THE HUMAN RIGHTS BASED APPROACH (HRBA)

Development BY the People

*'Their Cause' Initiative- Siliana, Tunisia: Works with women working in the agricultural sector on their right to Social Security

What is HRBA ?

A human rights-based approach is a conceptual framework that sets the achievement of the full range of human rights as an **objective** of social actions. It is normatively based on international human rights standards and operationally directed towards respecting, protecting and fulfilling human rights.

The overall responsibility for respecting, protecting and fulfilling human rights rests with the State. This responsibility includes all the organs of the State such as parliaments, ministries, local authorities, judges and justice authorities, police and teachers. All of these are legal duty bearers and the people within its territory are rights holders.

Every rights holder has the responsibility to respect the rights of others. In this sense you can say that **every individual or institution that has the power to affect the lives of rights–holders is a moral duty bearer** – the greater the power, the larger the obligation to fulfill and specially to respect and protect the human rights of others. In this sense private companies, local leaders, civil society organizations, international organizations, heads of households, and parents, and in principle every individual are moral duty bearers. You should remember that the State as a legal duty bearer also has a duty to regulate the actions of moral duty bearers – e.g. parents, companies etc. – to ensure that they respect human rights.

Key elements of HRBA

An easy way to recall these key elements of a human rights-based approach is the acronym **PANEL.**

P	articipation
A	ccountability
N	on-discrimination and equality
E	mpowerment
L	inkages to the legal human rights framework

			Questions to address
P		**Participation**	• **Who should participate?**
		HRBA creates channels for the participation of a broad spectrum of stakeholders, including, poor and disadvantaged people, minorities, indigenous peoples, women, children and youth. HRBA promotes active, meaningful and continuous voluntary participation; it stresses that developing capacities for participation is an important result in itself.	• **How should they participate?** • **In what decisions?**
A		**Accountability**	• **Who is accountable? And to whom? How?**
		HRBA in programming demands that duty bearers be identified and held accountable for the violation or neglect of human rights. In this sense, one of the fundamental contributions of HRBA is the emphasis it places on challenging the power imbalance between duty bearers and rights holders	• **Who are the rights holders and duty bearers?**
N		**Non-discrimination**	• **Who are the marginalized and vulnerable?**
		HRBA gives particular attention to non-discrimination, equality, equity and marginalized groups (which may include women, minorities, indigenous peoples, prisoners and the poor). HRBA requires that the question of who is marginalized be answered locally. From this perspective, people are not seen as beneficiaries but as rights holders.	• **Who should be included?** • **How should they be included?**
E		**Empowerment**	• **Who should become empowered? How?**
		HRBA aims to give rights holders the capacity and the power to claim their human rights and hold duty bearers accountable. (UNDP 2005)	
L		**Direct links to human rights**	• **What human rights are involved?**
		The goal of HRBA is to use human rights standards as the foundation for all development work in all sectors and in all phases of programming, from planning to implementation, with the goal of promoting human rights and human dignity for all.	• **What are the applicable human rights standards, instruments and mechanisms (national, regional, international)?**

Human Rights Based Approach to Development

A human rights based approach **goes beyond** a needs based approach by seeking to **identify groups and people whose rights are being violated, understand why certain people are unable to enjoy their rights, and redress unjust distributions of power that the realization of those rights.**

In this sense it **identifies rights-holders and their claims and corresponding duty-bearers and their obligations, and works to strengthen the capacity of duty bearers to comply with their obligations and right holders to claim and exercise their rights.**

In that respect, **human rights are the goals and guiding principles in development efforts: a human rights-based situation analysis is the basis for identifying priorities and action.**

A right is different from a need and a want. A **need** is a necessity or a requirement to live or survive (e.g., food, water, shelter, clothing). A **want** is an aspiration (e.g., fast food, soft drink, mansion, red tie, blue scarf). A **right** is a universal guarantee that exists within an ethical framework (e.g., availability of adequate food, access to clean drinking water, protection). A need can be legitimate; however, it is not necessarily associated with a government obligation. **A right entails a government obligation and can be legitimately claimed.**

A relationship can exist between needs and rights. For example, consider a teacher (duty bearer) and a student (rights holder) who wants to get up and get a drink of water. The teacher cannot take away the student's need for the water, but could violate his or her legitimate right to have access water by taking away the student's right to get up, leave class and get a drink of water.

Rights vs. Needs

Major Differences between the Two Approaches

Needs-based approach (Development for people)	Human rights-based approach (Development by people)
• Both input and results are important. • The goal is to satisfy needs. • The key power relation is between assistance-providers and recipients of assistance. • Recognizes that needs can be legitimate but that they do not necessarily imply duties or obligations on the part of government. • Needs are not necessarily universal. • Needs can be ranked in hierarchical order. • Individuals are seen as objects of development interventions. • Focuses on immediate causes of problems.	• Both process and results are important. • The goal is to realize rights through empowerment, ownership and participation. • The key power relation is between rights holders and duty bearers. • Recognizes individual and group rights as claims toward legal and moral duty bearers. Rights always imply duties and obligations. • Rights are universal. • All rights are inalienable, indivisible, and interdependent. • Individuals and groups are rights holders empowered to claim their rights. • Focuses on structural causes and their manifestations.

"Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime"

This proverb could be used as an imperfect metaphor to explain the difference between a charitable, needs and human rights-based approaches.

"*Give a man a fish and you feed him for a day*" = charity;

"*Teach a man to fish and you feed him for a lifetime*" = needs satisfaction.

Questions to address with HRBA =

"Why a man and not also women, children? Who is excluded from fishing? Is the pond accessible? If not how is access controlled and granted and by whom? Who profits from the fish? Do they get leisure time away from fishing? Can fisher folks meet, assemble and form a fishing union if they want to? What if they get hurt, do they have a right to heath care? Who has the obligation to fulfill and protect those rights = These questions relate to a Human Rights Based Approach

equitas