



DOCUMENTATION

Human Rights-Based Approaches in Development Cooperation

Workshop for Consultants, Facilitators and Advisors
25th and 26th September 2008
GTZ Eschborn

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German Institute for Human Rights

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1 Objectives and Programme

Objectives:

- To raise participants' awareness on the concepts and practice of human rights-based development
- To gain deeper understanding of right issues in development, in various sectors and across various issues
- To explore practical issues for taking human rights-based work forward

Participants will leave the workshop with increased awareness and understanding of how human rights-based development policy and practice are relevant to their work.

Programme (GTZ-Eschborn, building 1, room 1163):

Day 1	
9.00 – 9.30	Welcome and introductions: Who is who Our current conceptions of Rights: The Rights Line
9.30 – 10.45	Activity: Equity and Barriers to Access I Plenary Discussion
10.45 – 11.15	Break
11.15 – 12.15	Presentation: Human Rights: What they are and where they come from Plenary Discussion
12.15 – 13.00	The Rights' Context: Equity and Barriers to Access II Plenary Discussion
13.00 – 14.00	Lunch
14.00 – 15.00	Activity: Discrimination and Inclusion Plenary Discussion
15.00 – 16.00	Presentation: Human rights-based Approaches to Development in Practice Plenary Discussion
16.00 - 16.20	Break
16.20 - 17.35	Preparation for Case Study on Planning and Implementing Human rights-based Development (for next day)

Day 2	
9.00 – 9.15	Feedback from Day 1
9.15 – 12.30	Case Study: Planning and Implementing Human rights-based Development (incl. break)
13.00 – 14.00	Lunch
14.00 – 15.15	Case Study: Plenary Discussion Examples of Human Rights-based Development in practice
15.30 - 15.50	Break
15.50 - 17.00	Requirements for working in a human rights-based way
17.00 - 17.30	Conclusions Feedback

2 Conceptual framework of a human rights-based approach (HRBA) to development

2.1 Background

The 1993 conference in Vienna on Human Rights emphasized the interdependence of civil, cultural, economic, political and social rights. It also encouraged the UN to stronger link their development work with its human rights machinery. But it was only with the Millennium Declaration and the MDGs, adopted by the international community in 2000, that human rights in development work gained momentum. Both documents prompted not just a stronger focus on poverty reduction for development work, but placed development cooperation within a broader framework of fulfilment of all human rights. In 2003, several UN agencies adopted the UN Common Understanding on a HRBA”.

In Germany, the Federal Ministry for Economic Cooperation and Development (BMZ) adopted the Development Policy Action Plan on Human Rights 2004-2007, which was later extended until 2010. It requires all German federal development assistance to work for the fulfilment of human rights and “continue and deepen the systematic orientation of our development policy towards human rights”.

2.2 Main elements of a human rights-based approach

At the heart of the HRBA is the recognition that unfair power relations deny people their rights and keep them in poverty. As Louise Arbour has stated,

“Poverty is frequently both a cause and a consequence of human rights violations. (...) Tackling poverty is one of the gravest human rights challenges of our time.”¹

A HRBA aims at structural changes in society and therefore addresses the root causes of poverty - the misuse and abuse of power. A HRBA works to make shifts in power relations so that there is greater equity between powerless and powerful people.

A HRBA does so by strengthening capacities of both rights-holders in being aware of and claiming their rights as well as of duty-bearers in accepting and fulfilling their legal obligations. A HRBA in development supports the institutional change necessary to ensure meaningful participation and inclusion of marginalised groups, who become able to challenge and change the institutions that govern their lives.

A HRBA also makes development cooperation more accountable. Accountable not only with regard to its contribution towards respect, protection and fulfilment of all human rights, but also with regard to its capacity to integrate all human rights principles into its processes - equality/non-discrimination, participation/empowerment and accountability/transparency.

