

# Dóchas

The Irish Association of  
Non-Governmental Development Organisations



## **Human rights based development: Mapping with Dóchas members**

*Karen Kenny  
International Human Rights Network*

*2004*

## **Summary**

International Human Rights Network was engaged to work with Dóchas members in an independent mapping process to establish their current level of engagement with human rights based approaches (HRBA) and to determine ways of further promoting progress. IHRN provides tailored support for the application of Human Rights Based Solutions to a range of actors, including in the development sphere.

Using a questionnaire of members and selected interviews, the discussion took place from July to December 2003. This report notes international developments in HRBA and Dóchas member agencies' knowledge and engagement with HRBA. It comments on consistency with international best practice, identifies challenges and lessons identified and presents options for the future direction of Dóchas in pursuing HRBA.

## **Overall findings**

Overall, there was a positive response by those organisations involved in discussions to the review itself and to Dóchas' recent work.

There is a spectrum of policy commitment among members, yet there is an emerging consensus as to HRBA content which reflects developments on the international level.

Dóchas members are undertaking creative efforts towards HRBA, while recognising that support is needed to give real effect to HRBA. Members are enthusiastic regarding Dóchas' role in taking this forward, and expect that it do so.

There was a strong emphasis on the need for a system of practical HRBA support for Dóchas members, as well as for others affecting their operating environment, including the Department of Foreign Affairs.

The de-mystifying of international human rights standards, and their practical application, takes time. Members identify their needs including pooling and effectively learning from HRBA experience, support to organisational change, and support to HRBA on the strategic level (national and international).

## **Options for next steps**

Support for organisational change and support for learning from HRBA experience can be envisaged in a number of ways. The key to the full integration of human rights is to start, often with human rights impact assessments - and to consciously learn from that experience.

The recommendations use a 'hub' model of support to Dóchas members. Dóchas may see these options as sequential, each building on the previous modes of support, or as options which Dóchas might pursue in some combination in a three to five year plan.

The key to success is the effective coordination of the levels at which a HRBA needs to be pursued.

Given the variety of Dóchas members, support needs to be tailored according to the focus and needs of each Dóchas member - some members choosing all four options to pursue, while others may participate only in some.

It is recommended that the preferred Dóchas option(s) be elaborated in a **feasibility and financial planning phase**.

<b>Track</b>	<b>Options</b>
1	<b>Web database of HRBA policies, tools, materials (comprehensive and regularly up-dated)</b>
2	<b>Electronic inter-action with network of HRBA practitioners (effective learning from experience &amp; organisational change).</b>
3	<b>Framework of external consultancy support from network of HRBA practitioners (effective learning from experience &amp; organisational change).</b>
4	<b>Framework for HRBA advocacy at national and international levels</b>

# **Contents**

## **1. Introduction**

- 1.1 Goal
- 1.2 Method

## **2. International Developments in HRBA**

- 2.1 Key terms and concepts
- 2.2 Global legal and policy commitment

## **3. Dóchas Findings**

- 3.1 Spectrum of policy commitment
- 3.2 Emerging consensus as to HRBA content
- 3.3 Creative efforts towards HRBA
- 3.4 Consensus as to overall needs
  - a) Technical support
  - b) Effective learning from experience
  - c) Organisational change
  - b) Strategic levels: national and international
- 3.5 Challenges

## **4. Recommendations**

- 4.1 Process
- 4.2 Support options
- 4.3 Next step

# 1. Introduction

## 1.1 Goal

IHRN was engaged to work with Dóchas members in an independent mapping process to establish their current level of engagement with human rights based approaches (HRBA) and to determine ways of further promoting this. IHRN provides tailored support for the application of Human Rights Based Solutions to a range of actors, including in the development sphere.<sup>1</sup>

## 1.2 Method

The mapping exercise consisted of a review of recent developments regarding human rights based approaches on the international level; as well as an exploration of current policy and practice with Dóchas members. Discussion with Dóchas members took two forms:

**Full membership questionnaire:** Dóchas invited responses to a brief questionnaire (Annex 2) by letter and follow-up emails.<sup>2</sup> Views were invited on the basis that they would not be attributed to a particular source in this report, and were received directly by IHRN.

**In-depth discussion with sub-group of members:** Dóchas members were also invited to take part in more detailed individual discussion with IHRN through separate interviews, combined with consideration of relevant policy and programme documents.<sup>3</sup> The members of this sub-group

- Bóthar
- Goal
- One World Centre NI
- Oxfam Ireland
- SAFE
- Trócaire
- Voluntary Missionary Movement (VMM)

This therefore gives an overview of international developments in HRBA, Dóchas member agencies' knowledge and engagement with HRBA, it comments on consistency with international best practice, identifies key

---

<sup>1</sup> This review was funded by Dóchas with matching contribution by IHRN. Further detail of the work of Dóchas Rights Based Working Group can be found in Annex 1 and on the Dóchas website at <http://www.dochas.ie>. An outline of IHRN activities is at <http://www.ihrnetwork.org>.

<sup>2</sup> Replies were received from Action Aid, Bóthar, Children in Crossfire, Comhlámh, Goal, Irish League of Credit Unions, One World Centre NI, Oxfam Ireland, SAFE, Trócaire, Voluntary Missionary Movement, World Vision.

<sup>3</sup> In addition two other organisations volunteered (Christian Aid and IFPA) but were not included due to time constraints.

challenges and lessons identified and presents key options for the future direction of Dóchas in pursuing progress in HRBA.

## **2. International context for HRBA**

### **2.1 Key terms and concepts**

It is important to be clear as to the working definitions and concepts used here: 'human rights' and 'human rights based approaches' to development.

#### **'Human Rights'**

Human rights law is based on the principle that the state is the primary entity obligated to respect, protect and fulfil the rights of those in its territory. The state undertakes to ensure that the Constitution, laws, policies, budgets and practices reflect these legal obligations and help achieve, rather than undermine, the enjoyment of the full spectrum of human rights. This applies to all branches of the state and to all levels, including local authorities. For example, in the case of Uganda, the state's Poverty Eradication Action Plan (PEAP) should be automatically reviewed before and during implementation to assess its human rights impact. The state also undertakes to regulate behaviour of third parties – corporations, international organisations, etc. to ensure that human rights are effectively enjoyed.

