

INTRODUCTION TO RIGHTS-BASED PROGRAMMING

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A rights-based approach to development promotes justice, equality and freedom and tackles the power issues that lie at the root of poverty and exploitation. To achieve this, a rights-based approach makes use of the standards, principles and methods of human rights, social activism and of development.

Development is concerned with the distribution of resources and the access to services, such as health, education, social welfare, poverty alleviation and income generation. Social and political activism mobilises people to demand the redistribution of power. Examples include the redistribution of wealth between rich and poor nations through debt relief or a change in trade rules, women demanding equal pay for equal work, workers demanding fair pay and benefits, or landless peasants demanding the redistribution of farmland.

Human rights are enshrined in a set of internationally agreed **legal and moral standards**. Such universally agreed standards are largely absent in conventional development theory and practice.

Main human rights and humanitarian law treaties

- 1948 Universal Declaration of Human Rights
- 1949 Geneva Conventions
- 1965 Convention on the Elimination of all Forms of Racial Discrimination
- 1966 Covenant on Civil and Political Rights
- 1966 Covenant on Economic, Social and Cultural Rights
- 1979 Convention on the Elimination of all Forms of Discrimination Against Women
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1989 Convention on the Rights of the Child
- 2003 Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

Rights are universal. Human rights treaties establish the basic civil, political, economic, social and cultural entitlements and freedoms of **every human being – anywhere in the world – at all times**. Equality, non-discrimination and inclusion are fundamental human rights.

Rights are inalienable. Every human being is entitled to the same human rights from birth. Human rights cannot be taken away or given up.¹

¹ There are a few exceptions to this rule. Prison inmates are denied the freedom of movement. During a state of emergency the right to expression and information may temporarily be suspended. However, states are obligated not to abuse these exceptions and many rights, such as the right to life and the right to protection from torture, may never be suspended.

Rights come with responsibilities. Central to the idea of human rights is the relationship between rights holder and duty bearer. States (and other ‘duty bearers’) are responsible to ensure that the rights of all people are equally respected, protected and fulfilled. This does not mean that the state is responsible to provide everything. It does mean, however, that the state has an obligation to create the conditions that enable other duty bearers, such as parents, private sector, local organisations, donors and international institutions, to fulfil their responsibilities. Rights holders are responsible to respect and not to violate the rights of others.

States have the duty to respect, protect and fulfil rights

Respecting rights means that state laws, policies, programmes and practices must not violate rights. States must avoid interfering with people’s pursuit of their rights, whether through torture or arbitrary arrest, illegal forced housing evictions or the introduction of medical fees that make healthcare unaffordable for poor people.

Protecting rights means that states must prevent violations by others and must provide affordable, accessible redress, for example: ensuring that employers comply with basic labour standards, preventing monopoly ownership of the media or preventing parents from keeping their children out of school.

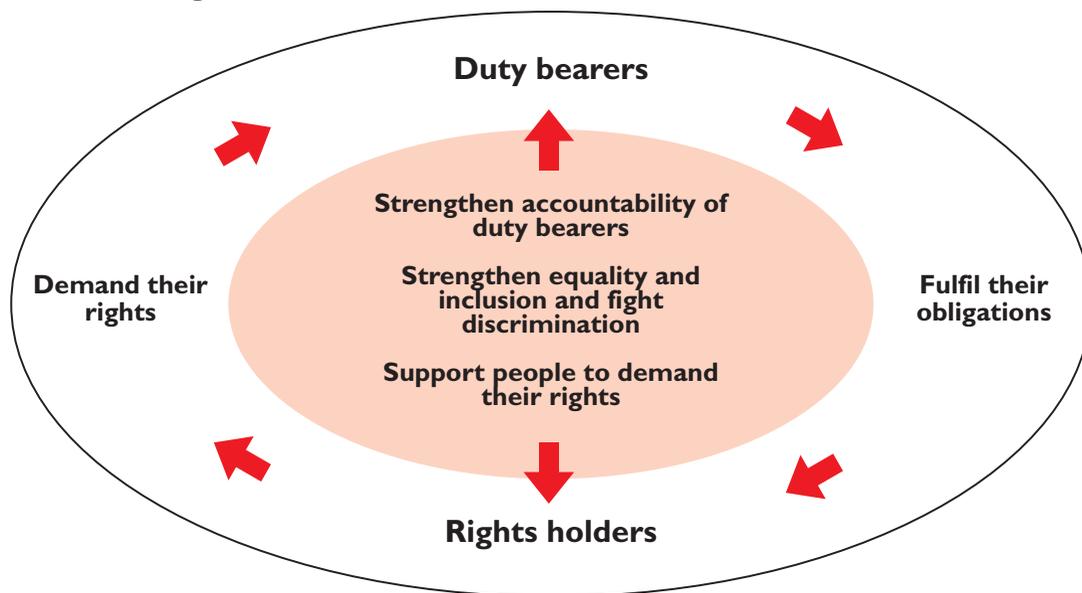
Fulfilling rights means that states must take positive actions to realise rights, for example: creating legislation that enshrines equal pay for equal work or increasing budgets to the poorest regions.

