

**Development Research Methods**  
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**Lecture – 20**  
**Operationalizing Rights-based Approaches to Development**

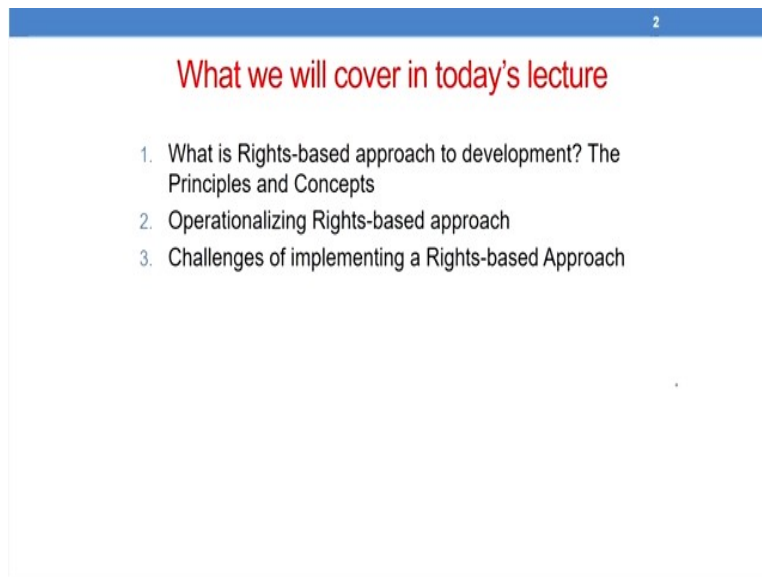
Hello and welcome to week seven of the NPTEL MOOC's on development research methods. So far in this course we have moved quite far and we have mostly covered the theoretical issues concerning development research methods. We have in the earlier weeks been introduced to the issues surrounding the paradigms of development research methods, issues on ethics concerning development research methods. We have also looked at why we say there should be rigour in development studies and what are the constituents of rigour in development studies research. We then moved into qualitative research methods, quantitative research methods and mixed methods research methods.

Now in this week and in the next week which is the concluding week of this course on development research methods. We will look at some of the selected approaches to development issues and the operationalization issues concerning the adoption of these selected approaches in development research methods. Starting this week, we will look at the rights-based approach to development and the operationalization issues concerning the adoption of rights-based approach to development in development research. In a second lesson of this week, we will look at certain poverty indicators, poverty measurements and poverty analysis and the concern surrounding the application of poverty measures and analysis and development research. And the third lesson of this week, we will look up some gender sensitive indicators and gender analysis and the concerns surrounding operationalization of the gender sensitive indicators.

In the next week, which is the concluding week of this course, we will look at certain social capital assessment tools, monitoring and evaluation frameworks which have today become integral to the development research methods and development research frameworks. And finally, we will summarize the course with a brief note on development research methods along with we will put together the views of the researchers on what are the concerns that should be kept in mind on development research methods, practical issues concerning development research.

So, in today's lesson, we will mostly look at operationalizing rights-based approach to development. What we will cover in today's lesson is as follows.

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We will first look at the principles and concepts surrounding rights-based approach to development. Most of you if you are coming from the field of development studies or issues concerning development cutting across different disciplines, you would know that the human rights approach or the rights-based approaches to development have in a way become central to following development research. And so, in this lesson what I will do is give you already brief introduction to rights-based approaches to development. But then we will quickly look at some of the operational issues concerning rights-based approach to development and how different organizations have come up with tools and measures of ensuring that rights-based approach to development has been implemented in the project goals that we are pursuing. So that is the second part of this lesson where we look at the operationalization aspect of rights-based approaches. And then finally will introduce lesson with challenges of implementing rights-based approach to development.

Now let us look at some of the perspectives surrounding rights-based approach to development.

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## A Rights-based Approach to Development- Some perspectives 1

- 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. Essentially a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development. (OHCHR Website, 2004).
- Describes situations not simply in terms of human needs, or of development requirements, but in terms of society's obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not a charity, and gives communities a moral basis from which to claim international assistance when needed. (UN Secretary General Kofi ,1998).

Now rights-based approach to development is basically 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. So essentially a rights-based approach integrates the norms, standards and principles of international human rights system into the plans, policies and processes of development. So, we can say that it describes situations not simply in terms of human needs or of development requirements, but in terms of society's obligations to respond to the inalienable rights of individuals and empowers people to demand justice as a right and not a charity and gives communities a moral basis from which to claim international assistance when needed.

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## A Rights-based Approach to Development- Some perspectives 2

- Having the courage to build local, national, and global movements that argue for specific duties to be met by governments, corporations, and individuals that will enable all people to enjoy their rights. Above all, it involves abolishing the development enterprise as a neo-colonial programme of correction administered from rich to poor and replacing it with a common political project that recognizes everyone's equal rights and judges the behaviour of all on the basis of how they realise or violate these rights. (Hugo Slim, 2002).

Now let us look at more into some of the perspectives on a rights-based approach. So, rights-based approach would also mean that one has the courage to build local, national and global movements that argue for specific duties to be met by governments, corporations and individuals that will enable all people to enjoy their rights. And above all, it involves abolishing the development enterprise as a neo-colonial program of correction administered from rich to poor and replacing it with a common political project that requires everyone's equal rights and judges the behavior of all on the basis of how they realize or violate these rights.

Now it is at this point, let me introduce my audience to some of the examples with regard to how rights-based approaches to development have been integrated into the development paradigm. Many of you must have heard about the right to food act, the right to employment act and the right to education act. And some of these acts are examples of how central rights-based approach to development has become a part of the policy exercise, particularly in the post nineties period, the period in which the United Nations framework has brought in the concept of human development and human rights perspectives and approaches to development. In the Indian context for example, we have right to education, right to food and right to employment in place. Currently we are also talking about right to health frameworks. So, these are certain examples of how policy frameworks have been designed surrounding the concept of rights-based approach to development.

