



# RIGHT BASED APPROACH TO DEVELOPMENT

1

*Development itself a Human Right*

*Realization of Human Right through*

*Development*

*Development through Realization of*

*Human Right*





# Objectives...

2

- Explain the concept of right based approach
- Describe the application of right based approach



# What is Human Right?

3

*Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.*

**All Human Rights for All and  
It should be Realized.....**



# Generation of Human Right

4

- ❑ First generation rights (civil and political right)
- ❑ Second generation rights (economic, social and cultural right)
- ❑ Third generation rights (collective rights eg. social security right, environment security, social welfare related right)
- ❑ Fourth generation (Development related rights eg. abortion right, third sex right etc)



***We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”***

-K. Annan (2005)



# Some Questions....

6

- ❑ What are the relationships between human rights and development?
- ❑ Is realization of human right just a legislative process?
- ❑ Without respect of human rights, can development be realized in the country?
- ❑ How can human rights approach be translated into practice?



# RBA....

7

*“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 realised.”*

Declaration on the Right to Development in 1986



# Contd....

8

“A right based approaches 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”

Office of the High Commissioner for Human Right cited in Marks, 2003

Seeks to integrate the norms, principles, standards and goals of the international human rights system into the plans and policy to promote development

(Marks, 2003)





# Contd....

9

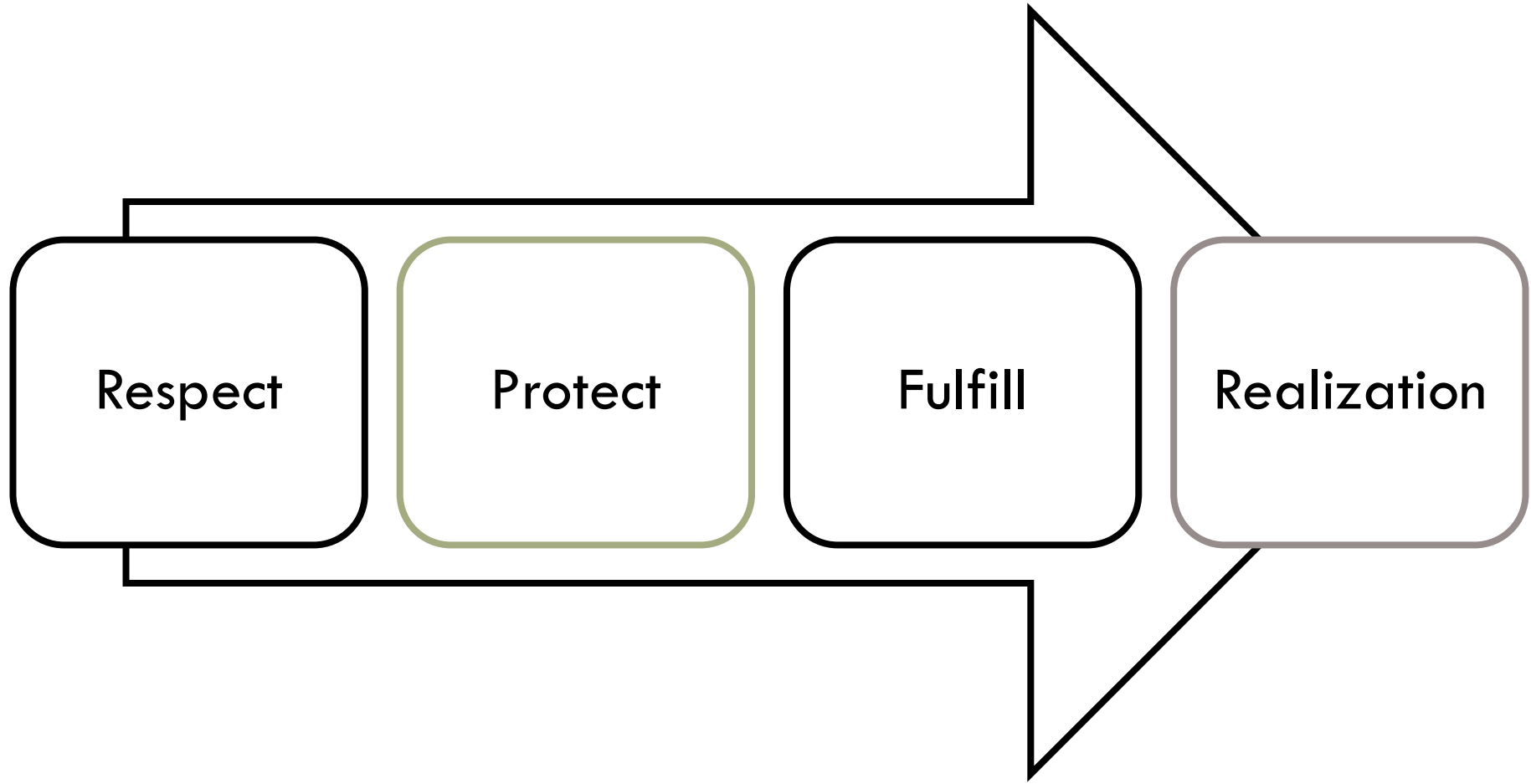
- Recognizing people's needs as rights/**Translating poor people needs into rights** (i.e. not only do people have a need for clean drinking water but they also have a right to it).
- Focus of development from servicing needs to building capacity of individuals and communities to understand, claim and fulfill their rights



