Promoting Human Rights and Freedoms in Development Aid Efforts

Slovak NGDO Platform

Every human being has rights which are unalienable. The right to life, the right to education or the right to work or safety – all human rights constitute a broad system of protection. Application of human rights, on the other hand, also needs protection. Enforcement of fundamental rights and freedoms and understanding of their nature indicate that society is aware how meaningful application of human rights is. Over the past decades, the concept of human rights has become rooted in the awareness of non-governmental organization experts and national and international institutions as an indivisible part of development aid. Yet, despite intensive efforts of governments around the world and of development organizations, the situation remains complicated in many countries. Their citizens appear to be trapped in a vicious circle of violence, deprivation and poverty, from which they cannot escape. Many development projects are implemented in order to help them but success comes only in small steps. Why does the prospect of significant improvement seem so far away?

Respect for human rights and effectiveness of development aid

In the past, development was measured by economic indicators such as foreign investment or economic growth. Yet, this approach takes into account only quantitative indicators and leaves out qualitative indicators and is therefore insufficient. Examples from practice show that successful implementation of a development project or economic growth of a country need not necessarily result in the improvement of general situation of the population. In the past, project focused primarily at consequences rather than primary reasons of problems. This resulted in short-term solutions with disadvantaged groups unable to help themselves on their own. Coming with immediate solutions to acute crises is as important as paying attention to structural deficiencies. Frequently, it is human rights violations which make it impossible to achieve development goals. True and sustainable development cannot be achieved if rights and freedoms are denied. Unequal position of women, violence, and disrespect for civic rights are part of the reason why poverty- and hunger-stricken countries are unable to make progress despite many years of development project implementation.
Increasing awareness of significance of human rights and linking them to achieving development goals resulted in formulating so-called human-rights approach to development. Knowledge of human rights is required if this approach is to be adopted in reducing poverty and achieving human development.

What are human rights?

Human rights guarantee to every human being the right to live freely and with dignity. They are universal – applicable to all regardless of their race, gender, religion, or ethnicity. They are inalienable - they cannot be taken away or revoked. They are indivisible – there is no hierarchy among them, all rights and freedoms have equal importance. They are guaranteed by the international community and are legally binding and enforceable. Entitlement to these rights is permanent and irrevocable as it is linked to being and life as such.

<table>
<thead>
<tr>
<th>Human rights are anchored and codified in numerous national, regional, and international declarations and conventions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Universal Declaration of Human Rights;</td>
</tr>
<tr>
<td>The Covenant on Economic, Social and Cultural Rights (ICESCR);</td>
</tr>
<tr>
<td>The Covenant on Civil and Political Rights (ICCPR);</td>
</tr>
<tr>
<td>The Convention on Elimination of Racial Discrimination (CERD);</td>
</tr>
<tr>
<td>The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW);</td>
</tr>
<tr>
<td>The Convention on the Rights of the Child (CRC);</td>
</tr>
<tr>
<td>The Convention Against Torture (CAT);</td>
</tr>
<tr>
<td>The Convention on Migrant Workers and Their Families (MWC).</td>
</tr>
</tbody>
</table>

Human rights important from the perspective of development¹

Development in a country will not be secured until all inhabitants have the following rights ensured:

- right to nutrition, health and housing;
- right to education;
- right to work;
- right to participation (freedom of expression and right to information, right to gather and to freely associate);
- right to land ownership;
- rights of children (right to live and be protected from violence and abuse, right to health, education and free time etc.);
- labor rights (right to fair and satisfactory working conditions, right to establish trade unions);
- minority rights (right to preserve language and cultural identity);
- right to equal treatment– non-discrimination of women and marginalized groups;
- right to environmental protection;

¹ Source: UNDP
right to exercise the law and the right to a fair trial (right to access information and authorities).

Definition and principles of human-rights approach to development

According to the Office of the United Nations High Commissioner for Human Rights, development aid promotes well-being and freedom which are based on dignity and equality among people. Poverty means lack of material goods and of opportunities such as employment, ownership of production tools and capital and also lack of social goods such as health, access to education, personal safety, cultural identity and respect for civil rights. Poverty results from being disadvantaged and excluded. Violations of human rights are then the cause as well as a result of poverty.

Human-rights approach to development is a conceptual framework which integrates the norms and international standards in the area of human rights into development planning and development process. It analyses inequalities which prevent development and removes discrimination practices.

From needs to rights

In the past donors took different approaches to development aid. Traditional donors gradually replaced the charitable approach with an approach based on identifying the needs of aid recipients and on responding to those needs. At present an ever increasing number of donors apply human-rights approach to development cooperation which offers a new look at and solutions to traditional development problems. Human rights then become a tool for achieving intended targets.

