



A Rights-Based Approach To Development

A rights-based approach to development builds on the experiences and expertise of two significant branches of the women's movement: development and human rights. This primer describes the approach, presents its benefits to the development community, and suggests some ways that it can be used.

What is a human rights-based approach to development?

Central to a rights-based approach to development is the **protection and realization of human rights**. It uses established and accepted human rights standards as a common framework for assessing and guiding sustainable development initiatives. From this perspective, the ultimate goal of development is to guarantee all human rights for everyone. Progressively respecting, protecting and fulfilling human rights obligations is seen as the way to achieve development. A rights-based approach to development is **both a vision and a**

set of tools: human rights can be the means, the ends, the mechanism of evaluation, and the central focus of sustainable human development.

When speaking of a rights-based approach, we are referring to human rights, not legal rights¹. Human rights is a much broader category, including not only the rights guaranteed in national legislation and constitutions, but the full array of rights outlined at international human rights conventions (including for example, the *Convention on the Elimination of All Forms of Discrimination Against Women*, the *International Covenant on Civil and Political Rights*

Examples of human rights:

- the right to life
- the right to liberty and security of the person
- freedom of movement
- the right to privacy
- equality before the law
- freedom of expression
- the right to vote and be elected
- the right to work, form trade unions, and to have safe and healthy working conditions
- the right to the highest attainable standard of physical and mental health
- the right to education
- the right to an adequate standard of living, including adequate food, housing and clothing
- the right to take part in cultural life



and the *Convention on the Elimination of All Forms of Racial Discrimination*), declarations (such as the 1986 United Nations *Declaration on the Right to Development*), and the core content of these rights which has been articulated by the United Nations treaty monitoring bodies – the expert panels established to monitor the implementation of, and compliance with, the treaties – in documents called “General Comments”.

A decent standard of living, adequate health care, gender equality, and basic education are not only development goals, they are human rights. Within a development framework, human rights are moral and legal claims on the behaviour of individual and collective agents, and on the design of social arrangements (such as institutions, laws, enabling environments). **This does not mean that having a right entitles someone to a “hand-out” from the government, but that the person has an entitlement to the social arrangements necessary to facilitate secure access to the freedom or resource, such as health care or education. Rights are claims to a set of laws, policies and institutions** that can best secure the enjoyment of human rights, and immediate priority support should be given to people unable to provide for themselves. The existence of human rights establishes an obligation to implement policies that put these conditions into place².

The human rights-based approach to development is not necessarily a rejection of former development models, especially empowering

gender and development models, but an approach evolving from the lessons learnt from many years of development experience and from the emerging convergences with the field of human rights. At first, NGOs saw that people didn't have water and therefore went in and dug them wells. Then they realized that it would be better to teach people how to dig their own wells. Now we are coming to the conclusion that NGOs need to work with partners to lobby governments and other actors to enable or guarantee access to clean water for everyone³. This is a rights-based approach.

A right-based approach may lead to different outcomes than other development models

because it entails a different view of action. Rather than pursuing an action as part of a development project, such as setting up an income-generating project for example, a rights-based approach may lead to an action such as making political demands on government, a corporation, or international actors.

What is new about a rights-based approach to development?

Many credit the emergence of this approach to countries in the global South. Over the past three decades, as these countries joined the United Nations, they recognized that human rights principles could improve the conditions of their peoples. The 1986 U.N. Declaration on the Right to Development pushed by the South

paved the way for our current thinking on rights-based approaches to development⁴.

- Central to a rights-based approach is the norm of gender equality. **Gender is not an “add-on”** – equality and non-discrimination are central tenets of human rights and are included in most all conventions. Rights-based approaches to development focus on the most marginalized and excluded in society, strengthening their claims to social, political and economic resources⁵.
- **A rights-based approach changes the situation of the beneficiary or beneficiary group from passive aid recipient to rights-holders,** empowered to hold responsible actors accountable to human rights standards. It translates people’s needs into rights, and recognizes the human person as the active subject and claim-holder. As opposed to needs-based or poverty-reduction approaches which are often top-down and technical, suggesting that beneficiaries of social and economic policies are passive targets without their own objectives or interests, the systematic application of human rights principles during all phases of program policy development, and implementation, can be empowering, transformative, and locally-generated.

The promotion of human development and the fulfillment of human rights share a common vision. The combination of two perspectives gives us something that neither can provide alone.