# Contd...

10

- Recognized individual as a central actor to participate in processes of development
- It empowers marginalized communities
- It encourages local ownership of development programmes
- It leads to greater accountability from all actors at all levels
- It provides tools for dialogue and engagement with duty-bearers





# Guiding principles of RBA....

12

- ❑ Universality and inalienability
- ❑ Indivisibility
- ❑ Interdependence and interrelatedness
- ❑ Equality and non-discrimination
- ❑ Participation and inclusion
- ❑ Accountability and rule of law
- ❑ Sustainability



# Focus Areas...

13

- ❑ Most Vulnerable
- ❑ Root Causes
- ❑ Rights-holders and duty bearers
- ❑ Empowerment



# Policy Discourse..

14

Charity Approach	Needs Approach	Rights-based Approach
Focus on input not outcome	Focus on input and output	Focus on process and outcome
Emphasizes increasing charity	Emphasizes meeting needs	Emphasizes realizing rights
Recognizes moral responsibility of rich towards poor	Recognizes needs as valid claims	Recognizes individual and group rights as claims toward legal and moral duty-bearers



15

<b>Charity Approach</b>	<b>Needs Approach</b>	<b>Rights-based Approach</b>
Individuals are seen as victims	Individuals are objects of development interventions	Individuals and groups are empowered to claim their rights
Individuals deserve assistance	Individuals deserve assistance	Individuals are entitled to assistance
Focuses on appearance of problems	Focuses on immediate causes of problems	Focuses on structural causes and their appearances



# Why RBA to development?....

16

## ❑ Normative reasons

- RBA puts values and politics at the centre of development
- A vision of what ought to be

## ❑ Programme reasons

- A means to ensure accountability including non-state actors
- Rights imply duties and duties demand accountability

## ❑ Ethical reasons

- Exposes power relationships in society
- Improves the political advantage of participation





# Contd..

17

- Are human rights relevant to your work?
- Is there human face visible in your planning?
  - Pro-people planning
  - Participation
  - Voice
- Has your plan ensured quality growth?
  - Participation
  - Pro-poor growth
  - Reducing inequality
  - Sustainable growth



# RBA enables....

18

- Duty bearers fulfill their obligation
- Right holder to claim their right

## **A rights-Holder**

- is entitled to rights
- is entitled to claim rights
- is entitled to hold the duty-bearer accountable
- has a responsibility to respect the rights of others

## **A Duty-Bearer**

- has the obligation to respect, protect, and fulfill the rights of the rights-holders



# Principal Duty Bearer: The State

19

## □ Obligations of States to International Human Rights

### Law

- The obligation to respect
- The obligation to protect
- The obligation to fulfill



# Other Duty Bearers: Non-Government Duty Bearers

20

## □ Primary duty-bearers

- e.g. parents for children, teachers for students, police for crime suspects, doctors/nurses for patients, employers for employees etc.

## □ Secondary duty-bearers

- e.g. institutions and organisations with immediate authority over the primary duty-bearers e.g. school management committee governance, community organisations, hospital administrations etc.

## □ Tertiary duty-bearers

- e.g. NGOs, aid agencies, private sector organisations etc.

