

A HUMAN RIGHTS APPROACH TO DEVELOPMENT

**Primer for Development
practitioners**

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April 2005**

INTRODUCTION

This document presents a concise overview of (i) **what is a “Human Rights approach to Development”**, (ii) **how it came about** over the past two decades, (iii) **what is its value added** to development practice, and (iv) **how to apply it** in development programming.

The objective of this paper is to **present the Human Rights approach in simple terms, for introductory purposes**. The reader can refer to the recommended bibliography at the end of this document for a deeper understanding of the approach and its operationalization.

The document is organized in four sections:

Preliminary considerations

First Part: What are Human Rights?

Second Part: What is a Human Rights approach to development?

- Origins
- Definition
- Rationale

Third Part: How to apply a Human Rights approach in development Programming.

PRELIMINARY CONSIDERATIONS

The origins of a human rights-based approach (HRBA) trace back to the convergence between the human rights and the human development discourses over the past decade. It is also being promoted in the context of the UN Reform. Operationally, a HRBA involves the application of certain tools (human rights) in development analysis and planning.

A HRBA is based on two types of rationale: normative and instrumental. The normative justification of a HRBA highlights human rights as norms that should be respected by States as well as by UN agencies in conformity with the UN Charter. The instrumental rationale considers a HRBA can serve to: (a) reduce abuses of power and violent conflict, and to (b) progress in the achievement of targets and goals, minimizing the risk of setbacks.

Human rights are a framework for equality and non-discrimination. A human rights approach to development is **a response to the limitations of previous approaches** (such as basic needs and sustainable livelihoods) **to address the influence of power inequalities in the development process**. However, **a human rights approach does not discard previous development approaches**, but builds on them.

FIRST PART: WHAT ARE HUMAN RIGHTS?

Applying a human rights-based approach in the pursuit of poverty reduction and human development requires first an understanding of what are human rights.

This section examines a definition of human rights and explains their role with regard to the exercise of power and authority. **Box 1** answers some of the questions that commonly arise in the human rights debate. **Annex 1** provides a brief overview of existing human rights.

A Human Rights definition

Human Rights may be defined as¹

- *universal legal guarantees,*
- *that belong to all human beings,*
- *and that protect individuals and/or groups*
- *from actions and omissions of the State and some non-State actors*
- *that affect fundamental human dignity.*

These attributes involve the following:

a) Human Rights refer to “fundamental human dignity”

It is generally true that all human beings would like to enjoy human rights fully (e.g. to food, to work, to life, to a fair trial, against torture), and that nobody would want to be deprived of them. These aspects of human wellbeing are valued to the extent of being considered fundamental to human dignity. They can be promoted (or jeopardized) by the exercise of power or authority, particularly by the State.

b) Human Rights are universal (they belong to all human beings)

Human rights belong to all human beings simply because they are “human”. This is known as the “**universality**” of human rights. Historically, rights were considered the privilege of people of a certain race, gender, social origin or economic status – who would also view the use of State power as primarily intended for their own benefit.

The principle of “universality” is thus linked to “**non-discrimination**”. Non-discrimination does not necessarily mean identical treatment: **those who are in a disadvantaged or marginalized position sometimes require special**

¹ Source: Office of the High Commissioner for Human Rights (OHCHR)

attention, as treating equally what are unequal situations may reinforce existing marginalization.

c) Human Rights are legal guarantees, against actions and omissions

The human rights framework reflects standards that most people in most societies can identify with (see point a)), but at the same time it is *legal* in character. Human rights are more than principles or values related to human dignity, they are also (and especially) **a legal framework of entitlements and obligations**. Whenever there is a right, there is a duty. Hence, with respect to a particular right there are **claim-holders and duty-bearers**.

As explained later, claim holders may be individuals or groups. But who are the duty holders? Human rights create mainly obligations for the State, because the State is generally the most powerful actor of social relations, and therefore has the greatest influence on human rights. States accept their responsibilities as duty-bearers upon ratification of international human rights treaties, and through constitutional and legal provisions. In certain cases, international customary law may bind States even in the absence of ratification (e.g. prohibition of slavery and genocide).

As **legal norms**, Human Rights **specify a series of actions that need to be taken** (e.g. adopting legislation to protect a healthy environment, ensuring decent work conditions), **or that should not be taken at all** (e.g. torturing somebody, denying education on racial or gender grounds), in the exercise of power or authority.

Unequal power relationships can also exist among individuals (e.g. a man and a woman, a mother and her child, an employer and an employee). Individuals also have responsibilities to contribute to the realisation of human rights, as they have duties to other individuals and to the communities to which they belong (as stated in the Preambles of the human rights Conventions on Civil and Political Rights, and Economic, Social and Cultural Rights).

d) Human Rights protect individuals and groups

Human rights may protect an individual, or a group of individuals (e.g. minorities, indigenous peoples). Although most human rights are “individual rights”, many human rights are exercised collectively (e.g. the right to profess and practice one’s religion), and some human rights are generally applied to collectives of people, rather than individuals (e.g. rights of minorities).

Box 1. Some common questions regarding human rights

1) Is the State the only duty-holder, or do non-State actors have duties as well?

