	15 minutes
2	RBA in the national context	Presentation	10 minutes
3	Identifying the RBA element	Guided discussion	10 minutes
4	Adoption of RBA by NGOs	Guided discussion	10 minutes
5	NGOs & RBA; what does it change?	Presentation	15 minutes
6	Rights bases programming	Presentation	20 minutes

1. Whether RBA applies only to the government; what about the NGOs?

The facilitator should take off from the “Accountability” in the last session to pose a question whether RBA applies only to the government? Then S/he should ask participants to volunteer for the role play. The volunteers should be divided into two groups, one an NGO and its staff, and the second one into community that the NGO works with. The community

members should be encouraged to ask accountability questions and do sort of scrutiny of the NGOs work in the community. The role play should be interesting with allegations of charges of corruption, lack of transparency in management of funds, lip services to the rights and entitlements etc. In the end, the facilitator should explain that NGOs too have responsibility as secondary duty bearers and should be ready for acerbic questions asked by other stakeholders and that NGOs should also adhere to the principles of the RBA.

Role Play



- Do the rules of RBA apply only to the state?
- What about NGOs?

2. RBA in the national context

The facilitator should explain what does adoption of the RBA mean in the national context. Probably no government in the world can claim to be completely in compliance of the RBA. But many elements in the governance, viz. focus on the most marginalized, allocation of resources to benefit the poorest and most vulnerable, inclusion, accountability, transparency, rule of law, access to justice etc. should be identified in compliance with the RBA.

Adopting RBA : National Context



- Changes in Laws
- Economic and social policies based on better analysis of poverty
- Allocations
- Attitude and behavior
- Data and monitoring
- Empowerment
- Accountability

3. Identifying RBA elements

The facilitator should cite some examples (policies from the states/ central government) which are in compliance with the RBA. The facilitator should also be able to cite some gaps / shortfalls in legislations/policies, which is against the spirit of the RBA and explain why does S/he thinks so. S/he should sum up by asking participants what do they identify as policies/programmes closest to the RBA approach in their own vicinity.

4. Adoption of the RBA by NGOs

Many NGOs claim to be working on “Rights Based” approach. The facilitator should ask participants whether the NGO they represent works in the rights based approach, why? Since when? And what is the change in their organization since they started working in RBA? From the discussion, the facilitator should identify and list down some important changes in the governance, organizational set up, skills, programme etc. to elaborate in her/his presentation later.

Adopting RBA: what does it mean for NGOs



- Limited knowledge on incorporating RBA
- No one size fits all
- Based mainly on experiments
- It need not replace existing approaches but supplement them

5. NGOs and RBA; what does it change?

In this session the facilitator should highlight elements listed down in the last discussion in specific areas viz. governance, organizational structure, skills required, programmatic changes etc. The overall purpose of the NGOs adopting RBA is to make the organization more accountable, transparent and inclusive, having better analysis of problems and practical approach towards finding solutions, efficient, effective and meaningful utilization of resources, engage more in partnership (including partnership with the communities they work with) and having more effective / better advocacy strategies. The facilitator should be able to explain all these with live examples from fields, at times drawing from the discussions and responses of the participants.

Implications of adopting RBA



Language of needs



“In all these efforts the fulfillment of the basic needs of children must receive a high priority. Every possible opportunity should be explored to ensure that programmes benefiting children and women and other vulnerable groups are protected in terms of structural adjustments”

Language of rights



“In efforts to ensure universal access to safe water and adequate sanitation facilities, pay greater attention to building family and community capacity for managing existing systems and promoting behavioral change through health and hygiene education including in the schools curriculum”

6. Rights based programming

Before coming to programming, the participants should have developed a good understanding of the RBA, its needs and conditions, standards and principles of the RBA and organizational changes required to adopt RBA, however, S/he should also explain that RBA is not a replacement of other approaches but one which complements other approaches. The facilitator should also explain that there is no “one fits all” formula. S/he should draw from the experiences of some of the organizations to highlight that rights based programming can mean different things to different people and organizations based on the circumstances that they work in, issues that they work on, resources that they have, so on and so forth.

However, they must reflect on the principles of the RBA as much as possible. For example, focus on the most marginalized, increased adoption of research, networking and advocacy, focus on capacity building for invoking accountability, increased synergy between “other work” and “human rights work,” longer term programmes rather than short term projects.

