

# Right to Development and Human Rights Based Approach

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# Development

Development is a comprehensive economic, social, and cultural process aiming at constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

( UN Declaration on the Right to Development, 1986)

# Development

- Human person is the central subject of development process- main participant and beneficiary of development;
- State has the right and duty to formulate appropriate national development policies (on the basis of active participation and benefit resulting from development);
- International cooperation is essential.

# Development

-Empowerment

-Co operation

-Equity

-Sustainability

-Security

(UNDP)

# Development as right

- Right of peoples to self determination- the right to freely determine their political status and to pursue their economic, social and cultural development;
- denial of political, civil, economic, social, and cultural rights as obstacles to development;
- Peace and security as essential elements for the realisation of the right to development

# Right to Development

- non discrimination
- Indivisibility and interdependent
- Individual and collective realisation of right to development

# Monitoring

- Appointment of an Independent Expert in 1999 and Working Group on the Right to Development

# Right to Development

4 critical elements

1. Conceptualisation of development as a process facilitating the realisation of human rights;
2. interrelatedness and interdependencies of human rights;
3. Right of individual and collective;
4. Duty bearer- state and international community



# Right to Development

- New International Economic Order?
- Polarisation of regional and ideological conflicts
- Challenges of implementation
- Dichotomy between human rights and development

# Right to Development

- Does it exist in normative sense?
- Could it deliver the promise?
- Is development assistance and cooperation a right?
- Or, it is just about economic hegemony at international level and justification as means for maintaining the status quo and to counter domestic and international pressure for political liberalisation?
- Relationships between human rights, development and democracy?

# What is a HRBA?

- A human rights-based approach constitutes a holistic framework methodology with the potential to enrich operational strategies in key focus areas (UNDP, 2001). It brings in legal tools and institutions – laws, the judiciary and the rule of law principle - as a means to secure freedoms and human development.
- A human rights-based approach is not only about expanding people's choices and capabilities but above all about the empowerment of people to decide what this process of expansion should look like (UNDP, 2001).

# What HRBA looks like?

- Not about changing what we do, but about how we do it.
- It provides both a vision of what development should strive to achieve (to secure the freedom, well-being and dignity of all people everywhere), and a set of tools and essential references (human rights standards and principles).

# HRBA

- The human rights-based approach is process-based
- Rule of law, but not merely legal: non-legal, social, political processes
- Advocacy
- Long-term alliances
- Human rights within each organization

# A paradigm shift

- From human needs to society's obligations to respond to the inalienable rights of individuals (Muchabaiwa, 2007).
- Empowerment to influence development and to claim their rights.
- Approach is based on compassion, solidarity and a desire for justice rather than benevolence.
- underlying belief is that there cannot be human rights based society without individuals who have internalized human rights ethics, philosophy, and politics (Jonsson, 2003).

# A paradigm shift

- It aims at building the capacity of the vulnerable community for them to make an assessment of their situation, be able to analyse why there are in that state of situation and to propose and take actions that address their specific problems (The Triple A Process)

# Principles of HRBA

Direct links to human rights

Non-discrimination and equality

Non-discrimination is an immediate and cross-cutting obligation in the Covenant. Article 2(2) requires States parties to guarantee non-discrimination in the exercise of each of the economic, social and cultural rights enshrined in the Covenant and can only be applied in conjunction with these rights. It is to be noted that discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.<sup>6</sup> Discrimination also includes incitement to discriminate and harassment.

Participation

Participation is an objective in itself. Participation of women and children in decision making processes strengthens ownership and gives the marginalized a voice hence sustainability.

Accountability

Accountability and the respect for the right of law (identify rights holders and duty bearers. Rights based approaches promotes the development of laws, institutions to ensure fulfilment of entitlements



# HRBA Principles

- The HRBAP enhances transparency and accountability by public officials and consequently leads to good governance
- emphasizes accountability of those with duties or obligations and the obligation must be constantly checked.
- This implies monitoring and evaluating at all levels of the project or programme.. It cuts on inefficiencies and adopts effective approaches to programmes or projects

# HRBA Principles

## Empowerment

- the ability of people to gain understanding and control over personal, social, economic and political forces in order to take action to improve their life situations (Israel et al., 1994).
- It is the process by which individuals and communities are enabled to take power and act effectively in gaining greater control, efficacy, and social justice in changing their lives and their environment (Solomon, 1976; Rappaport, 1981, 1985; Minkler, 1992; Fawcett et al., 1994; Israel et al., 1994).
- Central to empowerment process are actions which both build individual and collective assets, and improve the efficiency and fairness of the organizational and institutional context which govern the use of these assets.

# Rights holders and duty bearers

- A rights-holder:
  - is entitled to rights
  - is entitled to claim rights
  - is entitled to hold the duty-bearer accountable
  - has a responsibility to respect the rights of others
- A duty-bearer:
  - has the obligation to respect, protect, and fulfill the rights of the rights-holders

# Sources

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