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## Development and the Human Rights

### Agenda-1

- Socio-economic development is regarded as part of the human rights agenda dating back to the time the Universal Declaration of Human Rights (UDHR) articulated economic, social, cultural, civil, and political human rights in a single document.
- Ideological divisions between the western liberal democracies (which championed civil and political rights) and the East Bloc (which prioritized economic, social and cultural rights).
- The rise of an 'international civil society' in the post-Cold War period brought human rights to the forefront.
- A host of world summits held from 1990s onwards, as its feature, highlighted the discourse on the relationship between human rights and international development cooperation.

Now so how do we integrate human rights agenda to the development paradigm. Socio-economic development is regarded as part of the human rights agenda dating back to the time the Universal Declaration of Human Rights articulated economic, social, cultural, civil and political human rights in a single document. And this dates back to 1948. So, human rights have been thought and it cannot be unthought. So, it dates back to a very long period of time in history, although there are ideological divisions between the western liberal democracies and the East Bloc and the rise of an international civil society in the post-Cold War period brought human rights to the forefront. And a host of world summits held from 1990s onwards as I was pointing out, the UN summits particularly as it is and these summits have highlighted the discourse on relationship between human rights and international development cooperation.

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## Development and the Human Rights Agenda-2

- During late 1990s, with the launching of UN reforms, the Secretary General, called for mainstreaming of human rights in all of the UN's development work.
- Rights-based Approaches taken up by several organizations such as CARE, Save the Children and UNICEF. Some bilateral donor agencies, e.g., Sida and DFID began promoting rights perspectives in their assistance.
- Further impetus in 2000 with launching of UNDP's Human Development Report with human rights and human development as its focus.
- Human Development Report- a compelling argument for an integrated approach to development, drawing upon the principles of international human rights and the strategies of human development to advance dignity and well-being.

Now during the late 1990s with the launching of UN reforms, the secretary general call for mainstreaming of human rights in all of the UNs development work. Some of you, if you can go through the UN Development Reports or the Human Development Reports you would see that the rights-based approach to development or human rights framework have been cited time and again as one of the markers of human development. And also, not just markers of human development but making these frameworks part and parcel of how development should be pursued in the first place.

So, rights-based approaches have been taken up by several organizations such as CARE, Save the Children, the UNICEF. There are various bilateral donor agencies that have also been promoting rights perspectives in their assistance. And further impetus in the year 2000 happened with the launching of UNDPs Human Development Report with a focus on human rights and human development. And this human development report made a compelling argument for an integrated approach to development, drawing upon the principles of international human rights and the strategies of human development to advance dignity and well-being.

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## The Principles and Concepts of Human Rights

- 'Social and political guarantees necessary to protect individuals from the standard threats to human dignity posed by the modern state and modern markets' (Donnelly, 1989).
- Human rights take departure in the International Bill of Rights which comprises the Universal Declaration of Human Rights and the consequent International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) in 1976.
- Other central human rights documents:
  - Convention on the Rights of the Child (CRC),
  - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Now what are the principles and concepts of human rights? Although this lesson is not attributed entirely to understanding the concepts and principles however, looking at some of the basic principles and components of human rights, concepts of human rights will help us understand what are the operationalization issues with regard to this framework. So, some of them are as follows; social and political guarantees, they are necessary to protect individuals from the standard threats to human dignity posed by the modern state and modern markets. Let me here take the example of food security and food sovereignty as different frameworks. There are scholars and there are practitioners who have been emphasizing on the need for food security. And there are scholars and practitioners who have been challenging the processes of food security framework and have rather come up with food sovereignty framework. And if you look closely, if you read closely the frameworks that I have just cited, you would see that at the center of all of these frameworks are the issue of social and political guarantees necessary to protect individuals from the standard threats to human dignity posed for the modern state and modern markets.

Human rights also take departure in the International Bill of Rights which comprises the Universal Declaration of Human Rights and the consequent International Covenant on Economic and Social and Cultural Rights and the International Covenant on Civil and Political rights, which came in 1976. Now some of the other central human right documents are convention on the rights of the child, convention on the elimination of all forms of discrimination against women, international convention on the elimination of all forms of racial discrimination and so



on. So, these are some of the important documents that can be had in mind when we are looking at so to say mainstreaming human rights in development approaches or operationalizing human rights approach in development studies or development practice whatever is the area of interest.

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**Rights-holders and Duty-bearers**

1. **Rights-holders:**
  - a. All people belong to this group
  - b. We have human rights simply because we are human beings
  - c. These rights are held equally and inalienably
2. **Duty-bearers:**
  - a. **States** are the principal duty bearers
  - b. **State** is legally obliged to respect, protect and fulfil all human rights for all citizens
  - c. To facilitate, provide and/or promote rights
  - d. Acts as a regulator or facilitator of other actors who provide services, such as the market and civil society
3. **Other actors:**
  - a. Moral duty-bearers: organizations and institutions have moral obligations
  - b. Exist at the local levels; NGOs, trans-national corporations, regional organizations and the United Nations

Now let us briefly also look at the concepts of rights-holders and duty-bearers. So, when we are talking about human rights, whose right is it, whose human right are we protecting and who are the actors in this framework that we are looking up to that has the obligation of ensuring that the rights of the rights-holders are met. So, who are the rights-holders? Rights-holders, they are all people belonging to a group. We have human rights simply because we are human beings and these rights are held equally and inalienably. Now who are the duty-bearers? States are the principal duty bearers. State is legally obliged to respect, protect and fulfil all human rights for all citizens and to facilitate, provide or promote rights. And they also, the state also acts as a regulator or facilitator of other actors who provide services such as the market and civil society.

Now there are other actors as well apart from individuals and the state. So, there are moral duty-bearers, organizations and institutions have moral obligations. Similarly, actors may exist at the local level such as NGOs or transnational corporations, regional organizations, United Nations various other international organizations and the like. So, there are various actors within a framework and they are all inalienably bound to each other, if the human rights of the rights holders have to be protected and ensured.



Now let us look at some of the obligations of state parties to international human rights law.