#### **'Human Rights Based Approach(es) to Development'**

International human rights law has been made by states agreeing the *standard to be achieved* e.g. in the right to education. The *methods* by which those standards are to be met are a matter of discretion for each state. For example, the standard required to ensure the right to fair trial are clear and detailed (right to a defence, presumption of innocence etc) – yet there is a wide variety of legal systems which states have in place which meet those minimum standards (compare for example Civil law and Common law justice systems).

#### **There is not just ONE human rights based approach**

A commonly expressed confusion as to what HRBA entails flows from the mistaken assumption that there is ONE human rights based approach. The reality is that there are principles to be applied to achieve human rights standards, and the choice of methods, tools, etc are left to states, IGOs, bi-laterals etc to choose according to what is *most effective*. An NGO may expect to use different HRBAs for different areas of work in different

contexts. Identifying examples of human rights based approaches which are *effective in achieving positive human rights change* is a question of

- a) Identifying the human rights impact of current approaches (taking account of the full spectrum of human rights, and the range of affected groups); and
- b) Adjusting that approach through effective organisational learning.

In overview, the principles guiding organisations seeking a HRBA include the following.

- **Legitimacy:** HRBA may or may not require legal strategies or language, but is grounded in and gains legitimacy from the inherent human rights recognised in international law.<sup>4</sup> These are minimum agreed standards.<sup>5</sup> Development encompasses the full spectrum of human rights and these are indivisible, inter-related and inter-dependent (e.g. the right to education cannot be enjoyed without enjoyment of the right to food). There must be non-discrimination in the enjoyment of all rights. Economic, social and cultural human rights involve immediate obligations in three ways regardless of resources (non-discrimination; obligation “to take steps”; core minimum).

Universal human rights, and their formulation in international treaties are sometimes criticized as Western constructs that are inappropriately ‘imposed’ on people in very different cultural contexts. All states have exercised their sovereignty to adhere to human rights treaties. For Dóchas members committed to a HRBA, their work reminds their ‘beneficiaries’ that their state has undertaken to respect minimum standards, such as in ratifying the Convention on the Rights of the Child in the 1990s along with almost every other state in the world.

- **Empowerment:** HRBA shifts the focus from the fact that poor people have needs to the fact that poor people have human rights. HRBA requires addressing root causes and involves the equitable distribution of power and resources (contrasted with charity) based on the belief that human beings’ inherent dignity entitles them to a core set of rights that cannot be given or taken away. HRBA challenges vested interests and power structures, recalling that development is an inherently political process. **HRBA** uses human rights language where it is applicable and strategic to do so.

---

<sup>5</sup> States are always encouraged to attain higher standards of respect for human rights, and the law itself is not static- it is continually being evolved by states recognising and codifying new human rights or clarifying the content of existing standards e.g. the right to water.

HRBA works to empower communities and individuals to know, claim and defend their rights and to know their correlative responsibilities. This includes identifying those responsible –legally or morally – for respecting, protecting and fulfilling their human rights, and holding them **accountable** for these responsibilities.

- **Transparency:** A HRBA also involves also engaging in awareness raising with government partners, 'service providers' and other duty bearers. These actors must understand their obligations to respect, protect and fulfil the human rights of all. A holistic approach to rights awareness requires that rights holders and duty bearers share the same understanding of human rights.
- **Participation:** Applying a HRBA maximises the participation of a community (itself a human right) enhancing the impact of development work, as well as its sustainability.<sup>6</sup>
- **Multi-level:** HRBA recognizes the multi-level nature of rights obligations and violations, and the need to address them **systematically and strategically**. This may involve new strategic alliances among individuals, communities, at country level and internationally; new mechanisms for advocacy, new donors.
- All areas across an organisation's work need to be influenced by HRBA: from strategic planning to campaigning, development education, marketing, policy, priorities, programmes and partnerships with CBOs, donors, other NGOs – as well as internal staff conditions of work, selection, training, management and promotion.

Using a HRBA leads to greater empowerment, accountability and transparency and in turn to greater fulfilment of human rights.

### **'Human Rights' are not limited to rights recognised under national law**

Often the term 'rights' and 'human rights' are used as if they are interchangeable. This may create confusion by equating rights enshrined in national/constitutional law with human rights recognised on the international level.

Human rights commitments undertaken in international treaties are recognised as inherent to the human being and cannot be undermined by a Constitution or other national law. In practice, where national law or practice fails to respect human rights, advocates will propose that the national law be changed.

---

<sup>6</sup> See for example the IHHRN policy position, "The Right to Participate in International Human Rights Fieldwork", <http://www.ihrnetwork.org>



In this report, the question is how the integration of human rights approaches is progressing in the work of Dóchas members.

## **2.2 Global Legal and policy commitment**

The focus of this discussion paper is the work of Dóchas members. However, that work needs to be understood in the context of key developments in their operating environment regarding human rights based approaches.

The principle that the enjoyment of all human rights is *both the means and the goal* of development is a long-standing one.

To apply this principle in all their work is a legal commitment undertaken by parties to the UN Charter as well as by the organisation itself. The policy commitment was reaffirmed by the UN system as a whole in its 1997 Programme of Reform for all parts of the system from the UN Development Programme to the World Bank. This drew on the UN General Assembly's Declaration on the Right to Development of 1986 which had indicated the human rights framework needed for effective development. This was also reflected in the 1990s world conferences on social development, gender, human rights and racism – as well as the Millennium Development Goals.

A wide range of international actors have made more explicit their legal and policy commitment to base their work on human rights. This is now the case for the European Union, bi-lateral donor states as well as regional organisations and leading NGOs active in development and humanitarian response.

The UN Secretary-General's Programme for Reform in 1997 committed the organisation to the full integration of human rights in all its activities—from peacekeeping and development to election support.