As human rights are generally reflected in international treaties, and these are signed by States, the primary subject of human rights obligations is the State – and specifically its legislative, executive and judicial branches. National constitutions also create primarily human rights obligations on the State.

Armed insurgent groups are bound by some human rights provisions (e.g. Geneva conventions on humanitarian law), and some other non-state actors are increasingly being considered directly/indirectly bound by human rights law, especially businesses (e.g. Global Compact).

The human rights framework recognizes that individuals have duties to other individuals and to the communities in which they live: all people have the obligation to contribute to the realization of human rights. Furthermore, all human beings have the obligation to exercise their rights responsibly – that is, nobody should use human rights as a means to deny human rights to others. These obligations are generally set by national legislation. Therefore, the State should have both the will and the necessary capacities to respect, promote and fulfil its own obligations, and to ensure others within its territory do so as well. Indeed, the State is liable under international human rights law if it fails to take reasonable steps to prevent/stop certain abuses in the private sphere (e.g. domestic violence, workers' rights under ILO conventions).

The application of a rights-based approach to development programming requires the consideration of duty-holders at different levels, including not only government (at national, regional and local levels), but also individuals and non-State actors.

2) How are human rights enforced?

The international community has weak mechanisms of enforcement, although these usually exist at the national level. At the international level, UN mechanisms (special bodies created by human rights treaties, or special structures within the UN system) can exercise political pressure. The UN Security Council may decide on the use of force, and the recently created International Criminal Court provides certain mechanisms for judicial enforcement. Still, enforcement is largely a function of the State.

Accountability for human rights can be demanded through different mechanisms, including not only the judiciary, but also public audits, independent commissions, parliamentary processes, etc.

3) Is there a hierarchy of rights?

Human rights are interrelated and interdependent and there is no hierarchy of rights. For instance, inadequate health services or lack of education can affect a person's right to work. The exercise of the right to health may require an independent judiciary that enforces environmental legislation, and so on.

All rights are an expression of human dignity, and thus no right can be denied on the grounds of realizing other human rights first or instead. However, because human rights are interdependent, some priorities can be established in terms of pursuing specific human rights objectives – those that will have a positive impact on other human rights at large, without harming any human right in particular. Such prioritisation requires a careful assessment and analysis of specific situations, and therefore it varies depending on the context.

4) What happens if the State has no resources?

Ensuring human rights for all human beings requires not only willingness, but also time and resources. The international human rights framework takes these latter two constraints into consideration, recognizing that the State would be complying with its obligations as long as it *strives* to ensure that human rights are respected for all, within the State's available natural, human and financial resources – including resources coming from development cooperation. Some human rights guarantees can be immediately realised (such as non-discrimination). Other goals need to be achieved progressively (e.g. free primary education); in this case the State is under the obligation to *prove maximum progress is made given the constraints it faces*. This requires adequate budget allocation and the elimination of corruption, but also adequate financial assistance and other forms of cooperation among States.

4) What happens if human rights contradict cultural norms in a society?

As legal norms, human rights have traditionally contradicted some of the existing cultural values of societies, particularly on the distribution of privileges and punishments. Cultures are not static, they can change - and generally they do. Human Rights are legal norms that can guide certain changes in social, political and cultural arrangements; changes that are necessary to minimize abuses of power.

Generally human rights protect the rights of groups to retain their own cultural, religious and social practices. Only some cultural practices contradict human rights. Indeed, claims of "cultural relativism" are often used as a justification to deny human rights. The same countries whose governments denounce human rights as a "Western" imposition may have vibrant human rights movements at the grassroots level. Denials of human rights also occur in Western societies.

"Relativist" discourses on human rights deny the possibility of universal norms on how human beings should be treated. Such discourses would affirm that, whereas human rights may be relevant for some countries and cultures, they are not necessarily so for others. However, this argument is flawed in the sense that there are no "Chinese" or "French" human beings; there are human beings, period (as opposed to, for instance, whales) and Chinese or French citizens or nationals. Indeed, nationalist, ethnic, or class interests can prevail over human rights only if human beings are no longer considered as such. "Relativism" of human rights should then be assessed by those who have the right, not by those who are in the obligation to respond.

It is however true that the human rights discourse has been largely dominated by the West, with the consequence that some dimensions (such as "individual freedoms" and "State obligations") are highlighted more than others (such as "collective rights" or "individual responsibilities"). This bias limits human rights effectiveness. In the view of it, the cultural debate can play a constructive role in human rights, rather than a destructive one. Because they highlight important dimensions for the realisation of human rights, active participation of non-Western cultures is essential to strengthen human rights – as shown by the drafting of the UN Declaration on Indigenous Peoples, or the African Charter on Human Rights and People's Rights.

5) What happens if human rights contradict each other?

Human Rights are essentially conflictive, in two ways:

- 1) They create a tension between the person who has the right, and the person or institution who holds the obligation. It is natural that the right-holder wants to maximize his/her right to the greatest extent, and the duty-bearer tries to minimize the scope of its obligations and responsibilities.
- 2) Human rights may also contradict each other (e.g. an indigenous people's right to food may contradict a commercial fisherman's right to work). The challenge is to prevent that such contradictions eventually result in human rights denials, by reaching a compromise consistent with the human rights framework.