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### Obligations of State Parties to International Human Rights Law

1. The obligation to respect
  - a. To abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of individuals
  - b. Legislative and administrative codes take account of guaranteed rights
2. The obligation to protect
  - a. To prevent the violation of rights by other individuals or non-state actors
  - b. Access to legal remedies in case of violations occurring
3. The obligation to fulfil
  - a. Involves issues of advocacy, public expenditure, governmental regulation of the economy, the provision of basic services, etc
  - b. Active measures necessary for guaranteeing opportunities to access entitlements

The obligation to respect, to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure, violating the integrity of individuals, legislative and administrative codes that take account of guaranteed rights. The obligation to protect, to prevent the violation of rights by other individuals or non-state actors, access to legal remedies in case of violations occurring. There is also an obligation to fulfil issues which involving issues of advocacy, public expenditure, governmental regulation of the economy, provision of basic services and active measures necessary for guaranteeing opportunities to access entitlements.

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## Obligations of other parties

### 1. Primary duty-bearers

- Example parents for children, teachers for students, doctors/nurses for patients, etc.

### 2. Secondary duty-bearers

- Example institutions and organizations with immediate jurisdiction over the primary duty-bearers

### 3. Tertiary duty bearers

- Example institutions and organizations at a higher level (NGOs, aid agencies, private sector organizations)

### 4. External duty-bearers

- Example countries, institutions, organizations with no direct involvement, example, WTO, UN, INGOs, Security Council, African Union

What are the obligations of other parties? So, there are primary, secondary, tertiary and external duty-bearers. Let us look at some of them. Who are the primary duty-bearers? Example, parents for children, teachers for students, doctors, nurses for patients, etc. So, within a society when we are looking at the social organizations, let us say family there are certain responsibilities or duties of these organizations towards the other actors. For example, parents towards children, teachers towards students and so on. Similarly, secondary duty-bearers example, institutions and organizations with immediate jurisdiction over the primary duty-bearers. Tertiary duty-bearers example, institutions and organizations at a higher level- example NGOs. And external duty-bearers for example countries, institutions, organizations with no direct involvement example, the World Trade Organization, UN organizations, the International NGOs, Security Council and so on and so forth. So, all of these are actors that can go on to ensure human rights as a part of development paradigm.

So, this is to just to give you a brief overview of what is contained within the human rights approach or the rights-based approach that we are talking about. There are duties, there are rights holders and there are duties and obligations of duty providers. Now let us look at the operationalization issues of human rights or how do we operationalize the human rights approach.

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## Towards Operationalization of a Human Rights Approach

- Human rights perspective
  - a. Recognizes that there is an intrinsic link between poverty and human rights at the policy and strategy level
  - b. Mainstreams human rights by applying them consistently throughout the development cooperation process
  - c. Not guided by the realization of *all* human rights for *all* people as the foremost goal
- The human rights-based approach has many elements in common with other approaches used by development practitioners. For example, the emphasis on participation in development work resonates with the right of individuals to take part in the conduct of public affairs and the related rights of association, assembly and expression.

Now there is a growing number of development cooperation organizations that claim to be applying rights-based approach. And the majority however are actually applying human rights perspective to development assistance and poverty reduction. So, rights-based perspective may however be a first step in the direction of a rights-based approach until an organization's capacities and methodologies have been adequately developed to allow for a full-scale rights-based approach.

So, let us understand what is human rights perspective here. Now human rights perspective recognizes that there is an intrinsic link between poverty and human rights at the policy and strategic level. So, if we are looking at the state of poverty, the state of loaners of incomes as simply just an economic dimension of whether we are looking at loaners of incomes as a human right issue. Whether we are looking at poverty as a human right issue, as an issue of dignity of not being able to access the goods of life because of loaners of income or are we looking at loaners of income only as an economic dimension that needs to be overcome by the state actors let us say. So, this is where there needs to be a right kind of a perspective to understand the development issues that we are pursuing. So human rights perspective basically advocates that one needs to recognize that there is an intrinsic link between poverty and human rights at the policy and strategy level. More than poverty being an economic dimension, it is mostly a human rights issue and therefore needs to be overcome.

It also mainstreams human rights by applying them consistently throughout the development cooperation process. And usually it is not guided by the realization of all human rights for all people as the foremost goal, although it should be, but it is not guided by the realization of this. Now human rights-based approach has many elements in common with other approaches used by development practitioners. For example, the emphasis on participation in development work resonates with the right of individuals to take part in the conduct of public affairs and the related rights of association assembly and expression.

Now let us look at some of the differences between a needs approach and rights approach.

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Illustrations of the Differences between a Needs Approach and a Rights Approach	
Needs Approach	Human Rights Approach
Works toward outcome goals	Work towards outcome and process goals
Recognizes needs as valid claims	Recognizes that rights always imply obligations of the state
Empowerment is not necessary to meet all needs	Recognizes that rights can only be realized with empowerment
Accepts charity as the driving motivation for meeting needs	States that charity is insufficient motivation for meeting needs
Focuses on manifestations of problems and immediate causes of problems	Focuses on structural causes of problems, as well as manifestations and immediate causes of problems
Focuses on the social context with little emphasis on policy	Focuses on social, economic, cultural, civil and political context and is policy-oriented

This as I said the human rights-based approach has many elements in common with other approaches currently used by development practitioners. And there are three basic features that may help us distinguish rights-based approach from other approaches. We will come to some of these differences next. But let us will have a look at this illustration of differences between needs approach and rights-based approach.

Needs approach basically helps us work towards certain outcome goals. So, in the example of poverty that we just took, if we are looking at poverty as some kind of a basic needs problem. People not having access to income or not having access to food, then if we are looking at it simply as a needs-based problem. Then we can frame policies or we can come up with different

kinds of development projects that helps us work towards the outcome of ensuring that people have access to the incomes that they need. However, if we are following a human rights perspective or an approach, one works towards outcome and process goals you know. One works towards the processes through which one can have access to those incomes. So, it is not just outcome oriented but it is also a process oriented. So, in the sense that whether people have access to minimum wages or not. We are not just concerned about whether people are experiencing increase in incomes or people are experiencing some incomes in their hands. But we are also ensuring whether the legal processes which ensures the people work with dignity, people find employment with dignity and people have access to the minimum wages for the work that they are doing is also ensured. So, it looks at the processes as well as the outcome goals.

