Challenges to a Human Rights Based Approach to Development

Jerald Joseph
Dignity International
FROM
POVERTY
TO
DIGNITY
"a learning manual on human rights based development"
WHAT ARE THE COMPONENTS OF THE RIGHTS-BASED APPROACH?

1. ANALYSIS BASED ON THE REALIZATION OF HUMAN RIGHTS
   - By analyzing each right
   - By analyzing those responsible
2. MEANINGFUL PARTICIPATION AT EACH STAGE
3. OBJECTIVES AND GOALS BASED ON HUMAN RIGHTS
4. MEASURING OUTCOMES IN HUMAN RIGHTS TERMS
5. UTILIZING MECHANISMS OF ACCOUNTABILITY
Why a rights-based approach?

1. A basis in international law, therefore systematic and standards-based
2. Sustainable because of the emphasis on participation
3. Readily measurable over time
4. Ethical rather than intuitive
Challenges:

- HR training for civil society
- Participation
- Competing rights
- Information
- Accountability
- Money…where to get finances
  : budget analysis
- Development demands .. infrastructure
- Laws / judicial
- Investment vs basic needs dilemma
- Ignorance is not an option on
HR….education/knowledge
Obligations of States parties

- **Respect** (refrain from direct or indirect interference)
- **Protect** (prevent third parties from interfering)
- **Fulfil** (core obligations and progressive realization)

Provide for those unable to do so
Facilitate positive measures
Promote education & information campaigns for public awareness
Article 11

The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.
ANALYSIS: STATISTICS

Number of homeless
Number inadequately housed
Number living in “illegal” settlements
Number evicted within last five years
Number waiting for accommodation
ANALYSIS: LAWS

- Affirming the right
- On housing, the homeless
- On land use
- On tenancy
- Building codes
- Prohibiting discrimination in housing
- Prohibiting eviction
- Confirming legal title to the “illegal” sector
- Environmental planning
ANALYSIS: FINANCES

- Financial allocation by governments to housing in general
- Priority allocation of funding to the most disadvantaged
- Transparency of budgets
- Measures to ensure that international assistance goes to the disadvantaged
Adequacy

- LEGAL SECURITY OF TENURE

- AVAILABILITY OF SERVICES, MATERIALS, FACILITIES AND INFRASTRUCTURE – INCLUDING ACCESS TO:
  
safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services
Adequacy (2)

- AFFORDABILITY
- HABITABILITY
- ACCESSIBILITY
- LOCATION INCLUDING ACCESS TO
  - employment options
  - health care services
  - schools
  - child-care centres
- CULTURAL ADEQUACY
MEANS TOWARDS MEANINGFUL PARTICIPATION

1. Provision of information
2. Consultation
3. Joint decision-making
4. Joint action
5. Transfer of skills and resources

1. Documentation
2. Request for comments on already formulated strategies
3. Strategic planning involving both sides
4. Planning and action involve both sides
5. Capacity-building
Right to education in a Country in ASEAN

100% school completion rate
Competent and qualified teachers
All schools have adequate teaching and learning resources
Effective mechanisms for monitoring education
Confident students ready to cope with life
Children actively involved in school management and curriculum development
Child friendly learning environment
Equal education opportunities for disadvantaged groups

4A and Q of ESCR
Availability
Accessibility
Adequacy
Affordability
Quality

Goal
All children enjoy free and compulsory basic quality education