International donors have an obligation to ensure that their social and economic policies are based on and promote international human rights standards, such as free and compulsory education for all children. They are responsible to allocate adequate resources for health and education programmes. They have an obligation to ensure that debt payments and economic restructuring do not force poorer countries to cut back on the provision of basic social services and leave poor countries without the resources to provide education for all children. They also have an obligation to remove agricultural subsidies and trade barriers that deny poor countries access to rich-country markets.

Participation is a fundamental human right. Every child, woman and man is entitled to demand her or his rights from duty bearers. The civil rights to information, expression and association are some of the instruments through which people can demand their rights.

Rights are indivisible and interdependent. Human rights include the whole range of civil, political, social, economic and cultural rights. Denying certain rights undermines other rights. For example, if a government withholds information about the outbreak of an epidemic, people cannot protect themselves and are denied their right to health. States that do not provide protection from domestic violence undermine women’s and children’s right to health.

A rights-based approach and the relationship between duty bearers and rights holders



Changes needed to realise rights. Implementing human rights requires much more than ratifying an international treaty. It requires that states and other duty bearers:

- change policies, laws and programmes
- promote economic policies that enable rights
- ensure more effective enforcement of laws against rights violations
- allocate larger budgets and more resources for poor, marginalised and at-risk people
- change awareness, attitudes, behaviours, practices, norms and values
- improve the quality, relevance and responsiveness of institutions and services
- create opportunities for greater participation of rights holders in decisions and in claiming their rights
- gather better data about people and monitor the fulfilment of their rights.

Progressive realisation. A human rights approach recognises that the capacities and resources to fulfil rights are often limited in poor countries. The idea of 'progressive realisation' takes this into account and allows countries to make progress towards realising rights based on their resources. This principle should not be abused, however. States have no excuse for violating the freedom of expression, the right to information or protection from torture. Every state has options and makes decisions on how much to spend on health and education and how much on defence.

Rights-based programming holds people and institutions that are in power accountable to fulfil their responsibilities towards those with less power. It also supports rights holders to demand their rights and to be involved in political, economic and social decisions in society. It aims to increase impact and strengthen sustainability by addressing root causes, bringing about policy and practice changes, working together with others towards common goals and by changing power relations.

Implications. A rights-based approach to programming requires:

long-term goals with a clear focus on people and their rights. This requires analysing problems, causes and responsibilities at local, national and international levels

working together with other government and non-government agencies towards common rights-based goals

equity and non-discrimination – concentrating on the worst rights violations and paying particular attention to the most marginalised people

accountability – strengthening the accountability of duty bearers for human rights at all levels. This should be achieved through a combination of direct action, changes in laws, policies and resource allocations, changes in institutional rules and practices and changing attitudes and behaviours

participation – supporting rights holders (children, adults and civil society institutions) to demand their rights.