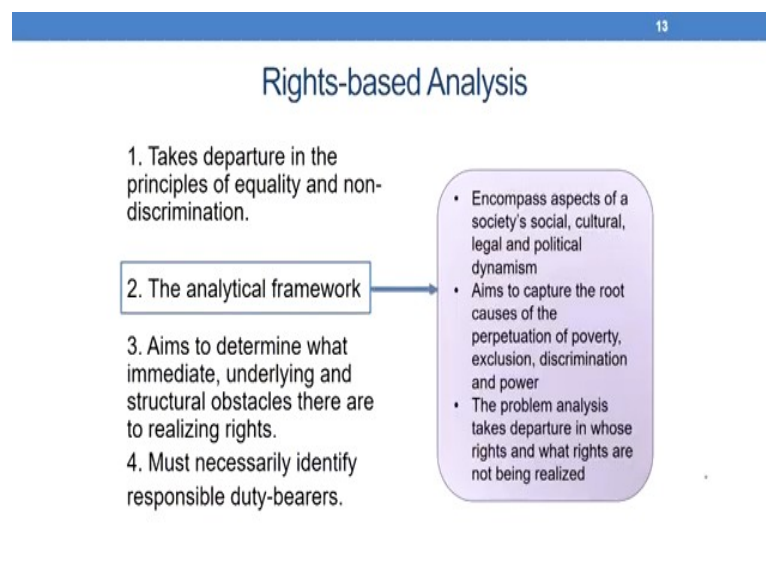
Needs approach recognizes needs as valid claims whereas human rights approach recognizes that rights always imply obligations of the state. So, when someone says that I am poor and I need to have access to incomes, it is said to be a very valid claim because people need to have access to incomes to be able to access other necessities of life or the comforts of life. And these comforts of life can be provided by the state, by the market. However, when we are following the human rights approach, we are trying to bring in the perspective that the right of an individual to have access to income has to have some linkage with what is the obligation of the state. It is the obligation of the state to ensure that employment needs to be provided. It is the obligation of the state to ensure that the required minimum wages or amount of wages goes to the people that are working towards it. So, needs approach recognizes needs as valid claims whereas human rights approach recognizes rights always imply obligations of the state.

Needs approach does not think empowerment is necessary to meet all needs whereas human rights approach recognizes that rights can only be realized with empowerment. One needs to be empowered. So, to give you an example, when we are looking at the right to employment or right to food. For example, in India we have the National Rural Employment Guarantee Program. Now we have had various other employment programs in place before the National Rural Employment Guarantee Program. However, what is different with the rural employment guarantee program is that this program or this act which is mandated by the act entitles people to demand work as a matter of right and not just as a matter of claim, which means that there is a

legal backing to the fact that I require work. Because I need to survive and survival is my human right and therefore employment becomes my human right and therefore rights-based approach empowers people through some form of entitlements usually to be able to demand the work or demand the kind of needs that they have. So, needs based approach does not make empowerment necessary to meet all needs whereas human rights approach recognizes that rights can only be realized with empowerment.

Needs approach accepts charity as the driving motivation for meeting needs whereas human rights approach states that charities in sufficient motivation for meeting needs and often the issue of charity redundant. Needs approach focuses on manifestations of problems and immediate causes of problems whereas human rights approach focuses on structural causes of problems as well as manifestations and immediate causes of problems. So, understanding the social organization, the structural issues that has created the problem in the first place is something that the human rights approach considers integral when we are talking about mainstreaming human rights in development approaches. Needs approach focuses on the social context with little emphasis on policy whereas human rights approach focuses on social, economic, cultural, civil and political context and is definitely policy oriented. So, the policy focus as far as a human rights approaches concerned is again very central and integral to the framework with respect to development.

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Now let us look at this small illustration again with regard to rights-based analysis. Now rights-based analysis, if you see on the slide it takes departure in the principles of equality and non-discrimination to identify patterns of poverty, powerlessness, social exclusion and discrimination which are usually sustained by sociocultural and political legal institutions. The analytical framework of a rights-based approach goes beyond socioeconomics to also encompass aspects of a society's social, cultural, legal and political dynamism. It aims to capture the root causes of the perpetuation of poverty, exclusion, discrimination, and power relations that sustain iniquity. So, with this multifaceted approach, a more complete analysis of a country's development situation which potentially capture social and political processes can be achieved. And the problem analysis takes departure in whose rights and what rights are not being realized.

And this crucially requires disaggregating data according to gender, citizenship, social status, ethnicity, etc. In order to indicate the extent to which different categories of people are affected or increasingly enjoying their human rights. Rights-based analysis also aims to determine what immediate underlying and structural obstacles there are to realizing rights. And they must necessarily identify responsible duty-bearers.

Now there are certain features that distinguish as we have just seen, distinguishes rights-based approach from other approaches. For example, we saw how needs-based approaches, there are in the literature, basic needs approaches and various other development approaches. And we have seen how rights-based approach can be distinguished from the other approaches. But there are three basic features that distinguish rights-based approach from other approaches. One is a legal basis, second is a normative framework and third is the process of realizing the overall goals.

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## Features that distinguish the rights-based approach from other approaches-1

### 1. Legal Basis

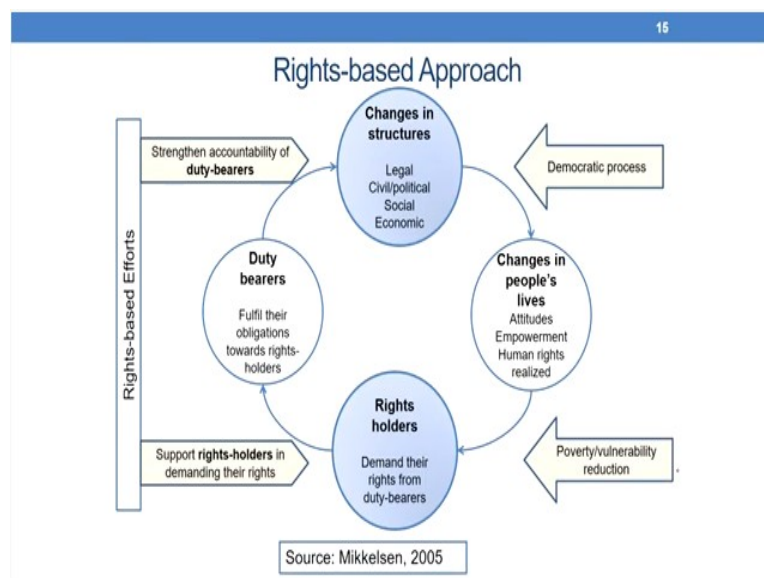
A. International law specifies obligations that are legally binding under international law

B. A 'two-pronged strategy'

- **Strengthening duty-bearers** to fulfil their obligations
- **Empowering rights-holders** to claim their rights

Let us look at these three features one after the other. Let us first look at the legal basis. Now the legal basis- there are basically the international law specifies obligations that are legally binding under international law. And it talks about a two-pronged strategy that are for strengthening duty-bearers to fulfil their obligations and empowering rights holders to claim their rights.