2.2.1 Orientation towards human rights standards

The human rights enshrined in international human rights are the internationally agreed minimum standards for a life in dignity. They impose obligations on states to which they have acceded voluntarily. The most important international human rights instruments are:

¹ Human Rights Day, 10 December 2006, http://www.ohchr.org/english/events/day2006/hc_op_ed.htm

The eight core UN human rights treaties with year of adoption	Ratifications
• International Covenant on Civil and Political Rights (ICCPR), 1966	162
• International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	159
• International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	173
• Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	185
• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	145
• Convention on the Rights of the Child (CRC), 1989	193
• International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (ICRMW), 1990	37
• Convention on the Rights of Persons with Disabilities (CRPD), 2006	36

Source: Office of the UN High Commissioner for Human Rights <http://www.ohchr.org> , ratifications as of September 2008.

An overview of the human rights treaties and major instruments can be found in the GTZ paper “The ABC of Human Rights for Development Cooperation“ at <http://www.gtz.de/de/dokumente/en-ABC-2008.pdf>

The ratification of these instruments impose three kinds of duties on states:

- **Respect:** The States Parties shall refrain from directly or indirectly interfering with the enjoyment of human rights
- **Protect:** The States Parties shall prevent third parties (e.g. private individuals or companies) from interfering, directly or indirectly, with the enjoyment of human rights
- **Fulfil:** The States Parties shall adopt legislative, administrative, financial, judicial, supporting and other necessary measures to achieve the full realisation of human rights.

Human rights relate to and thus, protect all areas of human life, ranging from the right to a fair trial, the right to water, adequate housing, freedom of association, to the right to food etc. Their specific minimum standards and contents have been elaborated and operationalized in the “General Comments”. These comments are issued by the Treaty Bodies set up within the framework of each human rights instrument. The Treaty Bodies monitor compliance with treaty obligations. These General Comments also specify some core elements common to most economic, social and cultural rights and provide a valuable tool for defining and adjusting the content of development cooperation. These common core elements are also sometimes referred to as the “4 As”.

For example, for the **right to education** (art. 13 of the Covenant on Economic, Social and Cultural Rights), the Committee established the following four core elements:

- **Availability:** functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party.
- **Accessibility:** educational institutions and programmes have to be physically and economically accessible to everyone, without discrimination, within the jurisdiction of the State party.
- **Acceptability:** the form and substance of education, including curricula and teaching methods, have to be acceptable, that is relevant, culturally appropriate and of good quality.
- **Adaptability:** education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

Another example is the **right to water**. It is regarded as an integral part of the right to an adequate standard of living and the right to the highest attainable standard of health (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights). The Committee establishes in its General Comment on the right to water the following core elements:

- **Availability.** The water supply for each person must be sufficient and continuous for personal and domestic uses. The quantity of water available for each person should correspond to World Health Organization (WHO) guidelines, which is 7.5 litres/day in emergencies and 20litres/day as a minimum.
- **Acceptable quality:** The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health.
- **Physical & economic Accessibility:** Water and water facilities and services have to be physically (not more than 30 minutes/both ways) and economically accessible to everyone without discrimination, within the jurisdiction of the State party. This includes the right to seek, receive and impart information concerning water issues.

2.2.2 Including and interlinking all human rights principles

Human rights standards contain important cross-cutting principles, which are equality/non-discrimination, participation/empowerment and accountability/transparency. Encouraging peoples' participation in development is nothing new, nor is transparency or inclusion of discriminated groups. But the HRBA combines and interlocks these principles and thus goes beyond current practice. This adds substance, coherence and focus to development interventions.