Rights-based goals differ from partial and time-bound development targets. They are 100 per cent goals (or visions) that relate directly to the realisation of human rights (eg, Education for All). A rights-based goal is only achieved when all people enjoy the right. Such goals provide a common focus for the work of different organisations. Without such goals, there is no guarantee that programmes will contribute towards realising the intended rights. Organisations have to prioritise their own actions based on what needs to be done to realise the specific rights on what others are doing and in accordance with their own mandate, expertise and skills.

Working together towards a common goal. Rights-based goals are linked to the realisation of human rights. They are not based on what one organisation is able to accomplish on its own. To achieve such a broad, ambitious and long-term goal requires work at different levels, by different organisations forming alliances and using a variety of approaches. It also means joint analysis, common strategies and collaboration between organisations. In rights-based programming, institutions can no longer work in isolation from each other.

Concentrating on the worst rights violations and the most marginalised people is an essential part of a rights-based approach. Development programmes often try to reach the largest number of people with their limited resources. As a result, those people who are hardest to reach are often overlooked and thereby excluded. A rights-based approach makes particular efforts to identify and reach those who are most marginalised to ensure that their rights are not forgotten. However, this does not mean that a rights-based development approach focuses only on those groups of people who are most excluded in society.

Accountability and participation. The primary role of a rights-based development organisation is to contribute to the fulfilment of human rights by identifying relevant duty bearers and getting them to meet their obligations and by empowering poor and exploited people to claim their entitlements. Directly meeting needs and fulfilling rights helps people, but it does not necessarily strengthen the accountability of duty bearers. It also does not strengthen people's own ability to claim their rights. Where organisations provide services, this should be done in ways that strengthen the accountability of duty bearers and empower people.

Methods used in rights-based programming

- pressure decision-makers to change policies, laws, programmes and budget allocations
- mobilise people to demand changes in policies and resource allocations
- utilise mass media to raise awareness and to report abuses of power and rights violations
- establish and monitor standards, rules and procedures. Create systems of incentives and sanctions to enforce these standards
- audit the quality of government services
- monitor and report human rights violations
- establish and support human rights watchdog organisations and functions
- educate the public and decision-makers about human rights
- use courts to claim entitlements and to achieve justice and equality.

Methods. Rights-based programming uses a wide range of methods to achieve concrete and sustainable results for people and their rights. This approach works to get duty bearers to fulfil their obligations, to support people in claiming their rights, to fight discrimination and to strengthen equality and inclusion. The choice of appropriate action depends on the opportunities in a particular country, on the rights or issues that are being addressed and on the organisation's mandate and expertise.

To combat child sexual abuse in Vietnam, an organisation may advocate for changes in legislation, utilise mass media to educate the public about sexual abuse, train social workers and law enforcement personnel in child protection methods and establish mechanisms for listening to children in schools or in shelters for street and working children.

An agency working in Cambodia to eradicate poverty may support grassroots organisations to demand land rights for landless peasants or support the Cambodian Government to lobby rich countries to remove trade barriers and open their markets to Cambodian goods.

Child Rights Programming

Child Rights Programming (CRP) is Save the Children's version of a rights-based approach and focuses specifically on children and their rights. For the most part, there is no difference between Child Rights Programming and rights-based approaches in general. However, there are some differences between children and adults, which Child Rights Programming has to take into account.

Children are a very diverse group of human beings. They range in years from 0 to 18 and their needs differ greatly depending on their age and abilities. Child Rights Programming has to consider a child's developmental needs, abilities and competencies.

All human rights conventions apply equally to children. In addition, children have their own human rights treaty, the Convention on the Rights of the Child. This convention affirms children's civil, political, economic, social and cultural rights. It also recognises children's rights to special protection.

Child Rights Programming is based on what is in children's best interests in the short and long term. It means that decisions about children must always consider children's interests and wishes, as well as the long-term implications of such decisions on children and their survival, development and protection.

Child Rights Programming considers children in the broader context of family, community and national and international policies. Children in all parts of the world are affected by policy and budget decisions made in distant capitals. Child rights organisations have a responsibility to monitor and analyse the impact of economic policies on children and to ensure that children's rights and concerns are taken into account by policy-makers.