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Now while an exclusive focus on either rights holders or duty bearers may be necessary and useful in the short term. A long-term one-sided strategy is unlikely to bring about the accountability dynamic that is at the core of this approach. If you look at this slide here which is

showing you see, this needs to be read from the left to the right. We are basically looking at the rights-based efforts that goes to bring about changes. So, you have different actors, you have duty-bearers, you have rights holders and then the changes in the structures and the changes in people's lives. And you see that there are the rights-based efforts support rights holders in demanding their rights which is the left side of the figure here that the rights-based efforts support rights holders in demanding their rights. So, rights holders basically demand their rights from the duty-bearers. Let us say the duty-bearers- the state as an actor, the state has an obligation to provide employment as I was taking the example. And then there are duty-bearers who have to fulfil their obligation towards the rights holders. So, rights-based efforts also strengthen the accountability of duty-bearers and these bring in changes in structures through legal, civil, political, social and economic and ultimately lead to a change in people's lives.

However, there is a feedback to the system also because of the democratic process and because of various policy frameworks. In a dynamic world there will always be a feedback from democratized processes and poverty reduction taken through continuous rights-based efforts. And an internationally recognized normative framework sets specified levels of human rights. So, the point to understand here is that while there are rights holders and there are duty-bearers, it works both ways, the efforts need to be in place which supports the rights holders in demanding their rights. For example, providing a policy framework of a right to education act or a right to employment act, or a right to food act. These are all the rights-based efforts that supports rights holders in demanding their rights. When you are entitled enough to demand your right for food or for employment or for health or for education, you will make a demand for it, demand which requires a social accountability on the part of the state actors who are morally bound and duty bound to provide these rights to the rights holders.

So therefore, these rights-based efforts in the form of providing entitlements through policy frameworks also strengthen accountability on the part of the duty-bearers, which then go on to bring about changes in structures. So, the fact that we have already put in place right to education act or right to employment act means that we have brought about a basic change in the legal structure, the social structure, economic structure and all of these changes within the structures brings about changes in peoples lives by changing attitudes, empowering them by ensuring that human rights have been realized. And this itself is a highly democratic process. It happens both

ways- through rights-based efforts and of course through a democratic process of providing feedback to the system.

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## Features that distinguish the rights-based approach from other approaches-2

### 2. Normative Framework-Key principles

#### I. Universalism and inalienability

- Universalism- every woman, man and child are entitled to enjoy his or her rights by virtue of being human.
- Inalienable rights means that they cannot be taken away from someone or voluntarily given up.

#### II. Equality and non-discrimination

- Development effort should focus on the empowerment of excluded groups.
- Strengthening the State actor's capacity to realize the rights of these groups.

#### III. Indivisibility and inter-dependence of human rights

- Enjoyment of one right is indivisibly interrelated to the enjoyment of other rights.
- Principle of non-retrogression-prioritization of some rights must not deliberately be at the expense of other rights.

Now the second aspect is that there are normative frameworks are set at certain specified levels of human rights. Now international instruments and authoritative interpretations of human rights treaty bodies offer normative clarity and roadmap for development to development practitioners. And there are six key principles that are derived from human rights instruments. These are as follows. One is universalism and inalienability, equality and non-discrimination, indivisibility and interdependence of human rights, participation and inclusion, accountability and rule of law.

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## 2. Normative Framework-Key principles-2

### IV. Participation and inclusion

- An entitlement guaranteed by international law.
- Must aim for free, active and meaningful participation of targeted communities.

### V. Accountability

- To demand accountability means moving development from the realm of charity to that of obligations.
- Aims to strengthen a government's accountability to ensure good governance.

### VI. Rule of law

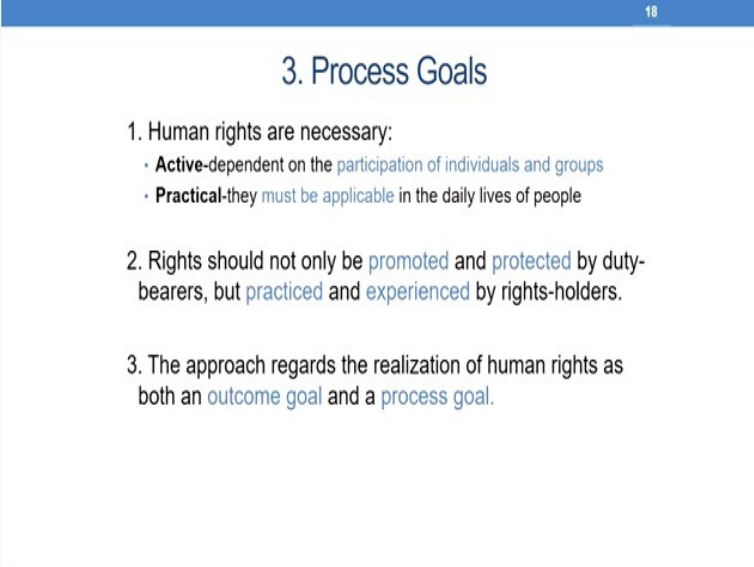
- Disputes should be solved through adjudication by competent, impartial and independent processes.
- Access to the judicial machinery to invoke their rights to institute legal proceedings for appropriate redress.