- **Non-discrimination and equality** means that – even though government resources might be very limited – they have to be used in ways that reduce discrimination and work towards access for all people to government services and infrastructure.
For example, does a programme also reach those which are living at the edge of society? Does a programme not only provide temporary assistance to people in “vulnerable and marginalized” situations, but does it also work on the root causes, for example structural discrimination?
- **Participation** from a HRBA perspective is not limited to good development practice of actively involving people in planning, monitoring, implementation and evaluation. It rather works to **empower** poor and marginalised people so that they have the capacities and competencies to make a valued contribution to decision-making.
For example, are those groups among the population, which are supposed to benefit from a certain programmet intervention, included substantially (and not just formally) into planning, implementation and evaluation of that project? Does a programme not only provide access to basic services, but does it also improve the capacity of individuals and groups to claim further improvements in the political sphere?
- Legal provisions without structures and institutions securing **accountability** and redress tend to be meaningless. Human rights foresee a variety of institutions such as judicial remedies, independent committees overseeing political procedures and those investigating complaints. Accountability also presupposes **transparency** – without access to information a monitoring of state behaviour is not possible.
For example, are there legal provisions guaranteeing access to information and is that information also physically, geographically and economically accessible? Are there accessible mechanisms, which can provide remedy in case that a certain population feels infringed in their rights by that project?

2.2.3 Working with both rights-holders and duty-bearers

Human rights focus by nature on persons in vulnerable situations, who are not participating in the socio-economic and political development of their country. Some of these groups might be marginalised due their geographical situation, other for lack of financial means; some suffer from discrimination which has been transformed into institutional practice, like persons with HIV,

refugees, prostitutes, homosexuals or persons who are physically or mentally disabled. Due to their increased vulnerability, a state has a specific duty to take care that their rights are guaranteed.

The decisive questions when applying a HRBA are therefore: which are the rights in questions? Whether, for whom and to which extent they are realised? Are they realised in a non-discriminatory manner? And: Who is responsible for their fulfilment and is he actually fulfilling? Is he unwilling or unable to fulfill?

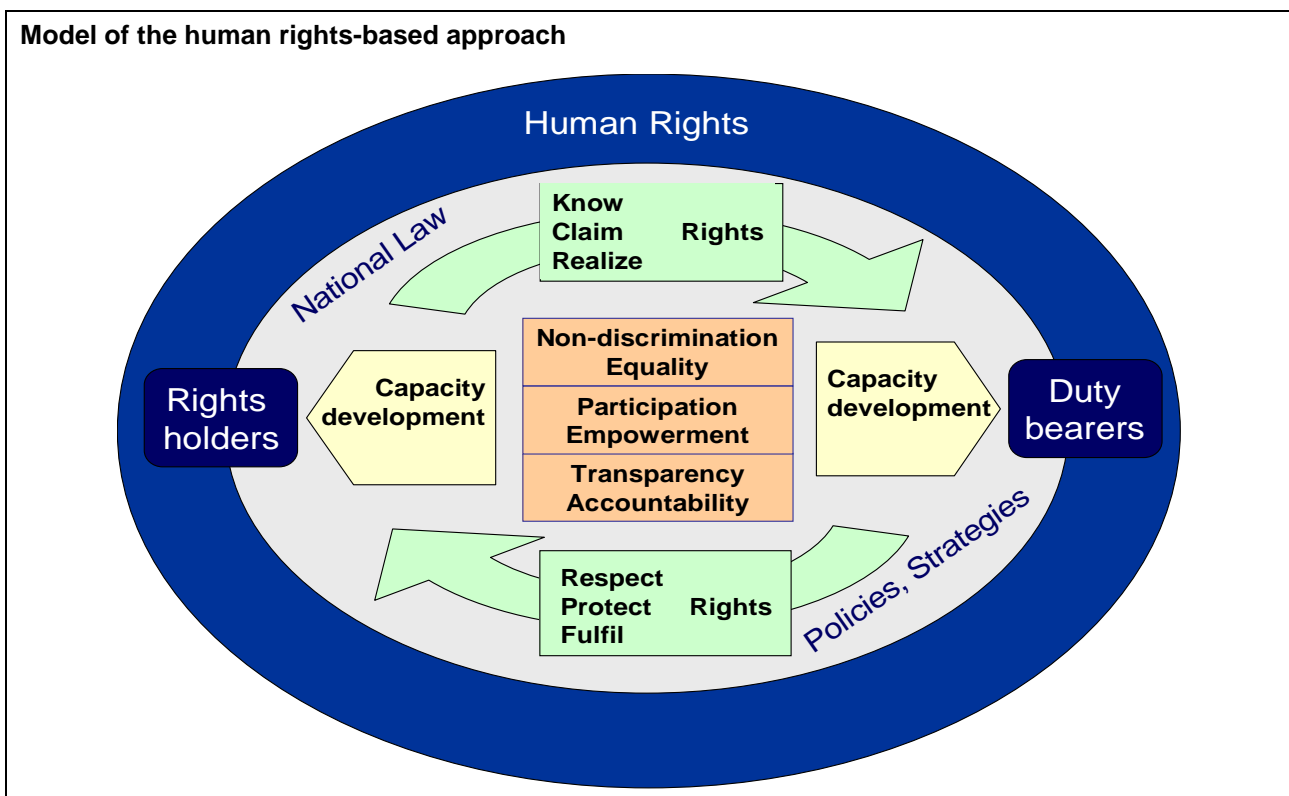
That entails first an analysis of who are