Children are part of the wider society



Children have the right to participate in the family, school, community and society. Children have the right to information, expression, decision-making and association. From birth, children are able to express themselves. As they grow, children's capabilities to take part in social and economic activities and decisions develop. Child Rights Programming recognises children's social and economic contributions. It supports children's participation in all matters and all environments affecting the child: the family, school, community and society. It encourages parenting and learning methods that support and stimulate children's capacity to express themselves and to make decisions. Child Rights Programming also supports children's involvement in policy consultations, programme planning, implementation, monitoring and evaluation and in child-led organisations.

Children are rights holders. At the same time, there are several factors that limit children's ability to demand their rights. Children do not remain children. Legally, they become adults at age 18. As a result, organisations run by children continuously lose their most experienced members when they turn 18. While children have many of the same rights as adults, there are some political rights that children are denied, especially the right to vote and the right to run for political office. Children's rights to form organisations, raise funds and sign contracts are also more limited than the rights of adults.

As a result, adults have the responsibility to defend and demand children's rights. Parents, family members and care givers are some of the duty bearers closest to the child. A rights-based approach supports them and other adults and adult-run organisations to demand children's entitlements and freedoms.

RIGHTS-BASED APPROACH TO EDUCATION

Joachim Theis

Human rights standards and principles are expressed in legal language. Programme staff working in the field of education often find it challenging to understand what human rights standards mean and how to apply them in their work. The purpose of this chapter is to present the main elements of a rights-based approach to education. It translates human rights principles and standards into the concepts, categories and language commonly used in education programmes. It draws on the ideas and writings of the Special Rapporteur on the right to education and the literature on child-friendly schools.

A rights-based approach to education is based on internationally agreed upon human rights standards and promotes those standards in society. It ensures that all children receive good quality basic education. Quality education is child-centred, prepares children for the challenges they face in life and helps every child reach his or her full potential. Quality education is not only concerned with learning, but also with the child's health, nutritional status, wellbeing, safety and protection from abuse and violence. It also is concerned with the child's environment and with what happens to children before entering and after leaving school.

Rights-based education recognises children as subjects of rights. The state and other 'duty bearers' (eg, parents and teachers) have obligations to fulfil these rights. As rights holders, children, parents and teachers (and others) are entitled to demand that the state meets its obligations to respect, protect and fulfil the right to education of all children.

A rights-based approach to education has the following aspects:

Free access to education for all children

- guarantees education that is free and compulsory, affordable and accessible for all school-aged children and up to at least the minimum age of employment
- actively identifies excluded and at-risk children to get them enrolled in school and included in learning
- recognises the freedom of parents to choose education for their children, while observing the child's best interests.

Equal and inclusive education

- ensures the same rights to education and equality of opportunity for all children, irrespective of their race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability or HIV status. It includes working children, children affected by HIV/AIDS and children affected by conflict, displacement and abuse
- respects diversity and does not exclude, discriminate or stereotype on the basis of difference. It responds to diversity by meeting the needs of children according to their circumstances (eg, based on gender, social class, ethnicity and ability level).

Effective and relevant learning

- sets minimum quality standards for education and ensures these standards are met by all educational institutions in the country
- promotes the personal development of the individual child and ensures education content, methods and scheduling are relevant and respond to the different circumstances and needs of children (eg, according to their age, gender, culture or social class, or if they have disabilities, work or are refugees)
- provides child-centred content and good quality materials and resources for gaining literacy, numeracy and the essential knowledge and skills for life. Teaches children how to learn and to apply what they have learned. Prepares students for further training and for the job market
- promotes good quality teaching and learning processes appropriate to the child's developmental level, abilities and learning style. Promotes active, cooperative and democratic learning methods
- ensures every child understands the language of instruction (mother-tongue teaching)
- enhances teacher capacity, morale, commitment, status and income, and teachers' recognition of child rights
- improves the quality of education by eliminating obstacles to teaching and learning, and ensures that the entire process of education conforms to all human rights.