In the case of the European Union, its relations with developing states is a web of legal and policy commitments to human rights. This includes treaty commitments like the Cotonou Convention, Partnership and Co-operation Agreements or Regulations such as PHARE, TACIS or that concerning co-operation with Asian and Latin American countries (ALA). Ensuring respect for Human rights is the primary responsibility of the state, and increasingly seen as the mark of legitimacy. Since the Cotonou agreement, the EU is also a duty-bearer under international law.

This has been reflected in the internal policy positions of the Commission. The recent human rights Communication from the Commission identifies three areas where the Commission can act effectively: "Through promoting coherent and consistent policies in support of human rights and

democratisation. Through placing a higher priority on human rights and democratisation in the European Union's relations with third countries and taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance; and by adopting a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR), matching programmes and projects in the field with EU commitments on human rights and democracy."<sup>7</sup>

The expanding EU focus on human rights in recent years reflects the global commitment to integrate human rights in the work of development and humanitarian response. The 2001 human rights communication is the equivalent of the UN Secretary-General's Programme for Reform in which the organisation was committed to the full integration of human rights in all its activities- from its new activities in 'crisis management' to development etc.

These international development actors have recognised that human rights are the means and goal of development. This means that they have a duty to help ensure that states respect their legal commitments regarding treatment of persons within their jurisdiction.

### **3. Findings**

Overall, Dóchas members expressed a common appreciation of the role which Dóchas is playing in establishing networks and good communication and collaboration among NGOs working in Ireland. Members gave great credit to Dóchas for taking the current initiative. They also felt it important that it keep HRBA on the development agenda particularly reviewing the appropriateness and adequacy of MDGs in light of binding human rights obligations; and encouraging HRBA perspective and use of its language within Dóchas working groups and by DCI.

Findings are outlined under the following headings:

- 3.1 Spectrum of policy commitment
- 3.2 Emerging consensus as to HRBA content
- 3.3 Creative efforts towards HRBA
- 3.4 Consensus as to overall needs
  - Holistic approach within organisations
  - Holistic approach within Irish Foreign Policy
- 3.5 Challenges

---

<sup>7</sup> Communication from the Commission to the Council and the Parliament: the European Union's role in Promoting Human Rights and Democratisation in Third Countries, COM (2001) 252 final, 8 May 2001.

### **3.1 Spectrum of policy commitment**

There is a spectrum of understanding of HRBA among Dóchas members. To facilitate discussion, the spectrum is divided into three: those organisations with a clear policy commitment to HRBA; those organisations who are actively examining adopting HRBA; and those NGOs who have yet to actively consider what HRBA might mean for them.

#### **a) Current policy commitment to HRBA**

Many Dóchas members bring a richness of experience in combating social injustice to exploring and applying a HRBA. Based on these experiences, some have the potential to offer a unique contribution in the area of rights-based approaches and contribute to improving reflection and HRBA practice through pooling experience on the international level through their existing coalitions and networks.

These Dóchas members feel that building on their past and challenging themselves to improve their work at multiple levels to alter power structures that fail people living in poverty – that violate their human rights – can bring valuable progress towards human rights based development. These Dóchas members have an organisational commitment to HRBA, expressed in policy. Some staff at headquarters and at country level have a clear understanding and commitment to HRBA. However, in some organisations of this type, staff may have several different interpretations of HRBA.

In other organisations committed to HRBA, not all staff are aware of the difference HRBA can and should make to their work practices, and some are not clear as to the concept. Some managers and staff remain to be convinced of the difference HRBA can make. One of the reasons for this is said to be that management systems and procedures are still largely untouched by HRBA. Human rights based evaluations of interventions concerning the right to health, the right to education etc are in their infancy, including in the monitoring and evaluation system for Multi-Annual Programming with Development Co-operation Ireland.

Thus, the evidence-base for showing the difference HRBA makes has not yet been systematically sought. Those results are therefore not available to raise awareness among staff and partners.

Internal promoters of HRBA can be rather isolated internally at this stage of the organisation's progress. Some are working to help move their organisation to pilot test HRBA evaluations etc and to ensure in time that all stages of the programme cycle are viewed through a HRBA 'lens'; both at headquarters and at country /programme level.

Some, but not all, of these organisations have the resources and capacity to test new HRBA ideas and adapt practices. Depending on the scale of the organisation, and whether it is affiliated to a wider

international consortium, some are working to clarify agency-wide consensus on their HRBA to development, and are in the process of developing formal policies and tools to support a HRBA.

However, even where such resources are available, there is a need for mutual support among HRBA promoters. A need is expressed for like-minded individuals in Dóchas members to systematically pool HRBA experience.

Some Dóchas members have expressed a commitment to HRBA for more than a decade, others have done so more recently.

The reasons given for a commitment to HRBA vary among the organisations and among the individuals interviewed.

- For some, it is the 'natural historical progression of our thinking'.
- For others it is the effect of the growth of commitment to HRBA in the international operating environment (including that expressed by the Irish Department of Foreign Affairs); recognising the fact that IFIs and other major development actors are publicly discussing and increasingly incorporating rights language and principles into their work
- For others, their HRBA commitment is led by legal and policy undertakings by partner developing states. It provides legitimacy, stronger advocacy tools and focus through application of internationally agreed-upon human rights principles.
- For others it flows from their organisation's constituent mission statement as HRBA is seen as enhancing integration as an organisation, and increasing impact. It is seen as encouraging a common understanding agency wide, and unifying the message.
- For others, HRBA can serve to bring together diverse groups in the development field under a common framework -- women's groups, indigenous groups, environmental groups.
- A number of Dóchas members are advocating a HRBA on the part of major actors in globalisation. In order to effectively advocate a HRBA by others such as IFIs and other donors/creditors, Dóchas members feel they need to act as a model and apply their own HRBA.