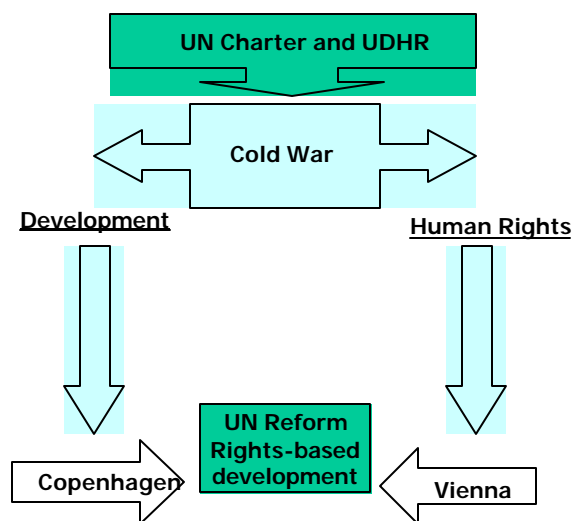
SECOND PART: WHAT IS A HUMAN RIGHTS APPROACH TO DEVELOPMENT?

Origins of a Human Rights approach

Development, peace and human rights appear as interrelated objectives in the UN Charter. The Universal Declaration of Human Rights of 1948 contains both civil and political rights (CPR) and economic, social and cultural rights (ESCR) in the same document. However, the ideological division of the Cold War prevented the practical convergence of the objectives in the UN Charter, and caused a split in the elaboration of human rights norms. The end of the Cold War allowed recovering a comprehensive perspective of the United Nation's mandate, which was also a vision for reform.

Figure 1 provides a graphic description of the historical convergence between human rights and the development discourse. Box 2 presents some specific milestones in this regard.

Figure 1: Convergence between human rights and development²



Box 2: Key milestones

- 1945:** UN Charter
- 1948:** Universal Declaration of Human Rights.
- 1966:** International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights.
- 1986:** Declaration on the Right to Development.
- 1993:** World Conference on Human Rights (Vienna)
- 1995:** World Social Summit
- 1997:** UN Reform (first wave)
- 1998:** UNDP Policy on Integrating Human Rights with Sustainable Human Development
- 2000:** Millennium Declaration
Human Development Report: Human Rights and Human Development
- 2002:** UN Reform (second wave)
- 2005:** New proposals for UN reform

² Source: Office of the High Commissioner for Human Rights

Definition of a Human Rights approach to Development

A human rights approach may be defined as a **framework** for the pursuit of **human development** that is *normatively based on, and operationally directed to, the development of **capacities to realise human rights***.

This implies that:

- 1) **The objective of a human rights approach is human development.** Human rights provide a detailed guide towards generic human development goals (such as health, education, good governance, etc). In other words, human rights can act as a “roadmap” towards human development objectives. For instance, under a human rights framework the objective of “health” includes affordability, accessibility and quality of health services, and embraces the underlying determinants of health (such as clean water and a healthy environment). A human rights approach can also go beyond the human rights framework - it may require expanding human rights to better achieve human development goals. For instance, free legal counsel is a human right only with regard to criminal cases, although poverty reduction requires that free legal counsel be extended as a *matter of right* to other cases too (e.g. land ownership, labour relations)
- 2) The approach seeks to ground human development on human rights **for instrumental reasons (reducing poverty and violent conflict)**, although there are also **normative considerations**: human rights are norms to which both States and the United Nations should abide to.
- 3) The two main causes preventing the realisation of human rights are **lack of political will and insufficient capacities**. Whereas “human rights monitoring” seeks to foster political will, **a human rights approach to development seeks to develop capacities** accordingly. The UN system performs different functions in the field of human rights, a major objective of the United Nations Organisation. These functions are carried out by different structures within the system. Some bodies (such as the General Assembly), set human rights standards. Other mechanisms (such as treaty bodies or the UN Commission on Human Rights) monitor their implementation. UN specialized agencies (UNDP, UNFPA, UNICEF, WHO, etc) focus on capacity development.
- 4) The realization of human rights requires capacities at two levels:
 - a. **Capacities for empowerment**: right-holders need to strengthen their capacities to claim and exercise their rights effectively.

- b. **Capacities for accountability:** duty-bearers need to strengthen their capacities to fulfil human rights obligations.

Box 3: Some common questions regarding a Human Rights approach to Development

1) Are “human rights” and “human development” one and the same?

No, they refer to different concepts. Human rights are legal norms, whereas human development is a dynamic process. Human rights and human development may have common objectives, although usually these are defined more clearly by human rights because they specify specific components (e.g. the right to work includes decent work conditions, free choice, non-discrimination, etc.). Also, the scope of human development evolves rapidly with social and technological changes, whereas creating human rights is a slow process. Therefore, the scope of human development is likely to be larger than the scope of human rights.

2) Does a human rights approach imply a “conditionality” of aid?

A human rights approach does not imply more conditionality than any other development approach. The only “condition” is that development assistance should be used for poverty reduction. As long as funds are devoted towards strengthening capacities for human rights, and not towards destroying them, any “conditionality” contradicts a human rights approach, as it denies people’s right to decide on their own development.