Now, let us look at some of the very basic features of each of these normative principles, the key principles. When we are talking about universalism and inalienability, what is it that we are pointing out? So, universalism basically means that every woman, man and child are entitled to enjoy their rights by virtue of being human. So, there are certain inalienable rights that cannot be taken away from someone or voluntarily given up. So, this is one of the key principles of the normative framework that guides rights-based approaches. Secondly, equality and non-discrimination. Development efforts should focus on empowerment of excluded groups. When we talk about minorities or ethnic minority or ethnic groups of population belonging to the minorities, so, we have to ensure that development efforts must focus on the empowerment of these excluded groups or the marginalized groups. Strengthen the state actor's capacity to realize the rights of these groups.

Thirdly, in indivisibility and interdependence of human rights. So basically, it means that enjoyment of one right is indivisibly interrelated to the enjoyment of other rights. Now we are enjoying one right does not mean that we give up the enjoyment of other rights. There is an interdependence of human rights and the principle of non-retrogression prioritization of some rights must not deliberately be at the expense of other rights. If I am exercising my right to food does not mean that I give up my right to employment. So, there is an interdependence of these human rights, right to food and right to employment and right to education and right to health all together might go on to increase the wellbeing of an individual or a family.

Similarly, participation and inclusion which is an entitlement guaranteed by international law. It must aim for free, active and meaningful participation of targeted communities. Accountability- to demand accountability means moving development from the realm of charity to that of obligations. When state actors, we have just seen have an obligation to ensure that the rights of the rights holders are provided or protected or ensured progressively. So that means that we are calling the state actors to accountability or what is referred to as social accountability, public accountability and so on. Accountability also aims to strengthen government's accountability to ensure a good governance. Finally rule of law, the disputes should be solved through adjudication by competent, impartial, and independent processes and access to the judicial machinery to invoke their rights to institute legal proceedings for appropriate redressal grievance redress.

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### 3. Process Goals

1. Human rights are necessary:
  - Active-dependent on the participation of individuals and groups
  - Practical-they must be applicable in the daily lives of people
2. Rights should not only be promoted and protected by duty-bearers, but practiced and experienced by rights-holders.
3. The approach regards the realization of human rights as both an outcome goal and a process goal.

Now finally let us look at some of the process goals. The process of realizing human rights is central to a rights-based approach. A person is a subject of his or her rights and an active participant in his or her development. So human rights are thus by necessity active as well as practical. Active meaning that it is dependent on the participation of individuals and groups. And they are practical meaning that they must be applicable in the daily lives of people. Therefore, rights should not only be promoted and protected by the duty-bearers, but practiced and experienced by rights-holders. So, the rights and freedoms which are of particular importance to

ensure practicality and active enjoyment of human rights are for example the right to information, freedom of expression, right to take part in the conduct of public affairs, right to participation in development processes and so on.

Finally, the approach regards the realization of human rights as both an outcome goal and a process goal. So hopefully the idea of outcome goal and process goal has become clear to the students here. So, I have taken the example of employment and education and food. So, when we are talking about the outcome goal here. The fact that an individual is food secure, is able to access the required meals in a day because of having access to the required amount of income could be considered an outcome goal. Whereas the process goal could be the individual's participation in the exercise of demanding her right to food. So that itself is a process goal.

So, it is entitling. For example, when we are talking about ration cards or when we are talking about NREGA cards, when we are talking about health cards or any kind of a card which is entitling us to demand the kind of basic necessity that we are entitled to, that entitlement which is provided in the form of a card is also a form of the process goal. So, it is empowering us to be a part of the process such that the outcome goal can be ensured.

Okay, now let us look at some of the tools for operationalizing a rights-based approach.

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### Tools for Operationalizing a Rights-based Approach

1. Draft guidelines for a rights-based approach to poverty reduction (OHCHR, 2002). (Office of the United Nations High Commissioner for Human Rights)
2. UNDP and OHCHR have also developed a simple checklist for programme staff (UNDP/OHCHR, 2003).
3. Human Rights Council of Australia (2001) has been a source of inspiration to NGOs developing a rights-based approach.
4. NORAD (2001) has developed a handbook on 'human rights assessment'. (Norwegian Agency for Development Cooperation)
  - Assists practitioners in asking the relevant questions concerning human rights, implementing and monitoring them.
  - Includes a simple scoring tool for assessing how a programme affects human rights, people's awareness about their rights.

So, we have looked at what is rights-based approach and what are the basic components of right-based approach, the practices and concepts. And we have also seen how it is different from other approaches to development. And we have seen also that when we are talking about mainstreaming human rights in development processes or development approaches, what is it that we are trying to ensure. And I think I said somewhere in the beginning of this lesson that organizations have made an attempt to ensure that they have had a human rights perspective to the development processes that they have carried out. However, the human rights approach in total, ensuring that all people's rights at all times have been ensured may not have been implemented. However, there were attempts to ensure that human rights perspective have been mainstreamed in development processes.

Now let us look at some of the tools. So, various tools have come up over a period of time that have tried to operationalize rights-based approach. For example, we have draft guidelines for a rights-based approach to poverty reduction provided by the office of the United Nations High Commissioner for Human Rights. We have UNDP and OHCHR that have developed a simple checklist for program staff, a simple search on online search will give you this checklist. Human rights council of Australia has been a source of inspiration to NGOs developing a rights-based approach. NORAD which is the Norwegian agency for development cooperation has developed a handbook on human rights assessment, which basically assists practitioners in asking the relevant questions concerning human rights implementing and monitoring. And it includes a simple scoring tool for assessing how a program affects human rights, people's awareness and their rights.

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### Human Rights Impact Analysis Tool- After NORAD, 2001

Human rights issue	Score	Follow up
<b>AWARENESS</b>		
1. What is the programme's assumed/actual impact on equality and on-discrimination?		
2. Has the population directly affected been informed about the programme?		
3. Does the programme respect/has it respected everyone's rights to seek, and impart information relevant to its implementation?		
<b>EMPOWERMENT</b>		
4. Does the programme respect/has it respected the right to express views freely in the preparation and implementation?		
5. Does the programme promote/has the programme promoted participation in decision-making of groups affected?		
7. Does the programme respect /has it respected the right to just and favourable conditions of work?		
8. Does the programme affect/has it affected the fulfillment of the right to an adequate standard of living for target groups and other people affected?		
9. Does the programme affect/has it affected the opportunity of people for self provision in terms of income generating activities?		
10. Does the programme address the right to compensation for those negatively affected?		