## **b) Members moving towards HRBA**

Some Dóchas members are aware of the relevance of HRBA to their work and are seeking ways to strengthen their commitment to HRBA, as well as its practical application. This group particularly appreciates the support of Dóchas in raising awareness of HRBA. Main concerns expressed:

- We engaged on issues of HRBA for “fear of being branded a dinosaur”
- Resource limits: “is there a risk that HRBA favours only the large NGOs with policy teams?” “Do we need to sack all the policy people and take on lawyers”?

**‘Poverty’:** Some Dóchas members define their central objective as poverty reduction – but the meaning they give to poverty reduction affects how they view HRBA. International law defines poverty in terms of denial of human rights and in turn defines human rights as the means and the goal of development (‘all human rights for all’).

- a) If a Dóchas member’s goal of reduction of poverty is not the goal of securing ‘all human rights for all’, then a minimal HRBA would be to ensure that their work towards poverty reduction does not undermine the human rights obligations of partner countries. Each organisation will need to make clear the difference between their in-house definition of poverty reduction and that required by international human rights law.
- b) Beyond merely avoiding negative human rights impacts, for a Dóchas member HRBA can also mean seeking positive human rights effects. This approach reflects the international legal context in which Dóchas members work. This would be the case for organisations which define poverty in terms of all human rights for all. While in practice such a HRBA brings added value to poverty reduction efforts, it does not need to be *justified* on this basis. Securing human rights is understood and applied as *an end in itself*.

### **c) Members not actively considering HRBA**

Given the variety of membership of Dóchas as an umbrella organisation, it is perhaps not surprising that some members have not identified the full relevance of HRBA to their work. In a small number of organisations, awareness of the HRBA concept is limited. It involves staff noting for example, the importance of gender equality, while approaching the work of the organisation in micro- or technical- terms.

Some staff in these Dóchas members feel that they are already using a HRBA in their work and that it is simply a matter of using HR language to describe it. It is not, however, safe to assume that all current work of all Dóchas members is human rights-compatible. There is a need for recognition that all development actors are human rights duty-bearers because they can, and do, have an effect on the enjoyment of human rights. To inadvertently undermine human rights would be to violate the explicit ethos of most Dóchas members. To ensure this does not occur, specific steps need to be taken. As a minimum a HRBA requires taking steps to ensure HR are not inadvertently undermined through the design, impact etc of interventions/programmes.

In this small minority of organisations, the HRBA concept has not been actively considered but in general staff within these organisations expressed a desire to know more.

Broadly speaking, while Dóchas members can be seen in these three categories, the great majority of organisations involved in these discussions place themselves in the first two categories. However, it is also clear that HRBA remains in many cases a matter of individual interest and commitment – whether or not the organisation has an explicit HRBA policy commitment. Thus, if there is a policy commitment, it can be interpreted in inconsistent ways within the same NGO. On the other hand, NGOs which see themselves as purely technical - also have staff committed to exploring HRBA. In this context, there is real blurring among the above categories.

The process identified that in some cases HRBA policy commitment is not yet well-rooted in organisational culture, while individual staff in non-HRBA organisations are promoting it internally. This needs to be considered in exploring options for support for the future. For this reason, recommended options are proposed which allow Dóchas members to choose from an 'a la carte' menu to suit their needs, and their speed of advancement with HRBA.

### **3.2 Emerging consensus as to HRBA content**

For those Dóchas members who are committed to pursuing a human rights based approach, and for individual HRBA 'champions' within other organisations moving in that direction - there is emerging consensus that a HRBA involves the core elements identified above, in line with the emerging consensus at international level. These are not a closed category, and most interviewees rightly see HRBA as an on-going process of learning for them and their organisation.

### **3.3 Creative efforts towards HRBA**

Dóchas members provided some examples of their current efforts to fully integrate human rights in their work (**Table 1**). These include encouraging and creative examples which underscore the potential benefits of pooling experience among Dóchas members (see recommendations below).

Many of the examples provided are at the planning stage.

**Table 1 Creative efforts towards HRBA**

Levels	
International	<u>HRBA to advocacy and campaigning</u> by HQ and by partners supported.
Ireland	<p><u>Development education based on HRBA</u></p> <ul style="list-style-type: none"> <li>- in terms of the resources produced, work with local groups as well as campaigns (which takes up specific issues with local groups) e.g. combating impunity.</li> <li>- Integrating HRBA into the mainstream schools' curriculum; teacher training</li> <li>- Ensuring that HRBA is included in the new Bill of Rights (for NI)</li> <li>- Promoting HRBA through workshops and public events that focus on human rights</li> </ul>
Country	<p><u>a) Field and programme personnel interpret how, in their particular circumstances, the HRBA should be manifested.</u></p> <p><u>b) Build capacity among 'beneficiaries', service providers and local authorities – to strengthen the demand and supply sides of HR [e.g. in context of sustainable livelihoods programme:]</u></p> <ul style="list-style-type: none"> <li>- Building capacity for the implementing partners, in order to ensure quality of impact.</li> <li>- Build capacity of service providers to sensitise them towards HRBA to 'service provision' to ensure good quality services, based on equality, non-discrimination and human dignity, delivered in a transparent and accountable manner [as human rights].</li> <li>- Build capacity of grassroots structures and citizens for them to appreciate service provision as HR entitlements</li> </ul> <p><u>c) Raise awareness among staff and partners at country level e.g.:</u></p> <ul style="list-style-type: none"> <li>- Series of short briefing documents on HRBA to country staff. Topics include 'What are Human Rights and a Rights Based Approach?'; 'Human Rights in [the country]'; 'Review of our progress in applying a HRBA' with in depth discussion of the right to food; HIV/AIDS' and gender based violence<sup>8</sup></li> </ul>

<sup>8</sup>Including an interview with the first staff member who is open about his HIV+ status.