3) Does a human rights approach substitute other development approaches, such as “basic needs” or “sustainable livelihoods”?

The human rights approach builds on previous development approaches, trying to address specific problems (particularly the influence of power inequalities on poverty and conflict). Therefore, it does not substitute previous approaches, but rather takes them further to make development analysis and strategies more holistic.

Why are Human Rights needed in development practice? – Instrumental rationale for the use of a Human Rights approach in development strategies

The human rights approach seeks to respond to two interrelated problems facing poverty reduction efforts today: “capture” of economic and political benefits by the better-off, and growing violent conflicts.

1) The problem of “elite capture”

It is now generally accepted that over the past decades the poorest members of society have become poorer, whereas the richest are richer now than they have ever been in the course of history. Income inequality has been rising in many developed, developing and transitional countries. As highlighted by recent studies, a high-inequality growth pattern makes it difficult to achieve poverty alleviation, and it is hardly politically sustainable over the long term³. Income is not the only aspect that may be affected by inequality. Public policies in fundamental issues such as education and health often neglect poor people and favour the wealthy. The Human Development Reports 2002 and 2003⁴ present important findings in this regard – to the extent that some “development gains” are in jeopardy, and some development indicators have already suffered setbacks. In other words, the expected “trickle down” effects of economic and political development have not reached the bottom. This failure has a lot to do with the fact that most of these benefits have been “captured” by the better off – that is, the already powerful and wealthy and those who are relatively less poor.

Elite capture may be defined as the process by which powerful elites skim resources intended for the bottom, and/or define policies in a way that protects their own interests. Elites may be economic, ethnic, national, gender-based, etc. Capture may occur at national and international levels.

Although elite capture may not be completely eliminated, **human rights are brought to the development process in order to set certain limits, and to guarantee basic human conditions for those who suffer the consequences**. Even the grievances of the poor may be manipulated by political actors who just seek to pursue their own personal or organisational goals. Human Rights are established by legal norms in order **to avoid that**

³ Data from the World Income Inequality Database (WIID) show the growth in inequality and increasing income concentration. Studies of the UN Institute for Development Economics Research (WIDER) show there are incompatibilities between rising income inequalities and poverty reduction. Data available at <http://www.undp.org/poverty/initiatives/wider/wiid.htm>

⁴ Page 59, Human Development Report 2002, “Deepening Democracy in a Fragmented World, UNDP 2002. Page 7,18 and comparative data in Human Development Report 2003, Millennium Development Goals: A compact among nations to end human poverty, UNDP 2003

any of the parties can define its obligations or entitlements for its own vested interests at the expense of others.

Human Rights create entitlements and obligations that are **universal** – that is, they apply to all human beings, including the most disadvantaged, and they must be respected by all, including the most powerful. Because of their universality, human rights represent a useful framework to prevent abuses of power and ensure there is no discrimination against most disadvantaged groups.

2) The problem of violent conflict

Another problem facing poverty reduction efforts today is the spread of violent conflict, a phenomena that is partly related to the growing impact of capture. Conflicts are natural in human interaction, but they may produce positive change as well as damaging destruction. A human rights approach seeks to manage existing conflicts so that they do not turn into violence (by establishing limitations on abusive capture, and redress mechanisms when abuses occur). Hence **Human rights are useful to prevent and overcome violent conflicts.**

A human rights approach brings two main contributions to conflict transformation:

- 1) **A human rights approach helps to reduce the risk of violence, by detecting growing conflicts and providing a framework of entitlements and obligations to manage them.** As human rights are naturally conflictive (see Box 1), a human rights approach helps to reveal existing conflicts within the society, some of which may be hidden within social and political structures. This “early warning” mechanism is coupled by a framework of entitlements and obligations, which can be applied by the parties for managing the conflict in non-violent forms.
- 2) **A human rights approach helps to overcome persistent violent conflicts: Not only it deals with the problem of greed (through setting limits for abusive capture), but also establishes the obligation to redress grievances (the so-called “right of a remedy and reparation”)** - Although poverty is at the root of many violent conflicts, conflict studies highlight that the “triggers” of violence are usually related to two elements: “greed” and “grievances”. Regarding the later, people may resort to violence when they perceive they are suffering grievances to which they cannot find appropriate redress within the system. Indeed, history shows violent conflicts cannot be fully overcome unless appropriate redress to human rights grievances is eventually given.

THIRD PART: HOW TO APPLY A HUMAN RIGHTS APPROACH IN DEVELOPMENT PROGRAMMING

A human rights approach uses the human rights framework in analysing development problems and designing and implementing strategies. The objectives are to (a) ensure minimum conditions of wellbeing for poor and marginalized people, (b) reduce the risks of setbacks and (c) minimize violence risks.

The operationalization of a Human Rights approach is called **Human Rights-based Programming (HRBP)** It consist of the **integration of human rights principles and standards into all stages in the programming process – assessment and analysis, objective setting, design of capacity development strategies, implementation, and monitoring and evaluation**. As a technical tool, RBP draws heavily on basic elements of the so-called “good programming”.