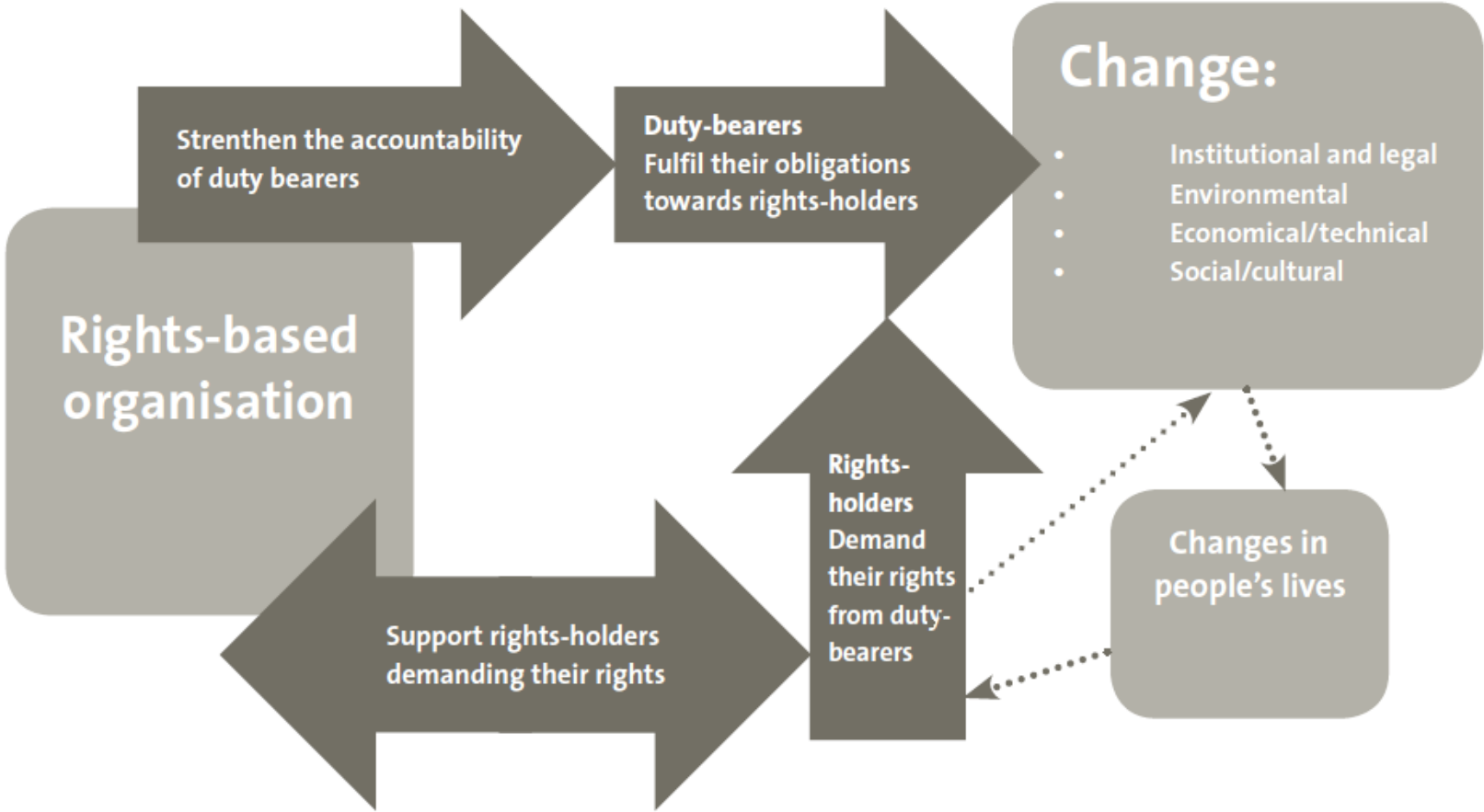
## □ External duty-bearers

- WTO, UN, INGOs, Security Council etc.



HRBA Framework (based on SDC, 2008).

# A process example...





# Requisites for implementing RBA

23

- ❑ **Situation/context/causality Analysis**
  - Identify immediate, underlying and basic causes of the non-realization of human rights
- ❑ **Role/Pattern Analysis**
  - Identification of key claim-holder/duty-bearer relationship at all levels
- ❑ **Capacity Analysis**
  - Assessment and analysis of the capacity gaps of claim-holders to be able to claim their rights and of duty-bearers to be able to meet their obligations



# Ways of Implementing RBA

24

- **Context Analysis**
  - Problem identification
  - Problem analysis
  - Stakeholder analysis
- **Designing the Programme**
  - Core problems
  - Rights issues to be addressed
  - Primary and secondary target groups
- **Implementation, Monitoring, and Evaluation**





# What determine application of RBA

25

## ❑ Ability Factors

- ❑ Governance, society and international systems

## ❑ Willingness Factors

- ❑ Commitment, confidence, values

## ❑ Instrumental Factors

- ❑ Moral, legal and techno-managerial instruments

## ❑ Environmental Factors



# Conclusion

26

- ❑ Owners of resources are the people
- ❑ Poor, women, Dalits, victimized and the ethnic minorities must get equal opportunity
- ❑ An environment where people can get education, health services, social security and freedom to participate in politics must be made
- ❑ Participation must be broad and meaningful



# Contd...

27

- Active participation of the targeted people is a must in the decision making process of every development activities
- Access to resource and control over it must be for the poor and the voiceless people
- Establish basic needs as basic rights



# Suggested readings

28

- Boesen, J. K., & Martin, T. (2007). *Applying A Rights-Based Approach: An International Guide for Civil Soceity*, Copenhagen: The Danish Institute for Human Rights.
- Marks (2003). *The Right to Development: A Primer*. Delhi: Sage.
- McInerney Lankford, Siobhan & Sano, Hans-Otto (2010). *Human Rights Indicators in Development: An Introduction*, Washington DC: The World Bank.
- National Planning Commission (2011). *Three Year Plan 2010/11-2012/13*, Kathmandu: National Planning Commission.
- UNDP (2006). *Applying A Human Rights-Based Approach to Development Cooperation and Programming*, New York: Author.