	<ul style="list-style-type: none"> <li>- Workshop on HRBA for country team: Participants from all programme areas (WatSan etc)</li> <li>- Employment of a HRBA Coordinator at country level; District Level Awareness Raising by that co-ordinator</li> </ul> <p>d) <u>HRBA informs types of programmes funded</u> e.g.</p> <ul style="list-style-type: none"> <li>- access to land</li> <li>- campaign against child labour, child prostitution in tourism, etc.</li> <li>- access of women to the political process, local finance etc</li> <li>- legal aid</li> <li>- voter education.</li> </ul>
Sector	
Programme/project	<p>a) <u>Strategic plan conceived in a HRBA framework:</u>  leads to programme content e.g. issues requiring a HRBA identified in context of sustainable livelihood programme:</p> <ul style="list-style-type: none"> <li>-Mode of delivery of justice in village level dispute resolution</li> <li>-Property grabbing from widows</li> <li>-Labour disputes</li> <li>-Spousal abandonment and child maintenance</li> <li>-Land disputes</li> <li>-Poor service due to lack of transparency and accountability (mainly due to non-participation of the people in governance).</li> </ul> <p>b) <u>Identification stage:</u> Review new project proposals to incorporate a HRBA.</p> <p>c) <u>Participatory Rural Appraisal:</u> A District level PRA focussed on food security will also assess general awareness of HR (concepts, traditions) in appraisal interviews and focus groups. Baseline is to help plan a HRBA in food security interventions.</p> <p>d) <u>HRBA in certain types of intervention</u> e.g. capacity building, social mobilisation, service delivery and Public Interest Litigation.</p>



Organisational/mgt	<p>a) <u>Global Staff workshop with innovative field visits to practice identifying HR issues, the duty-bearer as well as strategies for protecting and advancing those rights<sup>9</sup></u></p> <p>b) <u>Staff conditions:</u> Reviewed NGO HQ conditions of service, policies from a HR perspective e.g. policy on HIV/Aids in the workplace, equality.</p> <p>c) <u>Will take stock with partners, and within NGO as a whole, to agree a learning agenda for HRBA:</u> use accessible language, identify extent of partner's current HRBA. Criteria: contribute to ongoing strategy, generalisable, useful for developing standards and mechanisms of accountability, useful for advocacy e.g. Case studies</p> <ul style="list-style-type: none"> <li>-South America: examine community-based mining and certification processes, through HR lens, define private sector obligations.</li> <li>-East Asia: examine World Commission on Dams and HRBA</li> <li>-Examine ways to use the HRBA so that national governments challenge WTO policies.</li> <li>-Southern Africa: examine tensions among rights, and decision-making within the current political space.</li> </ul> <p>Comparative Studies</p> <ul style="list-style-type: none"> <li>-Two or more Regions compare strategies in applying HRBA.</li> <li>-Map community-level understanding of HR – benchmark levels of knowledge in regions.</li> <li>-Analyse effective HR education mechanisms – when knowledge of HR translates into action.</li> </ul>
--------------------	---

---

<sup>9</sup> Through consideration of both theory and practice, people who had come to the meeting with very different levels of understanding and comfort about what it means to identify itself as a rights-based organization left with a shared understanding and commitment to the idea. The workshop was structured in such a way that we were all learners, but also teachers.

### 3.4 Emerging consensus as to overall needs

The Dóchas members range from small Ireland-based NGOs with relatively modest programmes overseas (if at all) to Irish 'branches' of large international well-resourced agencies. Each of these NGOs, large or small, operate in an international environment which is increasingly demanding accountability of development actors to human rights standards. In this sense, many Dóchas members identify similar needs in terms of advancing their HRBA at the **operational level**.

Regardless of the length of their historical commitment to HRBA, or the reasons for it, all agree that there is work to be done in fully integrating HR in their work. Significantly, interviewees in each of the three 'categories' of organisation identify very similar needs to enhance their understanding and application of HRBA. Organisations may be committed on paper but management systems and procedures have not yet caught up.

#### a) Technical support

The following examples illustrate the kind of specific HRBA technical support identified as needed:

- **Clarify the concepts** of a HRBA for staff. Share knowledge about rights based approaches in general, clarify key concepts, strategic thinking, practical application, etc. Consider media like a CD or DVD to teach practitioners about HRBA (for Field Personnel, partner organisations, etc) available in various languages.
- Share examples of **organisational human rights policies**. How have other organisations drafted and enacted human rights policies? What language do the policies contain? Is the policy more of a commitment statement than a policy *per se*? Are there codes of conduct? What enforcement measures are in place?
- **Pool experience** of actual implementation of a HRBA in extremely poor communities. Share models of HRBA implementation or application in rural poor communities including lessons identified, successes, etc. How have other organisations handled the issue of raising rights awareness in communities where people are preoccupied with their very survival?

Share HRBA specific to key contexts or groups: Humanitarian emergencies & post emergency rehabilitation, HIV/AIDS, Children in Difficult Circumstances (street children, orphans, children of sex workers, etc.)

- **Share tools and materials** that have been developed and used both within development organisations and with communities. This would include "learning" tools (surveys, rural appraisal tools,

questionnaires, etc.) and “teaching” tools (handouts, exercises, comic books, dramas, etc.)

## **b) Effective learning from experience**

The recommended method of developing a HRBA is ‘learning by doing’. Currently, Dóchas members find it a real challenge to identify practical examples of positive and negative HRBA experiences or to synthesise key ‘lessons learned’ from their experience. One of the central reasons is that this requires organisations to have assessed the actual human rights impact of their work. To do this requires not only a human rights-based participatory process, but planning from the start the human rights based benchmarks, indicators (as well as the sources of verification) to be used in such an assessment. The development of accurate qualitative indicators to combine with more familiar quantitative indicators is a process that few development actors routinely apply.<sup>10</sup>

Without human rights based impact assessments, it is difficult to see the evidence base on which Dóchas members will be able to determine what has been ‘positive’ or ‘negative’ in human rights terms. Any such determination requires objectively validated data. There is a need for more evidence-based decision-making (as opposed to perceptions of what is an effective HRBA); based on processes which reflect the principles of a HRBA (such as the right of claimsholders to participate in development).

Currently, evaluators (including independent consultants) are rarely required to have the relevant human rights skills to facilitate such process. There is a risk that the results of existing reviews comprise self-identified activities which it labels human rights based, without independent sources of information as to whether this is in fact the case. Such a narrow process raises questions as to whether it will identify lessons for the future.