Legend for scoring:

**PI**-Positive Impact   **NC**-No Change   **NI**-Negative Impact   **NA**- No Information Available

It looks something like this, the human rights impact analysis tool developed by NORAD 2001. So, it basically has a set of questions and there are certain legends for scoring. So, there are certain awareness questions and empowerment questions which addresses human rights issues. And these legends which have provided are represent a non-metric ordinal scale with increasing orders, but with no exact ranking. So human rights enhancement often requires institutional reform or a change of attitudes, traditions or customs. Therefore, measuring human rights advancement often implies that economic, social, cultural and political processes are being reviewed. So, in some cases this may require follow up research, additional information gathering or targeted studies.

If you look closely at the questions on this tool prepared by NORAD, you will see that these questions are actually trying to address some of the issues that I have just flagged off. With regard to awareness, what is the programs assumed, actual impact on equality and on discrimination. So, you give score which is showing in the legend as legends here. So, PI for positive impact, NC for no change, NI for negative impact, NA for no information available. And the you provide appropriate scores to this. And then follow up on each of these questions regarding, if there has been a positive impact, you say that okay there has been an impact here. But if there is no information available or negative impact, then we need to follow up that question on those counts and see why there has been no impact.

Similarly, with regard to awareness questions you have, has the population directly affected been informed about the program? So, let us again go back to the example of NREGAs that I was taking. Suppose here we are talking about the implementation of the right to employment guarantee act in the Indian context. And we know that NREGA cards have been printed and they have been provided to various functionaries at the disaggregated level let us say at the village level and people need to be distributed this cards or people have been informed to make a demand for employment. However, if people have not been informed about the process in the first place then obviously there will be no demand for it. So, the question to ask is has the population directly been informed about the program? Does the program respect or has it respected everyone's right to seek and impart information relevant to its implementation? The same example of employment guarantee.

Now when we are talking about people demanding work in a certain program, have we ensured that everybody is right of seeking work? If you have read the NREGA act very closely, you will see that it talks about everyone who is seeking employment should be given work within 15 days of seeking employment. And if not, if they have not been provided work within the next 15 days, they would get some kind of an unemployment allowance. So here the question is, does the program respect or has it respected everyone's right to seek or there are people who have not sought employment because they have not been informed about the program in the first place. If that is so then they are not ensuring that human rights framework, although an act is in place and entitlement policy has been in place, the system has not ensured that human rights approach has been mainstreamed appropriately in the development policy that we are trying to implement here.

Some of the empowerment questions are as follows. Does the program respect or has it respected the right to express views freely in the preparation and implementation? So, to say people's participation in deciding and designing the kind of works that need to come to a village and therefore they can participate. So, if the functionaries in a village ensure that there is a development project comes to a village, but there is heavy use of machinery and people who are seeking work do not find sufficient numbers of employment in this development project, then obviously there is a conflict situation here or there is a failure of the program in the first place. So, have the people been sufficiently empowered by taking part in the process of designing of

work and ensuring that the work comes to the village in the first place of people's participation, peoples planning.

Does the program promote or has the program promoted participation in decision-making of groups affected? Does the program respect or has it respected the right to just and favourable conditions of work? Does the program affect or has it affected the fulfilment of right to an adequate standard of living for target groups and other people affected? So, for example, I have been talking about minimum wages as some kind of a process goal. So, this is question number eight can be attributed to that process goal of ensuring minimum wages.

Does the program affect or has it affected the opportunity of people for self-provision in terms of income generating activities? Does the program address the right to compensation for those negatively affected? So, these are some of the important questions that we can canvas in the form of a checklist for ensuring that when we are carrying out a study, let us say on the employment guarantee program or on the education guarantee program, we can make such checklists and see if these objectives have been ensured and fulfilled or not. And then we can analyze our data and say that, we can very conclusively see that human rights framework has been integrated into this development exercise or has it not been.

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### Components of a Rights-based project-After Human Rights Council of Australia, 2001

1. People involved in the project have a thorough knowledge of the international human rights framework
2. Initial negotiations with the agency of the receiving government make it clear which right(s) is at issue
3. The feasibility study involves communities themselves in the design of the project
4. Communities are provided choices and they are given undertakings regarding the project
5. Information is provided, including the communities entitlements and their decision-making powers
6. The timetable of outcomes includes the provision of penalty clauses
7. Access is provided to the project decision makers and to grievance procedures
8. Guarantees are given in case of project failures to ensure the provision of services
9. Explicit provisions for relevant information and skills regarding entitlements would be standard part of the project package
10. At the feasibility study stage, project designers analyse the other rights that are breached in the area
11. Negotiations with provincial and local government authorities make it clear which right (s) is at issue
12. The responsibility for project evaluation and monitoring includes the participation of communities.

source: Mikkelsen, 2005

These are some of the components of a rights-based project taken after the human rights council of Australia. So, these are some of the points. Let me just read out some of the points. People involved in the project have a thorough knowledge of international human rights framework or not, whether initial negotiations with the agency of receiving government make it clear which rights is at issue, Feasibility study involving communities in the designing of project. Communities providing choices and giving undertakings regarding project. Information provided including community's entitlement and decision-making powers. If you look at number eight, guarantees given in case of project failures to ensure provision of services and look at number 12, the responsibility for project evaluation and monitoring including participation of communities and so on.

Now let us look at some of the challenges of implementing rights-based approach.

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### Challenges of implementing a Rights-based Approach

- 1. Inadequacy of state legal apparatuses, inconsistencies between law and practice, and poor awareness of human rights among state actors and citizens.**
  - a. Although a majority of states have ratified the human rights treaties, many states have not codified the treaties into the domestic legal framework
  - b. Even when there is a formal coherence between domestic law and international human rights law, the policies and practices in a country may be applied in ways that are contrary to human rights principles
  - c. Many poor countries often suffer from under-developed legal and judicial systems that debilitate the rule of law
  - d. Citizens may be unaware of their rights, which makes it impossible for them to claim them
  - e. Poor people are often deterred from approaching the formal legal system.
- 2. Cadre of development workers**
  - a. The international development community has inadequate knowledge of the human rights regime
  - b. There is comparatively little experience of applying rights based approaches and insufficient practical guidance available
- 3. Limitations of the international human rights framework**
  - a. The international system for responding to violations of human rights is often accused of being ambiguous and sluggish
  - b. There is no independent international judiciary to assist in enforcing human rights in member states.