Gender-sensitive

- promotes equality in the enrolment and learning achievement of girls and boys
- guarantees gender-sensitive facilities, curricula, textbooks and teaching-learning processes that socialise girls and boys in a non-violent environment and encourages respect for each others' rights, dignity, diversity and equality
- promotes gender equality by challenging gender discrimination, stereotyping and exclusion.

Supportive, nurturing, safe and healthy learning environment

- provides positive experiences for children and promotes safe, secure, supportive, encouraging, healthy learning environments that protect the health (physical and psychological) and well being of learners and teachers:
 - provides supportive, nurturing, positive experiences promoting children's well being and sense of self-worth
 - guarantees a child's safety and security through policies and practices, such as schools free of drugs, tobacco, corporal punishment, abuse and harassment
 - provides adequate water and sanitation facilities and health education
 - assists with access to health services and counselling
 - provides life skills and sex education and promotes healthy attitudes, behaviours and practices
- helps to defend and protect all children from abuse and harm, both inside and outside the school and ensures that at-risk children are protected through education (eg, abused children, child workers, children in conflict and emergency situations, children affected by HIV/AIDS)
- is concerned about what happens to children before entering and after leaving school
- provides all children with a good start in life through quality early childhood development and support to children entering school
- strengthens the family as the child's primary caregiver and educator.

Participation

- recognises that children have competencies, knowledge and abilities and are able to contribute these to society and to shape their school, family and community environments
- promotes children's right to be heard and to express themselves at home, in school and in the community. Children who are listened to have higher self-esteem and greater self-confidence
- Student-centred, activity-based learning methods enable children to take an active part in classroom work. This influences their own learning and makes their education more meaningful, more relevant and more enjoyable
- ensures that parents, teachers and media provide children with adequate and relevant information
- promotes the rights of students, parents, teachers and other stakeholders to influence the decisions that affect them. Promotes the involvement of students, parents and teachers in curriculum development, choice of learning content, selection of learning materials and education reforms
- involves children, parents and community members in school management and supports the establishment of student and parent-teacher associations
- promotes children's rights to privacy, play and a child-friendly environment.

Main stakeholders and their responsibilities

- International donors are responsible to ensure that their social and economic policies are based on and promote international human rights standards, such as free and compulsory education for all children. They are responsible to allocate adequate resources for basic education programmes. They have an obligation to ensure that debt payments and economic restructuring do not force poorer countries to cut back on the provision of basic social services and leave poor countries without the resources to provide education for all children.
- International advocacy on the right to education includes: Education for All campaigns, lobbying for greater spending on education and advocating for the cancellation of debts of the world's poorest countries.
- National governments are responsible to:
 - allocate adequate resources to provide free basic education for all children
 - harmonise national legislation and policies with international human rights standards
 - set, enforce and monitor education standards
 - promote and monitor the rights and well being of all children in the country.
- Every child has the right to education, the duty to comply with compulsory education requirements and the obligation not to hinder the education of others.
- Parents have primary responsibility for the care, support and guidance of their children, have the duty to comply with compulsory education requirements and are the first educators.
- Teachers are responsible to ensure that teaching content and methods are based on human rights values and standards and that children learn respect for human rights.
- Private companies, the media and religious, political and cultural institutions providing education and information services, materials and resources are responsible to meet the standards of rights-based education.
- Education organisations are responsible to carry out a comprehensive analysis of the education sector in preparation for any programme work.