Resources are needed in the development of HRBA, to ensure opportunities for testing the HRBA tools are identified; and to harvest this experience for effective organisational learning, through adapting guidelines and formats; mentoring staff in their use, and monitoring implementation.

In this, many Dóchas members and their partners identify a need for practical guidance in their work.

---

<sup>10</sup> For example, the European Commission is currently developing HRBA indicators for its European Initiative on Democracy and Human Rights programmes with IHRN support. Likewise DFID is currently reviewing progress with HRBA in the context of the OECD DAC working group on human rights, with IHRN support.

### **c) Organisational change**

Each organisation committed to HRBA identified the need for support in applying HRBA in a holistic way. Yet, it was widely felt that HRBA in reality may not have progressed all that much further than strategic plans. The detailed operationalisation of HRBA is still being worked out. In this context NGOs felt that a good deal of work needs to be done within the organisations to demystify RBA and integrate the different elements of rights-based analysis and practice.

The key to this is organisational, as well as individual, interest and commitment.<sup>11</sup> Overall, Dóchas members interviewed have a clear understanding that all areas across an organisation's work are influenced by applying a HRBA: from strategic planning to campaigning, development education, marketing, policy, programmes and partnerships with CBOs, donors, other NGOs – as well as internal staff conditions of work, selection, training, management as well as promotion. Adapting to HRBA requires the design of a process of organisational change to de-mystify the content of the international legal framework for staff and partners and empower them through familiarity with its implications for their specific work. This is a process of in-house capacity-building. Organisational change leads to sensitive areas such as changing responsibilities & remuneration, internal incentive system, power and influence structures. To advance HRBA, there needs to be organisational change based on learning from NGO's own, and other's HRBA experience.

The contribution and participation of those affected by changes in the design of new approaches and tools is crucial in order to get the support of staff towards the necessary changes. This is because HRBA needs to be reflected in staff incentives, performance appraisal, promotion, selection and training of staff (especially where turnover can be high), incorporating HRBA into field programming manuals etc. Some circles within NGOs are committed to HRBA but often a majority of staff and partners remain unengaged or uninterested. If this is not addressed, the question 'what difference would a HRBA make to my work' becomes an excuse for inertia, thus slowing or stopping the process of HRBA development.

Thus, the support identified as needed is not a question of 'adding on' HR expertise. Frequently, HR specialists do not have the practical development or management experience to add value to Dóchas members' discussions. The skills needed are a hybrid of the best management-development-humanitarian response-human rights reflection and practice.

---

<sup>11</sup>See IHRN policy position "Learning - To Integrate Human Rights", <http://www.ihrnetwork.org>,

#### **d) Support needed at strategic levels: national and international**

The importance of the Irish Department of Foreign Affairs (including DCI) demonstrating leadership on HRBA was emphasised by a number of Dóchas members. There is currently a perception that DFA is leaving HRBA to NGOs and that instead, DFA and relevant Irish aid bodies need to be encouraged to strengthen DFA's political and operational leadership on HRBA. Without this, it is more difficult for NGOs to move decisively to assess their human rights impact, if DCI is not doing likewise.

The need for DFA to accompany NGOs in a strategic, holistic approach to HRBA, is seen as being illustrated by the debate concerning bi-lateral aid to Uganda in 2003. During 2003, questions were raised regarding the effectiveness of continued Irish bi-lateral aid to Uganda in the face of that country's invasion of the territory of its neighbour (DRC). This arose in the context of serious allegations of facilitating genocide levelled against Uganda's Defence Forces, as well as systematic looting. The merits of the debate are not at issue here, however, it was regarded as serious enough to merit a visit by two Ugandan Ministers to answer allegations.<sup>12</sup> Rather, the fact that the debate was conducted on the basis that support to the Ugandan Government is a matter of 'judgement' with no reference to the criteria or process applied to arrive at that judgement.

The debate was seen to demonstrate the lack of objective criteria (the respective human rights obligations of Uganda and Ireland) and transparent systems and processes (both in Ireland and Uganda) for reviewing progress towards human rights based development. In this context, there appears to be no applied definition of 'progress' and no exit strategy to determine when a country should cease to be a priority. Participatory processes to develop HR-based indicators of change, rooted in Uganda's reality are needed for Ireland's aid.<sup>13</sup> Similarly, in spite of a myriad of relevant Irish bodies,<sup>14</sup> there is perceived to be no human rights-based independent mechanism to ensure transparent, effective and accountable aid.

---

<sup>12</sup> Particularly on the Pat Kenny Radio Show, and in the print media, August 2003.

<sup>13</sup> In spite of multi-lateral efforts such as the UN Development Assistance Framework at country level.

<sup>14</sup> From the Joint Oireachtas Committee to the Joint DFA/NGO Committee on Human Rights.

### 3.5 Challenges

Despite its strengths, there are challenges in adopting a HRBA.

#### *Internal capacity and resources*

- HRBA requires investment of human and financial resources to build capacity of staff to apply a HRBA. Integrating and implementing HRBA will require new skills – through strengthening current staff and recruiting new capacity at both staff and management level.
- It is necessary to consider the long-term and short-term impacts of a HRBA. For example, Dóchas members need to rethink evaluation methodologies necessary to apply a HRBA.

#### *External capacity*

- International law has always seen human rights as indivisible - but international human rights activism has historically had greater focus on civil and political rights. Only in recent years have traditional development and international human rights actors sought to share experience and work with partners to understand the obstacles that poor communities face and strategies they employ seeking their (full spectrum) human rights.

Faced with global demand, there is a shortage of capable HRBA facilitators. Instead it is often mistakenly assumed that human rights academics or lawyers can provide HRBA 'to' development practitioners. It is frequently the case that inappropriate selection of HRBA 'expertise' contributes to confusion, watering down HRBA, and disappointment on the part of development actors who are left without a clear sense of the 'value-added' of HRBA to their work.