UNDP, Human Development Report 2000

- **Accountability is central to a rights-based approach** and is often not addressed by other development approaches. Accountability derives from the duties and obligations of states and the international community to take steps to respect, protect, promote and fulfill human rights for all people. A rights-based approach identifies duty-bearers, those with responsibilities to enhance capabilities and facilitate development, judging whether they have made their best efforts by designing and implementing effective policies and whether progress is being made. Accountability does not imply conditionality however, but rather encourages action through cooperation and constructive dialogue in the development process. Not only governments can be held accountable, but also bilateral and multilateral donors, private contractors and other development actors (including NGOs) and corporations.
- **Higher levels of participation and ownership are required** within a rights-based approach. It is particularly important to those who have previously been marginalized by processes of development, or economic and social transformation, to make decisions about issues that affect their lives and the human rights goals they want to achieve.



- Rights-based approaches **focus on how development outcomes are brought about**, unlike some human development approaches that are not sensitive to how results are realized. In other words, rights-based approaches prohibit development policies or initiatives that violate social or economic rights, or increase inequalities in the pursuit of economic growth. The fact that economic growth on its own is not sufficient to bring about equality, sustainable human development and social justice is therefore built into the rights-based approach to development, ensuring that the costs of globalization and development are not disproportionately borne by the most vulnerable.
- The human rights framework **provides a unifying set of standards and a common language**, thereby presenting the potential for greater co-ordination and consistency among development actors. Using the human rights framework also has the advantage of strengthening sustainable human development by placing actors within the powerful discourse of human rights. Development concerns can take on greater legitimacy when backed by the legal and moral force of international law and when claimed as a right the concern becomes a fundamental, immutable, priority claim which is universally recognized.
- Looking at poverty through a rights-approach lens (i.e. as a denial of human rights) enables a richer understanding of the different dimensions of poverty and **encourages a more comprehensive policy response to the structural causes of poverty**. From a human rights perspective, poverty is not merely a state of low income but a human condition characterized by the sustained deprivation

There is an unmistakable message coming through across the globe. Health, education, fair justice and free political participation are not matters for charity – but rather matters of rights.... This is what is meant by the "rights-based approach": a participatory, empowering, accountable, and non-discriminatory development paradigm based on universal, inalienable human rights and freedoms.

Mary Robinson, UN High Commissioner for Human Rights.

of the capabilities, choices and power necessary for the enjoyment of fundamental rights.

- A rights-based approach **adds legal force to development work**. Although legal protections for rights violations remain sketchy, they are increasing and hold particular moral force and support within the international community. Policy actions that do not promote human rights are not in accordance with human rights obligations, and while states have a margin of discretion in choosing types of actions they will pursue, the enhancement of human rights for all is a legal obligation for which the state is accountable to the international community.

The human rights obligations of international organizations and corporations

With globalization, non-state actors are increasingly affecting the ability of governments to set their own policies, and to promote or protect human rights and women's rights. States find themselves constrained by multilateral agreements, the need for a competitive economy in the global marketplace, and their debts. The World Trade Organization, international financial institutions, global corporations, the media and entertainment industries, NGO networks and elite citizens, are all, therefore, increasingly important development actors.

While according to strict legal interpretation these non-state actors are not bound by international

human rights obligations, it is generally accepted that **they have an ethical obligation rooted in human rights to do their best to implement policies that are pro-poor and gender equitable**. The philosophical basis of the rights framework and the international consensus behind the elaboration of United Nations standards, gives human rights a legitimacy that extends beyond a purely legal obligation. **In addition the state also has a legal obligation to ensure through their membership and participation in international institutions that global actors respect human rights.**

How to use a rights-based approach to development

A rights approach does not necessarily imply litigation or conditionality. **It is a vision and a set of tools that can be used in many strategic and creative ways – there is no formula**. As with any approach, its potential is developed as it is used and as experiences are shared. With use, its principles will be translated into practically applicable concepts for bilateral and multilateral lenders, social justice activists, and government policy-makers. Here are just a few examples of what a rights-based approach to development can look like in practice:

- **Development agencies can apply a rights-based approach in their programming by first analyzing the situation or problem from a holistic human rights perspective**. This means that it must be measured against the full range of human rights standards and obligations. Relevant rights



(including gender equality) must be identified, and steps that will lead to the fulfillment of these rights are to be built into the project design. Rights-based projects could involve community mobilization, legislative and administrative measures, policy planning and implementation, law enforcement, resource allocation, and education. The effective participation of those who will be impacted by the program is essential in the design, implementation and stages of the project. Rights themselves are used as the indicators of the project and success is measured in terms of the extent to which the rights are guaranteed and protected.