More specifically, rights-based programming involves:

- a) Identifying what specific results should be pursued in line with a human rights framework, and who are the claim-holders and duty-bearers in that particular situation.
- b) Identifying their specific claims and obligations.
- c) Identifying specific capacity problems they face to exercise those claims or fulfil those obligations.
- d) Designing capacity development strategies accordingly.
- e) Ensuring the process respects basic human rights principles.

Rights-based programming uses human rights principles and standards. **Human Rights principles provide the framework for the process of development. Human rights standards help to define the type of results pursued** in the development process. Annex 1 includes a summary overview of some of the existing human rights standards. Annex 2 provides a Step-Guide for Rights-based programming.

Applying human rights principles in development practice

A human rights approach states that **the process of development is as important as the outcome**, and that indeed the process largely determines the type of outcomes resulting from development activities.

Rights-based programming applies guiding principles to ensure an adequate development process. The two major principles are **ACCOUNTABILITY** and **NON-DISCRIMINATION**, although a simple acronym (PANEL) is often used to clarify the implications of rights-based programming. The acronym PANEL stands for:

- **P**articipation
- **A**ccountability
- **N**on-discrimination, Equality and Attention to vulnerable groups
- **E**mpowerment
- **L**inkages to human rights standards, progressive realisation of rights and non-retrogression.

Box 4 summarizes the programming implications of these principles. Although some of them are not new to development practice, the value of a human rights-approach is that these principles become **mandatory**. This is important, given that those whom these principles protect the most (that is, poor and marginalized groups), are not generally in a position to claim them.

1) Participation

Participation means involving claim-holders and major duty-bearers in the assessment, decision-making and implementation of development strategies. Rights-based programming pays special attention to **creating channels of participation for poor and disadvantaged people**, as the ones whose claims are most affected.

Also, a human rights approach qualifies the scope of “participation” as **active, free and meaningful**. The approach seeks a specific type of participation, not participation at any cost. Participation is not consultation: it must shape and determine development decisions. This requires adequate access to information, adequate organisational capacities, absence of threats, etc. Therefore, rights-based programming should **devote time and resources to create capacities for participation** if the latter is to be meaningful, as “participatory” approaches are vulnerable to be used simply to legitimise pre-existing decisions.

2) Accountability

Good programming stresses that **in order for results to be achieved, clear accountabilities must be set**. That is also the reason why for all human rights, there are corresponding duties. The value of a human rights approach for understanding “accountability” in development activities is that it sets *specific* entitlements and obligations. It ensures that accountabilities with respect to the results and the process of development are not defined exclusively by those who take the decisions, thus lessening the probability that such a definition would help to protect their own interests at the expense of those of most disadvantaged groups.

To ensure accountability, rights-based programming starts by assessing specific obstacles that duty-bearers face to exercise their obligations. This analysis sets a baseline to formulate development strategies to remove them. A human rights approach uses a “**capacity development perspective**”: in other words, it aims to build on claim-holders and duty-bearers’ **existing strengths and solutions**, rather than substituting them.

Defining clear accountabilities, and developing capacities accordingly, may however be insufficient. For accountability to be effective, it needs to be demanded. Therefore, rights-based programming calls for the **inclusion of civil society oversight elements** in programme design and implementation.

Lastly, a fundamental implication of accountability from a rights-based perspective is the need to strengthen **risk analysis** in development programming. As empowering disadvantaged people is likely to face resistance by some groups, such an analysis should include assessing the conflict potential of development activities, and establishing strategies to manage it.

3) Non-discrimination, equality and attention to vulnerable groups

The principles of non-discrimination and equality require paying special attention to those who are more discriminated against, or those who are more negatively affected by the unequal distribution of economic, social and political resources. These groups involve not just “poor people”, but also the most vulnerable people among the poor – e.g. women, the elderly, members of low-castes, internally displaced persons, persons living with HIV/AIDs, etc.

Rights-based programming seeks to **identify different vulnerable groups among the claim-holders, in order to target them explicitly**. This requires an adequate level of data disaggregation – for which usually investments at early programming stages will need to be made, as available data may be inadequate to reflect distinct situations among the poor.

4) Empowerment

Empowerment is **the process by which the capacities of people to claim and exercise rights grow**. People are “empowered” when they are able to claim and exercise their rights more effectively. Empowerment is a key principle to guide development strategies. Rights-based programming starts by analysing **what specific capacities are needed** to claim and exercise rights in a particular situation. These are the capacities that HRBA programs seek to focus on.

Participation is linked to empowerment in the sense that, when participation is active, free and meaningful, the mere fact of being able to take and implement decisions is an indicator of empowerment.

5) Linkages to human rights standards – progressive realisation and non-retrogression

A defining feature of a human rights approach is its explicit linkage to human rights standards. **Human rights standards** are an *objective* “roadmap” to human development goals that **prevent “capture”** of the development agenda, **and set minimum guarantees** for poor and disadvantaged groups. They also **help to identify where problems exist, and what are the capacities and functions required to address them**. For instance, if the problem is one of access to information, a human rights approach would include in the analysis not only availability of information, but also related standards of the right to information such as transparency, affordability, physical reach, adequacy and non-discrimination. The picture of the problem (and of the strategy), becomes comprehensive, as it includes multiple dimensions affecting the entitlements of poor and vulnerable people.