#### *Conceptual challenges*

- Some NGO experience suggests that human rights tend to be 'bolted on to' existing (livelihood or other) programmes rather than being thoroughly integrated into them.<sup>15</sup>
- In practice the realisation of various rights can appear to conflict (e.g. cultural rights and women's rights). How to manage these apparent tensions?
- HRBA to development involves a relatively new 'hybrid' requiring both human rights and development concepts and practices to learn from each other. The 'development' movement and the 'human rights' movement evolved separately in the Cold War context, and now are working to make up for lost time by getting to know each other.

---

<sup>15</sup> This would reflect the experience of UN agencies efforts to integrate human rights in humanitarian action, being 'add on' rather than transformative in approach, see 'When Needs are Rights: An Overview of UN efforts to Integrate Human Rights in Humanitarian Action' a joint publication of IHRT and the Humanitarianism and War Project Brown University, 2000, Occasional Paper No. 38 see <http://www.ihrnetwork.org>.

- A stereotype of HRBA is that it only involves civil and political rights – and always requires confrontation, judgment or judicial enforcement.

#### *Strategy needed with partners*

- Some partners are far more advanced in their HRBA, while other partners will find it new.
- It is difficult to use HRBA in countries that have no political space for human rights language.
- It is necessary to ensure that the RBA is used in a flexible manner depending on the programme context and regional differences.

#### *Communications*

- Dóchas members will need to build credibility/legitimacy operating a HRBA and define their work and approach in a way that complements existing human rights organisations at various levels.

## **4. Recommendations**

### **4.1 Process**

Recommendations made here are designed to facilitate discussion. They are intended to reflect each of the key findings of the discussion to date – especially the needs and challenges which Dóchas members have identified above.

Dóchas work in this area is appreciated by members and credit is due to the working group on HRBA for its initiatives. It is recommended that Dóchas continue to facilitate the development of HRBA among its members in a structured, phased, costed programme of support to its members.

Achieving a HRBA within any organisation is a process, not an event. The de-mystifying of international human rights standards takes time. They need to be accessible (e.g. in participatory programming tools, guidelines, benchmarks, indicators) to those responsible for 'supply' of human rights – as well as to those whose role is to 'demand' positive change. The key to the full integration of human rights is to start, often with human rights impact assessments – and to consciously learn from that experience. There are immediate opportunities to take steps in this process, and allies who can be identified within Dóchas and outside it.

The search for allies will be greatly facilitated by the fact that the specific support needs which Dóchas members identified in this discussion are the same needs which the range of international actors have identified: from the UN Country Teams to the European Commission, bi-lateral donors such as SIDA, DFID, and international NGOs as well as civil society at country level.

Costs of developing and enhancing **Human Rights Based Solutions** can be reduced, and synergies gained, by pooling knowledge and experience with like-minded actors at various levels. Major development, humanitarian and human rights bodies are working on varied aspects of this challenge—often in isolation from each other.

## 4.2 Support options

Support for organisational change and support for learning from HRBA experience can be envisaged in a number of ways. Some of the concepts emerging from discussions are outlined here. The concept of HRBA support being available [‘like when you buy a new PC’] was identified as the essence of what Dóchas members need to develop HRBA.

Overall, the recommendations below use a ‘hub’ model of support to Dóchas members. Support would be demand-driven by Dóchas members to focus on the critical areas where mutual exchange of knowledge and expertise can make the greatest contribution. Line management within individual Dóchas members would be the main customer of support, and would use the ‘hub’ according to their NGO’s needs. The role of the ‘hub’ is to facilitate strategic planning to promote HRBA, produce and service the system elements to implement it (e.g. developing criteria for monitoring and evaluation), and provide advisory services.

The ‘hub’ would have the role of an independent advisor, supporting efforts to achieve HRBA objectives, to make critical decisions, and to address critical challenges.

The concept could involve any one, or a combination of, the following types of elements. The key to success is the effective coordination of the levels at which a HRBA needs to be pursued. It is recommended that the preferred Dóchas option(s) be elaborated in a **feasibility and financial planning phase** (see below).

Dóchas may see these options as sequential, each building on the previous modes of support, or as options which Dóchas might pursue in some combination in a 3-5 year plan.

In any event, given the variety of Dóchas members, support needs to be tailored according to the focus and needs of each Dóchas member - some members choosing all four tracks to pursue, while others may participate only in some tracks. The recommended feasibility phase would examine relevant initiatives from which lessons may be identified.



Here the term 'hub' is used for the advisory services involved in Tracks 1-4, but it may be that a variety of 'service deliverers' for the various elements might be the approach preferred.

Track	Options
1	Web database of HRBA policies, tools, materials (comprehensive and regularly up-dated)
2	Electronic inter-action through 'hub' with network of HRBA practitioners (effective learning from experience & organisational change).
3	Framework of external consultancy support from network of HRBA practitioners (effective learning from experience & organisational change).
4	Framework for HRBA advocacy at national and international levels

### **Track 1. Web-based searchable archive**

Dedicated to Dóchas members as a 'hub' for assessing and exchanging their own materials, tools, etc identified as needed by Dóchas members – as well as accessing resources being produced by the UN Development Group, UN agencies such as Unicef, OECD DAC, bi-lateral donors (such as DFID, SIDA etc.), relevant academic work and the myriad of other relevant actors.

This can be limited or open access internationally.

### **Track 2. Electronic interaction through 'hub' with network of HRBA practitioners**

The website would not simply be an archive, but would include 'live' contact with multi-disciplinary expertise to guide users to the best materials available to meet their specific needs. The 'hub' would facilitate Dóchas members interacting through a moderated list serve (or directly by email) with each other and with recognised experts on the broad range of HRBA topics/levels which may arise. Electronic interaction could take place at various levels: Management/staff/ country teams/ partners. Queries could be addressed to the 'hub' which would facilitate replies from a panel of experts in HRBA. The option of private interaction may encourage frank discussion of successes and lessons identified in applying HRBA.