Example: Realising the right to primary education in India

Goal: All children complete primary school in India

Obligations	Objectives	Actions	Indicators
Parents			
send children to school	<ul style="list-style-type: none"> all parents send their children to school by 2005 	<ul style="list-style-type: none"> enforce compulsory education raise awareness of importance of education among parents 	proportion of parents who send children to school
Government			
provides schools that are accessible; provides adequate facilities	<ul style="list-style-type: none"> by 2010 all children live within two km from primary school all primary schools have sufficient teachers (ratio of one teacher per 30 students) by 2010 by 2010 all primary school facilities are in good condition: at least two rooms, rain-proof roof, functioning toilet, safe drinking water all head teachers are engaged in teaching activities by the end of 2003 	<ul style="list-style-type: none"> build primary schools train and hire sufficient primary school teachers improve primary school facilities establish monitoring mechanisms, incentives and sanctions to ensure head teachers are engaged in teaching 	distance to school from house number of teachers condition of school facilities head teacher attendance and activity
Community			
supports schools, teachers and parents	<ul style="list-style-type: none"> all village education committees meet at least four times per year to organise support for school, teachers and parents by 2004 	<ul style="list-style-type: none"> establish monitoring mechanisms, incentives and sanctions 	public discussion
Media			
report on neglect of basic education	<ul style="list-style-type: none"> increase newspaper articles on basic education by 50% each year, over the next five years 	<ul style="list-style-type: none"> train journalists invite media to visit remote schools give annual prize for reporting on basic education monitor newspaper articles on basic education 	proportion of newspaper articles on basic education

Source: Adapted from PROBE Team, 1999 (in UNDP HDR 2000: 104)

International treaties and agreements related to the right to education

Convention on the Elimination of all Forms of Discrimination Against Women (1979)

www.unbchr.ch/html/menu3/b/e1cedaw.htm

Convention on the Elimination of all Forms of Racial Discrimination (1965)

www.unbchr.ch/html/menu3/b/d_icerd.htm

Convention on the Rights of the Child (1989)

www.unbchr.ch/html/menu2/6/crc/treaties/crc.htm

Covenant on Economic, Social and Cultural Rights (1966)

www.unbchr.ch/html/menu3/b/a_cescr.htm

Education for All: Dakar Framework for Action (2000)

www.unicef.org/efa/dakarfin.pdf

ILO Convention on the Minimum Age for Employment (1973)

ilolex.ilo.ch:1567/cgi-lex/convde.pl?C138

ILO Convention on the Worst Forms of Child Labour (1999)

ilolex.ilo.ch:1567/cgi-lex/convde.pl?C182

UNESCO Convention against Discrimination in Education (1960)

www.unbchr.ch/html/menu3/b/d_c_educ.htm

Universal Declaration of Human Rights (1948)

www.unbchr.ch/udhr/lang/eng.htm

Resources

Shaeffer, Sheldon (2000) *Rights-Based, Child-Friendly Learning Environments: A Framework for Policy and a Plan of Action*. Powerpoint presentation at Regional Workshop on Child-Friendly Learning Environments, Chiang Mai, Thailand, 21-25 August 2000, UNICEF.

SIDA (2001) *Education, Democracy and Human Rights in Swedish Development Co-operation*.

Stockholm. www.kus.uu.se/Democracy2/EduDemHumgroup2.pdf

Tomaševski, Katarina (2003) *Education Denied. Costs and Remedies*. Zed Books London and New York, University Press Dhaka, White Lotus Bangkok, David Philip Cape Town. ISBN1 84277 251 1.

Tomaševski, Katarina (2004) *Manual on Rights-Based Education. Global Human Rights Requirements Made Simple*. Collaborative project between the UN Special Rapporteur on the Right to Education and UNESCO Asia and Pacific Regional Bureau for Education. UNESCO, Bangkok, Thailand. ISBN 92 9223 023 9.

UNESCO (2000) *World Education Report 2000 – The Right to Education: Towards Education for All Throughout Life*. UNESCO, Paris. www.unesco.org/education/information/wer

Organisations and websites

Child-friendly schools

www.unicef.org/programme/girlseducation

Oxfam

www.oxfam.org.uk/educationnow/edreport/report.htm

Save the Children

www.savethechildren.org.uk/education

UN Special Rapporteur on the Right to Education (many links)

www.right-to-education.org

UNESCO

www.unesco.org/education/index.shtml

UNICEF

www.unicef.org/teachers

World Bank

www1.worldbank.org/education