<table>
<thead>
<tr>
<th>Charitable approach</th>
<th>Need-based approach</th>
<th>Human-rights approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focuses on inputs (what I donate) and not on outputs</td>
<td>Focuses on inputs and outputs</td>
<td>Focuses on process and outputs</td>
</tr>
<tr>
<td>Aid recipients are seen as victims</td>
<td>Aid recipients are objects of development intervention</td>
<td>Individuals and groups are encouraged to exercise their rights</td>
</tr>
<tr>
<td>Recognizes moral responsibility of the rich towards the poor</td>
<td>Recognizes needs as legitimate request</td>
<td>Recognizes rights of individuals and groups as legitimate request</td>
</tr>
<tr>
<td>Focuses on highlighting the problem</td>
<td>Focuses on causes of problems</td>
<td>Focuses on structural causes of problems</td>
</tr>
</tbody>
</table>
Principles of human-rights approach to development include:

- emphasis on excluded and disadvantaged groups and their inclusion in decision-making processes;
- emphasis on basic causes of poverty, deprivation and violations of human rights;
- emphasis on creating relations between rights-holders and duty-bearers and emphasis on openness and transparency of these relations;
- emphasis on making rights-holders stronger to claim their rights and making duty-bearers stronger to deliver on their commitments.

In the human-rights approach to development, it is necessary to identify rights-holders in the given development context. Such identification is followed by an analysis of rights-holders’ ability to claim their rights and an analysis of possibilities for duty-bearers to fulfill them. As an illustration within the development context, let us take the example of education. School-age children have the right of access to formal education. Yet, not all children are able to exercise this right in practice - for example girls, handicapped children or children from ethnic groups in select countries. The duty-bearers may be, for example, the ministry of education, regional authority for schooling, or local self-government. They need not have the capacity to make school enrollment available to all, to pay the teachers and to secure the related infrastructure. Also problematic might be the lack of awareness among parents and in the community about the importance of education for girls, the failure to address conflicts between ethnic groups or between the majority community and minority groups. Consequently, when planning development intervention, the following questions need to be answered:

Are all rights-bearers aware of the fact they are entitled to claim their rights? Do they know how and from whom to demand their rights?

Do the duty-bearers know about their duty to respect, protect and fulfill certain rights? Do they understand the problems of and barriers to fulfilling the rights? Do they have the financial, human and technical resources and the authority and motivation to fulfill those rights?

Application of the human-rights approach to development includes development of plans, policies and processes which take into consideration inclusion of marginalized groups in the development process. Active participation of these groups contributes to cooperation between implementers of development projects and aid recipients, which results in accurate definition of needs and their subsequent fulfillment.

Implementation of the human-rights approach in development work

Human-rights approach is part of every phase of formulating development programs, projects and individual activities. It is taken into consideration when performing analyses and assessing the situation, when setting goals, when formulating the project itself and
when implementing it, as well as when monitoring and evaluating it. When creating projects and strategies with the human-rights context, it is necessary: 2

- To set specific goals and expected results to be achieved through implementation of the project;
- To define who the key actors relevant in the given context are – who the duty-bearers and rights-holders are;
- To identify accurately the duties, commitments, and rights;
- To identify structural problems which make it impossible for disadvantaged groups to claim their rights or exercise them fully;
- To identify the reasons for violating or not fulfilling rights of a certain group. Such analysis helps formulate a more effective strategy for removing barriers to development. The goal is to build upon existing commitments rather than replace them with new ones; and
- To formulate strategies or programs which respect basic principles of human rights.

Development policy which uses the human-rights approach is sustainable in the long-term and leads to better results. The new approach helps achieve sustainability of development activities and contributes to stronger position of disadvantaged groups. Their members get a chance to become involved in designing and implementing development activities and to stand on their own feet.

Millennium development goals and the human-rights approach to development

In 2000, 189 member states of the United Nations made a commitment to reduce poverty, contribute to human development, and respect human rights. To fulfill the set commitments in practice, the international community expressed their efforts in the so-called Millennium Development Goals:

Goal 1: Eradicate extreme poverty and hunger
Goal 2: Achieve universal primary education
Goal 3: Promote gender equality and empower women
Goal 4: Reduce child mortality rates
Goal 5: Improve maternal health
Goal 6: Combat HIV/AIDS, malaria, and other diseases
Goal 7: Ensure environmental sustainability
Goal 8: Develop a global partnership for development

The concepts of human rights and Millennium Development Goals differ in some respects but are mutually supportive.

2 Source: Amparo, 2005
We may notice differences among them in the following areas\(^3\):

- Human rights deal with rights of human beings from a broader perspective. The Millennium Development Goals are limited in the scope of activities. They focus on select problems of human development with emphasis on reduction of extreme poverty.

- Human rights are applicable to all countries of the world. The Millennium Development Goals focus primarily on problems of developing countries.

- Human rights are legally binding. They are included in the Universal Declaration of Human Rights and other international documents. The Millennium Development Goals are a set of recommendations which are not obligatory.

- Fulfillment of human rights is not time restricted while fulfillment of the Millennium Development Goals has a set time limit in 2015.

- In case of the Millennium Development Goals, results are easier to monitor than in the case of human rights. The international community agreed on a set of indicators to measure progress in specific areas. To measure human rights and how they are exercised is more complicated due to their complex nature.

Despite the above mentioned differences, the human-rights concept and the Millennium Development Goals share the same purpose – to promote human development. To introduce human-rights approach into efforts to achieve the Millennium Development Goals means to eliminate the consequences of development problems but also to prevent them in the future. Human rights may also serve as the methodology for achieving the Millennium Development Goals. While strategy is lacking to deliver on specific international commitments, the human-rights concept is objective and law-based which makes it possible to influence actions of the state.

---

\(^3\) Source: UNDP, 2006