Human rights standards exist in many fields; most of them are “legal obligations”, some of them are politically binding. As an instrumental “roadmap”, however, all human rights standards are equally useful⁵. In the programming process, they can **help to define a comprehensive but targeted scope for development strategies** – and they provide a rationale of cost-effectiveness. Human rights standards can also help **to set results-based outcomes and outputs**. Annex 1 provides a summary of some human rights standards.

Human rights standards should be respected for all, although this may require **progressive realisation** within limited resources. Human Rights

⁵ The Office of the High Commissioner for Human Rights’ website (www.ohchr.org) contains up-to date information of existing human rights standards (see its link on “human rights issues”). Standards may be found in both treaties and declarations, and in the so-called “General Comments” of the Human Rights treaty bodies (providing detailed explanation of the standards contained in particular rights).

allow for progressive realisation, although they set clear limits on the possibility for setbacks. The principle of **non-retrogression** means that duty-bearers should at least protect the human rights gains already made, when factors beyond their control prevent these gains to grow further. Globalisation raises important challenges in this regard. Cooperation among States is necessary to progressively ensure human rights standards for all, and also to sustain the gains. International target-setting, such as the Millennium Development Goals (MDGs) is a major step forward. Strengthening capacities to implement human rights safeguards can reduce the risk of setbacks – from which the MDGs are not exempted, as revealed by the Human Development Report 2003.

Box 4: Guiding principles in human rights-based programming

Guiding Principle	Programming implications
PARTICIPATION	<ul style="list-style-type: none"> • <i>Create channels of participation for poor and disadvantaged people</i> • <i>Active, free and meaningful – time and resources to develop capacities needed</i> • <i>Adequate capacities are a development result in itself (empowerment)</i>
ACCOUNTABILITY	<ul style="list-style-type: none"> • <i>Objective guidance to set responsibilities</i> • <i>Capacity development: Build on existing strengths and solutions to respond. Target weaknesses and vulnerabilities.</i> • <i>Include civil society oversight elements</i> • <i>Strengthen risk analysis</i>
NON-DISCRIMINATION, EQUALITY AND ATTENTION TO VULNERABLE GROUPS	<ul style="list-style-type: none"> • <i>Identify most vulnerable groups and target them explicitly</i> • <i>Develop data disaggregation</i>
EMPOWERMENT	<ul style="list-style-type: none"> • <i>Target necessary capacities to claim and exercise rights – build on existing strengths and solutions, target weaknesses and vulnerabilities.</i> • <i>Linked to active, free and meaningful participation</i>
LINKAGES TO HUMAN RIGHTS STANDARDS	<ul style="list-style-type: none"> • <i>Standards are a roadmap to the scope of the problem and the desired results – they also prevent “capture” of decisions and set minimum guarantees for poor and disadvantaged groups</i> • <i>Stress on monitoring progressive results and assessing the risk of setbacks</i>

Developing capacities for human rights: Programming Steps

The realisation of human rights requires capacities at two levels: claim-holders and duty-bearers. Developing the capacity of people to claim and exercise rights may require not only enhancing capacities of individuals and groups, but also institutional capacity development – as obstacles to people’s capacities are often found at the institutional level.

Stages in human rights-based programming seek to:

1) Focus the problem – Causality Analysis

This step serves to identify different human rights dimensions of the problem, and the specific human rights safeguards (guarantees against actions and omissions) whose implementation is incomplete or problematic.

2) Focus capacity development strategies– Empowerment and Accountability Analysis

This stage analyses causes of non-implementation of human rights safeguards that relate to capacity problems of (a) claim-holders to claim and exercise rights (empowerment), and (b) duty bearers to fulfil obligations (accountability). SWOT techniques are applied to assess such capacities, in order to:

- Build on existing strengths and solutions of stakeholders
- Target weaknesses and vulnerabilities.

3) Ensure an adequate process

The guiding principles for rights-based programming (PANEL) are used as an objective guidance to design/implement development strategies and guide indicator setting.

UNDP and other agencies have developed training resources and programmes on human rights-based programming. Annex 2 includes a “Step-Guide for Rights-based programming” adapted for the training manual of the United Nations Country Team (UNCT) in the Philippines. General objectives of rights-based programming at each stage in the development cycle are summarized in Box 5.

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**ANNEX 1:
SUMMARY MATRIX OF SOME HUMAN RIGHTS STANDARDS**

Human Rights standards exist in many different fields. The Office of the High Commissioner for Human Rights’ website (www.ohchr.org) contains up-to date information of existing human rights standards (see its link on “human rights issues”). Standards may be found in both treaties and declarations, and in other documents such as “guidelines” or “principles”. The so-called “General Comments” of the Human Rights treaty bodies provide a detailed explanation of the particular standards found in human rights treaties.

