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**Presentation on Right Based Approach in  
Development Programs**

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## Rights Based Approach (RBA)

### Key definitions:

RBA is the process through which duty bearers (DB) meet and are held to account for their obligations and through which rights holders are empowered to claim their entitlement.

Rights Holders (RHs) is a person who claims for his/her rights and hold Duty Bearers (DB) to account for the fulfillment of their obligation.

Duty Bearers (DB) are those having obligation under the UNCRC and others international HRs conventions. E.g. State is the main DB, it has obligations to respect, protect and fulfill people's rights. Parents and others who care for children are also DB with specific responsibilities towards children.

### Social relations

Social relations are Gender, race, class, ethnicity are all social relations. The unequal social relations of class, race, gender, ethnicity leads to unequal access to resources and power. It also refers to different structural relationships that interest to ascribe each one of us a position in the structure and hierarchy of a society. They give rise to the meaning of:

- ▶ Who we are.
- ▶ What our roles and responsibilities are.
- ▶ What claims we can make.
- ▶ Our rights.
- ▶ The control we have over our own lives.
- ▶ The control we have the lives of others.

Social relations change, and human agency can change social relations for example the over turning of apartheid in South Africa change relation of change.

### Gender as a Social relation

Gender is the social meaning given to being a woman or man. These meanings stem from social differences and not from biological differences.

Difference does not need to result in hierarchies but in the case of differences between women and men there is hierarchy with men treated as superior and women as subordinate.

Gender is thus about a power relation with the social differences between women and men understood in most societies as a hierarchy in terms of which men have greater social, economic, and political power than women.

Gender relations in most societies are unequal and lead to women's subordination

Gender relations are specific to societies and to historical time.

Gender relations can and do change

Gender is linked to other social relations such as class, race, and ethnicity

Differences exist among women but as group women in most societies have less

Power than the men of their race, class, ethnicity etc.

### **The Gender Division of Labour**

The gender division of labour in most societies includes rules by which roles and responsibilities are allocated to men and women. These rules have sanctions against non performance. Over time women and men develop skills for the tasks allocated to them and these results in women and men having different skills.

The works women perform are usually valued less than the work men perform.

The resources allocated to women are usually less than those allocated to men.

The gender division of labour can and has changed often in response to wider, political and social change.

The gender division of labour shaped in the household is carried into the work place, the community and the state

### **Institutions**

Gender and other unequal social relations are not simply attitudes that individuals carry with them but are produced, reinforced and reproduced by a range of institutions including the household and family, the community, the state, the market place, and the international arena.

Institutions are defined as frameworks of rules, while organizations refer to specific structural forms that institutions take. Five key institutional sites are:

- Family/ kinship
- Community
- State
- Market
- international arena

The state is the larger institutional framework for a range of legal, military and administrative organizations

The market is the larger institutional framework for firms, financial corporations, farming enterprises, multinationals etc

Community is the larger institutional framework for village tribunals, voluntary associations, informal networks, NGOs etc

Family/ kinship is the larger institutional framework for households, extended families, lineage groupings

Few institutions admit explicitly to ideologies of gender or any other form of inequality. The official ideologies which tend to dominate thinking in development are:

- The state is about national interest and national welfare
- Market is about profit maximization

- Community is about service provision for all members
- Family/ kinship is about altruism and cooperation, about caring and sharing
- That each institution is separate and distinct from each other.

**Exclusion:**

Bunker exercise

**Rights:**

Rights are widely characterized as legitimate claims that give rise to correlative obligations or duties. This characterization of rights suggests that to have a rights means having a legitimate claim against some person, group, or organization e.g. social or economic institution, a state or an international community. The latter is in turn under an obligation or duty to ensure or assist the right holder in securing the rights. Implicit in the notion of rights of rights is that there are:

- The duty bearers ( state and non state actors with obligations)
- The rights holders ( individual and group who are claimants)
- The object or end of the right.

Rights are generally classified into two broad groups:

- ▶ Civil and political, which are generally expressed in national constitutions or international conventions. Prominent examples of international conventions that define civic and political rights and are universal declaration on human rights and the international convention on the elimination of All Forms of Declaration on Human Rights Against Women. From the perspective of human development and human rights paradigms that seek to expand freedom, civil and political rights ensure freedom from coercion.
- ▶ Social, economic and cultural, which are enshrined both in oral and written traditions, and which include rights to education, food, shelter, health care, and so

on. Economic and social rights promote the freedom to access resources.

Rights are broader than laws and frameworks. They are legitimate claims by rights holders against duty bearers around specific claims RBA requires ongoing analysis of power relations that shape claims and outcomes International conventions provide justification, legitimacy and are resources for public action and accountability

The reality for most people is lack of rights & struggles to find the means to make rights real.

Development should resource rights claiming and promote the realization of rights

Rights are objects of political struggle to be defended, reinterpreted and extended

Three levels of rights claiming are:

- ▶ Definition policy frameworks, setting out the nature of entitlement, who is entitled, the nature of the obligation
- ▶ Interpretation - the admin system, service delivery system
- ▶ - Implementation actions of project staff shape the nature of the entitlement and who is entitled.
- ▶ Rights based approaches require identifying rights holders and duty bearers and developing strategies for empowering rights holders and facilitating accountability of duty bearers.