There is not enough genuine expertise and practical experience to meet demand either in Ireland or on the international level. This would be a key

issue to examine in the feasibility phase of Track 2. It is essential that proven expertise be on call.

### **Track 3. Framework of external consultancy support from network of HRBA practitioners**

Network of external HRBA practitioners available through the Dóchas support 'hub' for on-site support at various stages of programme cycle at country level, or for policy development at HQ, staff capacity-building etc.

#### *Potential support activities by the external network*

- Pool experience for the identification and testing of best practices.<sup>16</sup> Draw on the experience within Dóchas members and outside e.g. HRBA programming by UN Country Teams and others such as work by some international NGOs (e.g. Rights for Humanity; Australian Council on Human Rights; Centre on Housing Rights and Evictions in Geneva).
- Overall accompaniment to Dóchas members through stages of the programme cycle e.g. contributing personnel to facilitate HRBA strategic planning, programme identification, evaluation etc. (potential activities and outputs are outlined below). This would provide practical experience of developing HRBA e.g. diplomatic skills; strong training and facilitation skills; and practical in focus (e.g. for the development of guidelines and programme checklists)
- Address the less developed social and economic rights conceptual framework, in order to devise practical management procedures/tests by which Dóchas members as well as others (such as the World Bank, IMF, and WTO) would both define their strategic objectives and assess their work performance in human rights terms.
- Lead participatory design of monitoring and evaluation of existing programmes/sectoral approaches.
- Country-level: The same need for **capacity-building** in HRBA is frequently expressed at country level by CBOs, national human rights institutions and leading human rights NGOs as well as local consultants who are asked to advice on HRBA but need support. There are many entry points with State partners, donors as well as local consultants who may be at various stages of seeking to build their own capacity in HRBA. Seeking sustainability, it would be important that support be provided to local capacities. Options include a strategic framework for HRBA at country level within which to monitor the human rights issues and conduct necessary strategic planning (co-ordinated with UN Development Assistance Frameworks, PRSPs etc); establishment of an **advisory panel of HRBA**

---

<sup>16</sup> Current efforts to apply HRBA are fragmented internationally among various inter-governmental, and non-governmental organisations and bi-lateral actors.

**practitioners with the key country stakeholders** to review draft tools, checklists and guidelines developed and to act as mentors to the sector's actors (e.g. in health, education, water, justice); annual meeting of the Advisory Panel in country on sector by sector basis, including inviting CSOs, others from region.<sup>17</sup>

#### **Track 4. Framework for HRBA advocacy at national and international levels**

##### *Potential support activities by the 'hub'*

- Co-ordinate and build alliances with like-minded actors at all levels and donors/creditors to strengthen synergy and coherence.
- Network with relevant actors nationally, in partner countries and internationally. Follow and contribute to international developments in the area through networking and contacts to feed into thinking at EU, UN, OECD with international antennae for HRBA seeking ideas and pilot experiences. The network would provide the necessary process to bridge these levels, and ensure communication flow and exchange not only 'up and down' but also laterally among Dóchas members.

Individually, a number of Dóchas members have been moving in similar directions regarding the need for strategic advocacy at the international level support HRBA to globalisation. Such international advocacy has been identified as needing the profile and eminence of someone like Mary Robinson. Like-minded Dóchas members and others, could work together on advocacy of issues like the adoption of HRBA for the World Bank, IMF and WTO's work (in mission statements and importantly in day-to-day management and operating procedures). It is this facilitation role that Mary Robinson had identified as her priority in her work on Ethical Globalisation. Her intellectual expertise and expertise as a bridge between traditionally disparate modes of action in this area, would make her the ideal choice for strategic advocacy on HRBA. Reflecting this, Mrs Robinson has expressed support for practical work towards HRBA by accepting the position of President of Oxfam, a Dóchas member.

The 'hub' concept is an ideal opportunity to seek eminent leadership to sponsor the HRBA process. A consortium of like-minded Dóchas members with appropriate credibility, policy advocacy and campaigning experience should combine their influence with the public, media, governments, and international organisations to bring in other similar organisations so as to (a) generate the broadest public support for the concept, and (b) reinforce the advocacy push amongst global decision-makers.

The 'hub' concept includes a focus on international advocacy, to strengthen the essential links between the HRBA work at various levels

---

<sup>17</sup> IHRN is conducting feasibility discussions at country level for pilot support to HRBA with the range of national and international development actors. Pilot in 2004-05, Uganda.

such as programme/country level.

Benefits for Dóchas members would include the promotion of social and economic rights at the very heart of the global economy, while increasing Dóchas members' HRBA profile and identity, especially through association with a key global figure in the field.

### **4.3 Next step**

It is recommended that Dóchas conduct a feasibility assessment for this concept. Terms of reference may include identifying:

- Specific interest of each Dóchas member in each track, the expected scale of their demand for specific advisory services, etc.
- The degree of buy-in from senior management in each organisation.
- Specific planning for a multi-year strategy (3-5 years) with periodic reviews of relevance, effectiveness, efficiency, impact, sustainability of the options chosen. First phase of implementation would include developing baseline data at HQ and country levels for future assessment of impact etc.
- The optimum framework through which service delivery should take place to ensure the quality and independence of the support provided and to minimise any perception of 'competition' among service users in developing HRBA. There may be economies of scale and greater impact if there is a single framework for delivery. Alternatively, there may be advantages in several 'service delivery' partner(s) being identified who would deliver disparate elements of Tracks 1 to 4.
- Financial implications: The scope for self-financing service. Criteria for managing demand for the service.
- Opportunities for building on similar relevant initiatives, or identifying lessons from them. Examples include the UN Office of the High Commissioner for Human Rights Asia Practitioner's Forum (with modest database of materials and moderated list serve on HRBA for three weeks).<sup>18</sup>
- Opportunities for cost-sharing with DFA, European Commission, etc.
- Scope for phased expansion to service other international actors sharing similar needs to those of Dóchas members (whether NGOs, inter-governmental agencies etc).

\*\*\*

---

<sup>18</sup> See <http://www.un.or.th/ohchr/database/database.asp>