LIST OF ACRONYMS:

UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESR	International Covenant on Economic, Social and Cultural Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child

Human Right	Standards covered by the Right
NON-DISCRIMINATION	<ul style="list-style-type: none"> • Common to all human rights treaties – prohibited on the grounds of sex, age, national or social origin, political or other opinion, etc. • Linked to equality and special attention to vulnerable groups: <ul style="list-style-type: none"> • Sometimes equal treatment reinforces inequality: substantive equality requires special attention to vulnerable groups and even temporary measures of protection (affirmative action) – e.g. women <p><i>Normative grounds:</i> Art. 7 UDHR; Art. 2(2) ICESR; Arts. 2(1) and 2(2) ICCPR; Art. 1,3,4 CERD; Arts. 1,2,4,7 CEDAW; Art. 2 CRC, <i>Right to Development</i></p>
RIGHT TO LIFE	<ul style="list-style-type: none"> • Includes extrajudicial executions, genocide, killing by civilians in armed conflict <p><i>Normative grounds:</i> Art. 3 UDHR; Art. 6 ICCPR; Art. 5(b) CERD; Art. 6 CRC</p>

Human Right	Standards covered by the Right
<p>POLITICAL RIGHTS AND FREEDOMS: Rights to liberty and security of person; Right to participate in government; Freedoms of opinion and expression, Freedom of movement, Right of peaceful assembly and association</p>	<ul style="list-style-type: none"> • Effective exercise requires access to information • Exercise carries with it special duties and responsibilities: there may be some limitations in a democratic society. <p><i>Normative grounds: Freedom of opinion and expression: Art. 19 UDHR; Art. 19 ICCPR; Art. 5(d)(viii) CERD; Arts. 12, 13 CRC. Right to participate in government: Art. 21 UDHR; Art. 5 CERD. Freedom of movement: Art. 13 UDHR; Art. 12 ICCPR. Right to peaceful assembly and association: Art. 20 UDHR; Art. 20, 21 ICCPR; Art. 5(d)(ix) CERD; Art. 15 CRC; Art. 2 ILO C87; Arts. 1, 2, 3 ILO C98</i></p>
<p>RIGHT TO WORK</p>	<ul style="list-style-type: none"> • Protected as: <ul style="list-style-type: none"> • Source of livelihood and income • Source of dignity and self-realization • Involves many aspects, such as: <ul style="list-style-type: none"> • Opportunity to access freely accepted work • Safe and healthy conditions of work • Fair wages: remuneration that provides decent living; equal pay for equal work • Form trade unions, join trade unions, etc. <p><i>Normative grounds: Art. 23 UDHR; Arts. 6, 7, 8 ICESR; Art. 8(1) Right to Development; Art. 5(e)(i)(ii) CERD; Art. 11 CEDAW; Art. 32 CRC</i></p>
<p>RIGHT TO HEALTH</p>	<ul style="list-style-type: none"> • Right to access adequate health services and facilities and to underlying determinants of health (food and nutrition, housing, access to safe and potable water and sanitation, safe and healthy work conditions, healthy environment, etc.) • Includes: <ul style="list-style-type: none"> • Availability (sufficient quantity): hospital, staffs, drugs • Accessibility (physical, economical, access to information) • Acceptability (sensitive to culture, gender, life cycle) • Quality <p><i>Normative grounds: Art. 25 UDHR; Art. 12 ICESR; Art. 8, Right to Development; Art. 5(e)(iv) CERD; Art. 12 CEDAW; Art. 24 CRC</i></p>

Human Right	Standards covered by the Right
<p>RIGHT TO FOOD</p>	<ul style="list-style-type: none"> • Availability and adequacy – in adequate quantity/quality to satisfy dietary needs • Accessibility: <ul style="list-style-type: none"> • Physical accessibility • Affordability • Stability of food supply <ul style="list-style-type: none"> • Environmental sustainability • Economic and social sustainability <p><i>Normative grounds:</i> Art. 25 UDHR; Art. 11 ICESR; Art. 8 Right to Development;</p>
<p>RIGHT TO HOUSING</p>	<ul style="list-style-type: none"> • Right to live somewhere in security, peace and dignity • Includes: <ul style="list-style-type: none"> • Legal security of tenure – legal protection from forced evictions, harassment and other threats • Availability of services and infrastructure – safe drinking water, sanitation, energy for cooking, etc. • Habitability – adequate space, protection from elements, etc. • Accessibility <ul style="list-style-type: none"> • <i>Affordability</i> • <i>Location</i> – allows access to employment options, health care, schools, etc. <p><i>Normative grounds:</i> Art. 25 UDHR; Art. 11 ICESR; Art. 8 Right to Development; Art. 5(e)(iii) CERD</p>
<p>RIGHT TO EDUCATION</p>	<ul style="list-style-type: none"> • Functional educational institutions and programmes • Includes: <ul style="list-style-type: none"> • Availability – adequate infrastructure, trained teachers with liveable wages, training materials • Accessibility <ul style="list-style-type: none"> • Non discrimination • Safe physical access • Affordability • Acceptability and adaptability – education culturally appropriate and of good quality; flexible, adaptable to the needs of a changing society <p><i>Normative grounds:</i> Art. 26 UDHR; Art. 13 ICESR; Art. 8(1) Right to Development; Art. 5(e)(v) CERD; Art. 10 CEDAW; Arts. 28,29 CRC</p>