So, with regard to operationalization of rights-based approach in development, you can basically form different kinds of checklists and see if those objectives that are enshrined in the human rights approach to development has been met or not. But what are the challenges of implementing a rights-based approach to development? And there are many of these challenges. Let me begin by saying that there are considerable challenges to effectively implementing a rights-based approach to development. And the first set of challenges relate to the inadequacy of state legal apparatuses, inconsistencies between the law and practice and poor awareness of

human rights among state actors and citizens. For example, although a majority of states have ratified the human rights treaties, many states have not codified the treaties into domestic legal framework, which may contain laws that are contradictory to human rights.

Secondly, even when there is a formal coherence between domestic law and international human rights, the policies and practices in a country may be applied in ways that are contrary to human rights principles. For the many poor countries often suffer from underdeveloped legal and judicial systems that debilitate the rule of law. Citizens may be unaware of their rights which makes it impossible for them to claim them. Like I may not be aware that I am entitled to an employment guarantee program, I am entitled to demand for work and therefore the state actors can provide me work. I may not be aware of this. So, citizens may be unaware of their rights and poor people often are deterred from approaching formal legal systems because of the costs engaged in hiring a lawyer, opportunity cost of time spent in court and the general education and level of skills necessary to engage in litigation.

For example, in the NREGS program itself the provision that people should be provided unemployment allowances if work does not reach them within the specified 15 days, within a fortnight. Now there is a certain procedure for ensuring that one person gets unemployment allowance. Usually the opportunity cost of pursuing the officials for ensuring that unemployment allowance comes to their bank accounts is so high that people often do not or are deterred to go after the officials to be able to do something like that. So what needs to be done? So, these are the challenges. But there needs to be a system in place to address these challenges and to address these challenges the rights-based development effort basically needs to undertake advocacy and be prepared to provide technical assistance to ensure that the states formal laws comply with the human rights regime.

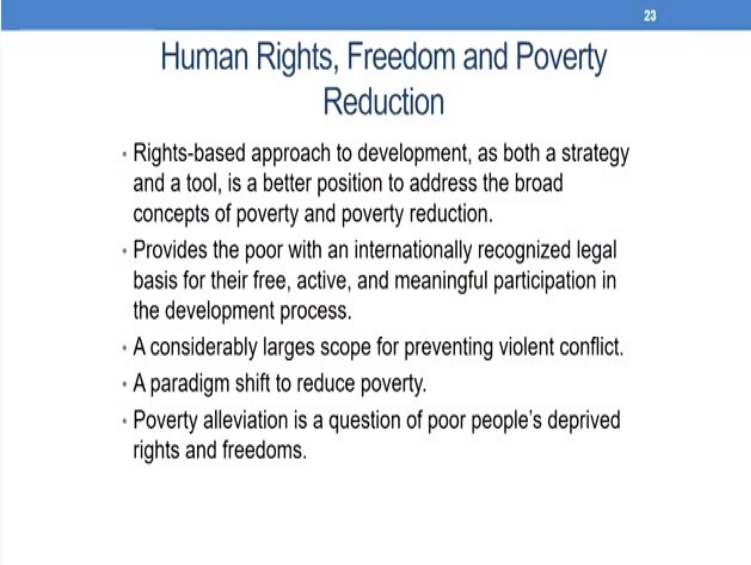
Now there are also a second set of challenges which relate to the Cadre of development workers. The international development community usually has inadequate knowledge of human rights regime and there is comparatively little experience of applying rights-based approaches and insufficient practical guidance is also available. So, the fact that majority of development practitioners have at best limited knowledge of human rights and associated instruments requires a systematic educational effort within the development community. So, rights-based approach to

development needs to come up with practical guidelines which can be elaborated to the development practitioners at the community level.

A third set of challenges is with regard to limitations of international human rights framework. So, for example the international system for responding to violations of human rights is often accused of being ambiguous and sluggish and can be undermined by political agendas of the UN member states. And there is no independent international judiciary to assist in enforcing human rights in member States.

So, in a nutshell, the human rights approaches have many shortcomings, but we must also realize that it is the best system that has been created so far. So, in spite of the challenges and given the centrality of human rights applications to development frameworks, we cannot neglect the mainstreaming human rights approaches to development frameworks anymore.

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### Human Rights, Freedom and Poverty Reduction

- Rights-based approach to development, as both a strategy and a tool, is a better position to address the broad concepts of poverty and poverty reduction.
- Provides the poor with an internationally recognized legal basis for their free, active, and meaningful participation in the development process.
- A considerably larger scope for preventing violent conflict.
- A paradigm shift to reduce poverty.
- Poverty alleviation is a question of poor people's deprived rights and freedoms.

Let me end this lesson with this concluding slide on human rights freedom and poverty reduction, where we can say that rights-based approach for development can be used both as a strategy and a tool. And it is actually a better position to address the broad concepts of poverty and poverty reduction. The application of rights-based approach linking it with poverty reduction strategies makes it more appealing, makes it more appealing in the sense that poverty that becomes a human rights issue. And therefore, compels the state actors to ensure that their

obligations are properly carried out. The rights-based approach also provides the poor with an internationally recognized legal basis for their free active and meaningful participation in the development process. There is a considerably large scope for preventing violent conflict, paradigm shift to reduce poverty and poverty alleviation is a question of poor peoples deprived rights and freedoms.

So, this is a dynamic field where when we are talking about free mainstreaming of human rights to development approaches. And what we have covered in todays class is to give you a brief overview of what are the concepts and principles surrounding it and how we can design a checklist based upon those concepts and principles and ensure if a development project has mainstreamed human rights approach in its agenda or not.

In the next class, we will look at some of the poverty measurements and analysis and we will follow a similar kind of a discussion where we see what are the operational issues surrounding poverty measures and analysis within the larger context of development research methods. So, I will see you in the next class. Thank you.