## **Rights Based Approaches to Development: Building Citizen**

### **Capabilities to Articulate Rights**

1. **Citizenship participation is a cornerstone of a rights based approach**

Citizenship is not limited to national belonging.

Citizenship is

- A status (a person is a rights holder with dignity)
- A practice (people have the possibility to act).
- A way of defining personhood which links rights to agency.

- About rights
- About responsibilities
- About interaction and influence.

The practice of citizenship is about participation in decisions affecting our lives.

Participation is itself a right and is a corner stone of rights based approaches to development. Through their participation citizens can hold those in power accountable that is get them to justify their decisions and actions, and get them to act in their interests.

### **Citizen action can make rights real and create new rights**

Civil society organizations can:

- ◆ create recognition for rights
- ◆ Help actualize rights through developing agency as a means to obtain visibility for entitlements, and a means of pressuring duty bearers.
- ◆ Build a sense of entitlement among women

There is need to resource rights claiming, that is to develop voice and agency, build a sense of entitlement among women

There is need to identify and work with those on whom the claim is made. Fulfillment of rights can be influenced at the point of definition, interpretation, and implementation. The best entry point depends on context.

Context shapes where and how rights claiming make sense.

Women's struggles have included:

- Getting the state to recognize them as rights bearing citizens
- Building a political community
- Creating awareness among the most marginalized of their right to a right
- Creating awareness of the right to agency
- Making visible their needs and priorities in defining entitlements
- Making rights real, by ensuring marginalized women can exercise rights to obtain entitlements

- Build a set of demands with broad based participation and take this into the political arena where contests for recognition of rights take place.

### The Duty Bearers and Rights Holders relationship:

A fundamental element of Rights Based Approaches is the process through which DBs meet and are held account for, their obligations and through RHs are empowered to claim their entitlements, so you need to understand how this relationship work at various levels in your particular context.

Rights Based approaches to development refer to an overall approach, a set of values about why, how and with whom we work as development practitioners. It is different from other development approaches such as modernization and economic growth approaches which do not emphasized human development. Rights approach stresses working for greater equality and to end exclusion through mobilizing rights. It also stresses that the goal of the development is human well being and not increasing profits.

RBA requires identifying Rights Holders (RHs) and Duty Bearers (DBs) and developing strategies to empower right holders and hold duty bearers accountable. With RBA we no longer see the people we work with as beneficiaries on whose behalf we acting, we see them as people who have rights and as agents in control of their own destinies.

In applying this rights perspective to the practice of development the conceptual framework operates at three inter-related levels:

- Normative level- sets the standards for the rights and provides legitimacy for rights claims in different social, cultural, legal and political contexts.
- Analytical level- analyses the operation of systems of rights to strengthen understanding of the conditions under which poor people, especially poor women, can effectively make claims and have these realized.
- Operational level- identifies the entry point that development agents can make use of, to make rights real.

### **Key Approaches:**

- ▶ Build a sense of entitlement through organizing collectivities and developing awareness of the right to have rights
- ▶ Find spaces for creating wider acknowledgement of rights of marginalized groups.
- ▶ Identify and work with duty bearers.
- ▶ Develop technical skills to visibilise claims.
- ▶ Democracy as a resource for rights claiming

### **Elements of Rights Based Approach:**

RBA are comprehensive in their consideration of the full range of indivisible, interdependent and integrated rights –civil, cultural, economic, political and social – which implies a development frame work with sectors that mirror internationally guaranteed rights covering livelihood, health, education, housing, justice administration and political participation.

### **Accountability:**

The conceptualization of rights as legitimate claims sets up duty bearers (DB) who are responsible to rights holders. While primary responsibility is seen to lie with the state as the main duty bearers in ensuring rights.

### **Participation:**

Participation and voice are the flip of accountability. A rights perspective sees participation both as a right in itself and as a means of ensuring accountability of (DB) (development project and program design has therefore to build explicit strategies to construct voice of marginalized groups, spaces for participation.

### Empowerment:

In this frame work development agencies have to perceive the ultimate recipients of their work not just as beneficiaries, stakeholders or clients / customers but also citizens.

### Non-discrimination:

RBA stress inclusiveness, quality and equality. Attention to the rights of vulnerasce groups such as women, minorities and indigenous people among others is stressed.

### RBA and gender

If the RBAs raise so many questions, why are women's human rights activists so enthusiastic? Two arguments for why the rights based approaches are good for women are firstly that the norm of gender equality is central to the rights based approaches and not .an add-on", and secondly, since the rights based approaches focus on the most marginalized, women are a natural.

These are good reasons to pay attention to human rights, but they do not necessarily translate into the rights based approaches being superior to other gender and development approaches. Feminists need to debate more fully the RBA and what it represents, with voices from developing countries taking the lead.

### The main advantages of the RBA

1. Identify rights and duties holders thereby enhancing accountability.
2. Direct strategies at redressing injustice rather than relieving suffering.
3. Take a normative stance on the side of the oppressed and excluded thus compelling a focus on vulnerable groups such as women.
4. Underline that rights are inalienable, universal, non negotiable, indivisible and interdependent.
5. Take as their starting point that people have agency and can drive change and are therefore not passive recipients of development aid

## Conclusion:

RBA's have important commonalities -- their basis in human rights instruments and an emerging consensus on basic elements including a linkage to rights, greater accountability on the part of states and international actors, a greater stress on empowerment, participation and non-discrimination and attention to vulnerable groups

# Thanks