Rights-Based Framework

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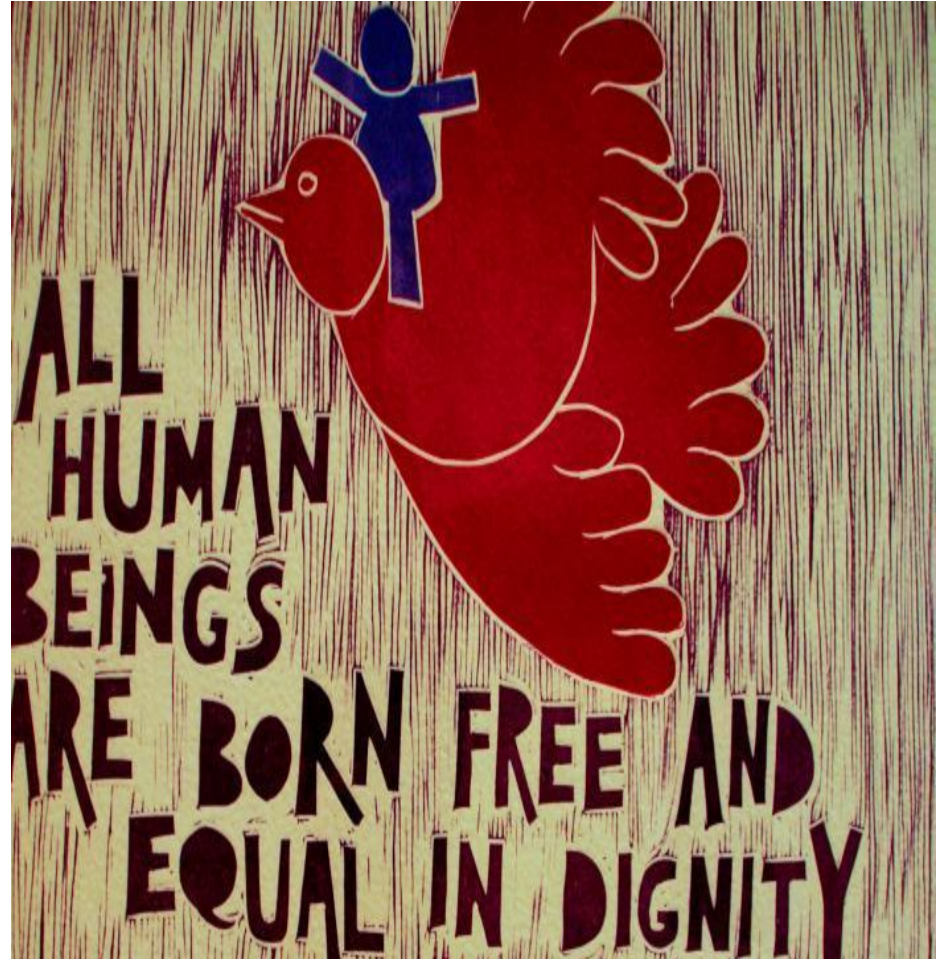
What are human rights?

Civil, political, cultural, economic, and social rights, and the right to development

Fundamental rights in India

- the right to equality (Articles 14-18)
- the right to freedom (Articles 19-22)
- the right against exploitation (Articles 23-24)
- the right to freedom of religion (Articles 25-28)
- cultural and educational rights (Articles 29-30)
- the right to constitutional remedies (Article 32 and 226

Rights and obligations

- States have obligations and duties under international law to respect, protect and fulfill human rights

- As individuals, we are entitled to our human rights – but we should also respect and stand up for the human rights of others.

Human rights-based approach

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. It seeks to **analyse inequalities** which lie at the heart of development problems and **redress discriminatory practices and unjust distributions of power** that impede development progress.

Objectives of the HRBAP

1) empowering rights-holders to claim and exercise their rights

2) and to strengthen the capacity of duty-bearers who are to respect, protect, promote, and fulfil human rights of the rights-holders.

Duty-bearers

Participation

Accountability

Demand their rights

Fulfil their obligations

Rights-holders

Human Rights-Based Approach

https://www.youtube.com/watch?v=DchjpjHOoaE

HRBA to development

- Become more prominent in the last few decades
- Emphasis on Law
- Depends on which actors are involved
- Depends on the type of political regime

Approaches to development

HRBA became increasingly the approach of choice due to the limitations of the **welfare model**.

What is the welfare model of development?

- Defines poverty as the absence of wealth, knowledge, resources

- If this can be provided by any actor, poverty can be alleviated.

- Fails to hold governments accountable

- Views people as objects of charity

Characteristic of a human rights-based approach to development

- "Recipients" are transformed from *passive* recipients of alms to *active* rights-holders.

- **It only makes sense to talk of a 'right' if there is *a corresponding obligation*.**

- The focus is likely to be less on service delivery and general capacity building

- **Based on the premise *that discrimination and inequality are among the most important causes of poverty***

- Involves *activism and advocacy*.

Group exercise

In 6 groups (based on thematic areas – migration, health, education, trafficking, environment, gender equality) discuss:

- Who are the duty-bearers in my area of work?

- Who are the rights-holders?

- Are we following the HRBA principles in our work ? Give examples.