- Guaranteeing rights requires resources. A rights-based approach can be used in national gender budget initiatives as a basic framework for analysis and as the basis for recommendations

to the government on the allocation of funds in the national budget. **A rights approach requires governments to prioritize their resources in accordance with stated human rights principles and obligations.** Women therefore, can demand actual resource commitments based on the requirements of guaranteeing rights, for example, by reducing expenditures on the military, and increasing expenditures on maternal health care and gender sensitization of police forces.

- While the primary responsibility for realizing human rights and women's rights rests on governments, their capacity to do so is affected by the policies of other actors. Donors and civil society can work together to focus on getting other institutions to accept their responsibility for protecting rights. Donors, civil society groups,

Stories of success

While most micro-credit agencies judge their effectiveness by repayment rates of their borrowers (many of whom are women), many micro lenders are increasingly looking to human rights indicators. In other words, loans are targetted to increase a woman's mobility, food security, freedom from violence and political participation, as opposed to only increasing the size of her loan, her income, or her ability to repay.

and government ministries could **forge alliances in an attempt to integrate the human rights framework into international financial institutions, and trade and investment bodies.**

- Communities concerned that the **development aid or relief supplies** coming into their country are not reaching those most denied their human rights, or concerned that aid (or the conditions attached to that aid) or trade (and policies for trade liberalization) are having negative effects on their rights, can seek solidarity with their partners in donor countries and around the world to change these policies and programs. Direct action campaigns based on the international human rights framework could be initiated to redress distributional justice issues.

Footnotes

¹ Establishing legal rights may be a principal way to further the fulfillment of human rights, but legal rights are not equal to human rights, nor are legal rights sufficient to guarantee human rights.

² Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999).

³ "Working Together: The Human Rights Based Approach to Development Cooperation, Stockholm Workshop 16-19 October 2000", Part 1: Report of the NGO Workshop at page 12. <http://www.swehr.a.se/engelska/eng-HR%20based%20dev%20coop.htm>.

⁴ "Bridging the Gap Between Human Rights and Development: From Normative Principles to Operational Relevance", Speech of Mary Robinson, UN High Commissioner for Human Rights at the World Bank, December 3, 2001.

⁵ Savitri Goonesekere, "A Rights-Based Approach to Realizing Gender Equality", <http://www.un.org/womenwatch/daw/news/savitri.htm>.

The Association for Women's Rights in Development (AWID) is an international membership organization connecting, informing and mobilizing people and organizations committed to achieving gender equality, sustainable development and women's human rights. A dynamic network of thousands of women and men, AWID members are researchers, academics, students, activists, business people, policy-makers, development practitioners, funders, and more, half of whom are situated in the Global South and Eastern Europe.

AWID's goal is to cause policy, institutional and individual change that will improve the lives of women and girls everywhere. Since 1982, AWID has been doing this by facilitating ongoing debates on fundamental and provocative issues as well as by building the individual and organizational capacities of those working for women's empowerment and social justice through its International Forums and strategic communications.

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Fundamental principles of a rights-based approach:

Universality, Non-Discrimination and Equality:

Human rights are acquired at birth and belong to all human beings. Human rights are inclusive and prioritize the most vulnerable, marginalized and excluded. Gender equality is fundamental to rights-based approaches.

Indivisibility and Interdependence: All rights are equally important. One right cannot be addressed in isolation from the context of related rights, or to the detriment of another. Furthermore, different rights supplement one another (for example, rights to political participation help to safeguard economic rights and the right to adequate food and shelter).

Accountability: Human rights recognize people as active subjects and claim-holders, establishing duties and obligations on others to ensure that needs are met. Duty-holders are held accountable for their actions, or lack of actions.

Participation: Participation is an essential principle of the international human rights framework; every person and all Peoples are entitled to participate in, contribute to, and enjoy development in which all human rights can be recognized. Participation is not

just desirable for local ownership and sustainability, but rather a right in and of itself.

Rule of Law: Rights are protected by national and/or international law. Any disputes about rights are to be resolved not through an arbitrary process but through adjudication by competent, impartial and independent processes that will ensure full equality and fairness to all parties, and determine questions in accordance with clear principles. The rule of law ensures that no one is above the law and that there is no impunity for human rights violations.

Progressive Realization: Within the human rights framework, states must take steps, individually and through international co-operation, to progressively achieve the full realization of recognized rights. A lack of economic development cannot be invoked as a justification for violations of human rights. Human rights require commitments and continual progress on enlarging freedoms and the enjoyment of rights by governments.

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