Human Right	Standards covered by the Right
<p>RIGHTS OF MINORITIES</p>	<p>At a minimum:</p> <ul style="list-style-type: none"> • Equality before the law and non-discrimination • Right to profess and practice one's religion • Right to enjoy one's own culture • Right to use one's own language
<p>RIGHTS OF REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPs)</p>	<p>Refugees DIFFERENT from IDPs – different regulations and standards:</p> <ul style="list-style-type: none"> • 1951 Convention relating to the status of refugees • Guiding principles on Internal Displacement – identifies legal basis on treaties to protect against human rights violations of IDPs
<p>RIGHT OF REDDRESS</p>	<p>Reparation = Action or process that repairs, makes amends, or compensates for damages. There are three forms: restitution, compensation and satisfaction.</p> <p>May be obtained through:</p> <ul style="list-style-type: none"> • Judicial processes • Administrative procedures • Formal apology • Discipline of guilty individuals, <p>Etc.</p>

ANNEX 2: STEP GUIDE: RIGHTS- BASED APPROACH TO DEVELOPMENT⁶

ASSESSMENT AND ANALYSIS

To be obtained through a participatory process, using adequate techniques for poor and disadvantaged groups

Identification of claim-holders: Vulnerable groups in the situation; groups facing discrimination in access to power and resources; different degrees of vulnerability among those groups (profiles on which data should be disaggregated)

Specific human rights concerns: Elements of major rights being affected (standards); linkages of cause and effect with respect to other human rights and external factors. Analyse interrelations among human rights issues: What human right issue(s) seem to be more influential in affecting others in this particular situation?

Capacities affecting the realization of human rights:

Accountability analysis: Identify duty-bearers at all levels (State – executive, legislative and judicial branches; local governments, groups, individuals) and specific duties involved with regard to the selected human rights issues, including duties of claim-holders if relevant. Identify capacities needed at different levels to perform human rights duties. Assess existing capacities through a SWOT analysis. Build on existing strengths and solutions. Target weaknesses and vulnerabilities.

Empowerment analysis: Identify capacities needed claim and exercise rights at different levels, specifically for the most vulnerable groups. Assess existing capacities through a SWOT analysis. Build on existing strengths and solutions. Target weaknesses and vulnerabilities.

Underlying causes Systems/ events/ actions/ attitudes and behaviours affecting the lack of capacities, and interrelationships among them.

OBJECTIVE SETTING AND DESIGN OF CAPACITY DEVELOPMENT STRATEGIES

Human rights as a framework for decision making, targets and indicators agreed by claim-holders and duty-bearers.

Objective setting (general objective, outcome): desired changes on the lives of claim holders that such actions could influence/ contribute to (specific improvements in the elements – use standards of the rights being directly and indirectly affected. Identification of **indicators to measure such changes (outcomes)**

Immediate Objectives, Outputs: Levels (individual, community, policy – institutional national) where action is required and specific results (**immediate objectives, outputs**) to be achieved at those levels – use as reference capacity problems selected in Step 1 (assessment and analysis). Select **indicators to measure such results (outputs)**

⁶ Adapted from the Training Manual on “Rights-based Development” elaborated by the UN Country Team in the Philippines, May 2002.

*Draw up **activities aiming to achieve the immediate objectives (outputs)**, that (a) emphasize strategies of empowerment, (b) guarantee access to institutions and information, (c) incorporate mechanisms of redress and accountability, and (d) are sensitive against the risk of human rights setbacks and reinforcing existing power imbalances. Assess the implications for women and men of all plans, projects and service delivery activities*

Include **process indicators** that reflect (a) participation; (b) non-discrimination and attention to vulnerable groups, (c) accountability in project implementation

Include **mechanisms for civil society monitoring and oversight**.

Identify **focus of resistance and risks of empowerment processes**, and set adequate strategies to manage them. Identify also **potential for negative impacts on other disadvantaged groups**, and design strategies to eliminate them.

Identify Resource (financial), Administrative, Technical and Support Requirements

Adopt Realistic and Achievable Time Frame

MONITORING

Monitor process and results, ensure participation and access to information – establish disaggregated baselines

Establish disaggregated baselines (reflecting situation of specific vulnerable groups) for outcome, output and process indicators.

Establish accountabilities for reporting on indicators related to (a) outcomes (general objectives), (b) outputs (immediate objectives); (d) process; (c) completion of activities, and (e) financial reporting.

Design **mechanisms to ensure transparency and participation** of claim-holders and duty-bearers in monitoring

Ensure **access to information** and support **civil society monitoring and oversight**.

EVALUATION

Assess gains in empowerment and accountability, impact on human rights outcomes for poor and disadvantaged groups, ownership, sustainability and risks of setbacks

Assess overall **results** in terms of: (a) impact on **empowerment and capacities for effective participation** (disaggregated analysis), (b) impact on **capacities to exercise of accountability, and effectiveness of these** (c) **human rights outcomes**, particularly of poor and disadvantaged groups, (d) **unintended results** (positive or negative) on conflict and other human rights, (e) **ownership of process and results** by claim-holders and duty-bearers involved, (f) **sustainability, risks of setbacks** and efficiency of mechanisms for monitoring and redress.