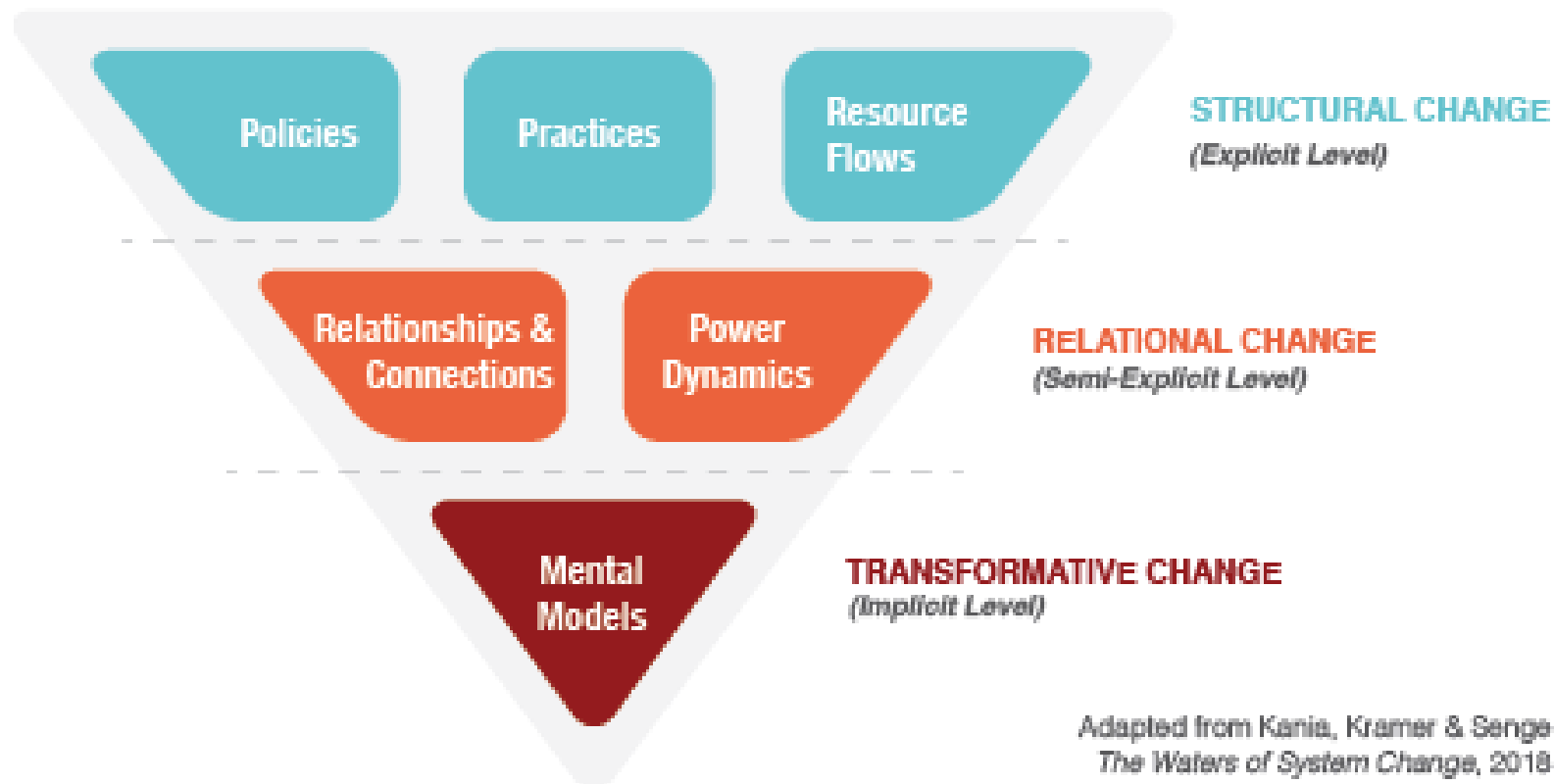- What are the inputs (knowledge, skills, etc) that we will need to move from a welfare to HRBA?

Moving from welfare to a HRBA

❖ Analyse the rights within your country/state/domain

❖ Who are the rights holders and duty bearers?

❖ Identify the capacity needs of both

❖ Develop strategies/programmes to empower the rights holders

❖ Educate both the rights holders and duty bearers

❖ Plan programmes/ work accordingly

Advantages and disadvantages of a HRBA

- Ensures that the weakest citizens have access to essential services such as health care, water, sanitation and education
- Strengthens the concept of citizenship
- Ensures that individuals or groups have legal redress
- Promotes laws, policies and their implementation that benefit the socially excluded

- Cannot be used in all situations
- May not be strategic to use in some situations
- Could increase inequalities

SIX CONDITIONS OF SYSTEMS CHANGE

Policies

Practices

Resource Flows

STRUCTURAL CHANGE
(Explicit Level)

Relationships & Connections

Power Dynamics

RELATIONAL CHANGE
(Semi-Explicit Level)

Mental Models

TRANSFORMATIVE CHANGE
(Implicit Level)

Adapted from Kania, Kramer & Senge,
The Waters of System Change, 2018.

Reflections: Identify where we are on the Welfare to Rights-Based continuum

- Are we trying to change systems?

- Are we trying to protect the rights of those we work with?

- Are we trying to build capacities of rights holders and duty bearers?

Thank You