Operationalizing RBA

- Better analysis of poverty with deeper exploration of structural reasons of rights violations
- Real meaningful & effective participation of rights holders
- Identifying duty bearers and rights holders
- Identifying capacity gaps of duty bearers to deliver
- Empowerment of rights holders for invoking accountability
- Encouraging transparency and self accountability
- Putting people in centre of development
- Process is as important as the outcome



Operationalizing RBA



- The crux is **inclusion, participation and accountability**
- The second level to focus is better and structural analysis, integration of normative content of human rights, partnerships and advocacy
- Locally this means, reflecting on their own contexts and realities, researching and generating evidences, communicating, building partnerships, linking with local governments, developing strategic plan etc.

Experience of working in Human Rights Based Approach



Human Rights Based Approach to
Development in practice –
a Kenyan activist's experiences

<https://youtu.be/5P93m2FipTY>



Putting people/rights in centre: some indicators

- Do your general objectives and its indicators reflect an improvement in the lives of the most vulnerable
- What specific rights are being addressed
- Are the strategies empowering the duty bearers and rights holders
- Do the process indicators reflect transparency
- Do the mechanism for data collection ensure access to information and adequate opportunities to express to rights holders
- Do the process indicators incorporate mechanisms of accountability, can these be effectively exercised



General LFA

objectives	Inputs	outputs	outcomes	indicators
Empowerment of women through SHGs	Human Resources Fin resources	50 SHGs of 20 women each in 20 villages	Improved status and empowerment of women	Increased education Involvement in IGA Increased earning

Rights based LFA



Objectives	Capacity gaps	Expected improvement in Rights holders & duty bearers	Strategic activities	Outcome indicators	Process indicators
Empowerment of Women through SHGs	Lack of education & participation in decision making at all levels Lack of resources with WD Depart Discrimination in social security programmes	Improvement in education Health status Mobility Political participation Decision making Improved resources with WDD Capacity building of concerned duty bearers	Education of women Better health services Priority in social security schemes Advocacy for more allocation to WDD Sensitization of duty bearers	What improvements in education & health Participation in decision making Choices available and freedom to exercise choices	Women in education Women availing health services Number and frequency of women taking part in political processes Increase in mobility No. of self organized events

The facilitator can give some examples from India from this conversation below

<https://www.icrw.org/wp-content/uploads/2016/10/A-Rights-Based-Approach-to-Realizaing-the-Economic-and-Social-Rights-of-Poor-and-Marginalized-Women.pdf>

Can RBA applied universally?



Think of some situations -

- Lack of education and awareness of rights
- No clear duty bearer
- Extreme poverty (where provision of basic services are more important that reinforcing rights?)
- Failed states or autocratic states
- ?

Limitations & challenges in adopting RBA



Finally.....

What difference does adopting RBA makes for the organization?



An organization in Africa working on HIV/AIDS was asked this question? She said "not much programmatically. We used to provide ART to 200 persons before and even after adopting RBA, we are reaching out to only 250-260 persons.

"Then what's the difference?" Asked the curious visitor.

She said **"now we realise that we are falling far short."**

How big difference is that, it's for you to understand!

LIST OF ABBREVIATIONS

CEDAW	:	Convention on Elimination of All forms of Discrimination Against Women
CP Rights	:	Civil and Political Rights
ESC Rights	:	Economic Social and Cultural Rights
FRA	:	Forest Rights Act
HIV/AIDS	:	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICERD	:	International Covenant on Elimination of Racial Discrimination
ICESCR	:	International Covenant on Economic, Social and Cultural Rights
ICCPR	:	International Covenant on Civil and Political Rights
ICPD	:	International Conference of Population and Development
IGA	:	Income Generation Activities
LFA	:	Logical Framework Analysis
NGOs	:	Non Government Organizations
RBA	:	Rights Based Approach to Development
RTF	:	Right to Food
RTI	:	Right to Information
SHGs	:	Self Help Groups
UDHR	:	Universal Declaration of Human Rights
UNCAT	:	United Nations Convention against Torture
UNCRC	:	United Nations Convention on Rights of Children
UNFPA	:	United Nations Population Fund
UNGA	:	United Nations General Assembly
VDPA	:	Vienna Declaration and Programme of Action



Public Advocacy Initiatives for Rights and Values in India (PAIRVI) is a capacity building and advocacy support organization working at the intersections of rights, development and sustainability. It works with small grassroots organizations and community based groups to enhance their understanding on development discourse and capacity to respond appropriately.

PAIRVI also works with a pan Indian coalition on climate and environmental justice, MAUSAM (Movement for Advancing Understanding on Sustainability and Mutuality), previously Beyond Copenhagen.

Visit: www.pairvi.org

Contact: pairvidelhi1@gmail.com, info@pairvi.org