- the **rights-holders**: Those who are entitled to enjoy human rights. This is every individual, e.g. everyone has a right to adequate housing and to water, to freedom of opinion and right to a fair trial.
- the **duty-bearers**: Those who are obliged to respect, protect and fulfil human rights. The state who has acceded to the international human rights instruments is the primary duty-bearer. However, depending on the internal legal order of each country, there might be other entities that have human rights obligations. This does however, never release the state from its obligation to monitor and supervise the implementation.

A HRBA works towards empowering rights-holders to claim their rights and duty-bearers to fulfil them. This includes strengthening the capacity of duty-bearers for example such as state institutions and government employees to exercise their functions effectively and comply with their duties. It also includes strengthening rights-holders such as individuals and civil society organisations in articulating their rights and organising themselves.

2.3 Conclusion

A HRBA does not overhaul development cooperation, nor does it intend to do so. Experience shows that it rather adds value in terms of a powerful political tool for political dialogue and policy advice, as well as an analytical and operational framework for defining development objectives, processes and strategies.



3 Activities

3.1 Commitment Line

Objective: To get a quick, visual representation of people's feelings about RBD

Following introductions, participants were asked to imagine a line dividing the hall into two halves. On one side of the line, the space represented a place where people felt relatively comfortable with RBD and confident in communicating ideas on RBD to others. On the other side of the line, the space represented discomfort with RBD and lack of confidence. The closer to each end, the more extreme the feeling. Participants were then asked to place themselves in the hall at a spot which would show how comfortable/confident they currently felt with RBD. Everyone was then asked, individually, to give a reason for why they had chosen that spot.

3.2 Poverty, access and rights

Objective: To get participants thinking about the underlying causes of inequity. To explore the relationship between power and inequity.

In this activity, participants worked in three groups to explore the case studies outlined below. Participants were asked to use different coloured cards to identify **opportunities** and **barriers** for the people involved in the case study in terms of human security and achieving well-being. Barriers were placed down one side of a piece of flip chart and opportunities down the other. Participants were then asked to identify the **underlying causes** of the barriers to human security and well-being.

Malawi

Patience is a grandmother. She lives in a small village in the south of Malawi, in Chickwawa district. Her husband died last year. Her eldest son and daughter left some years ago to go to Lilongwe to look for work. She hasn't heard from them since; they have never been back to visit. She had six other children, three girls and three boys. All the boys and two of the girls are now dead. A local church-based NGO has a scheme to provide one meal a day to orphans living in the areas. Last year, Patience's youngest daughter, after her own husband died, left her three young children with Patience and went to Lilongwe to see if she could find her brother and sister there. Patience is now on her own, trying to provide for the children. They are eight, six and three years old. The eight year old used to go to school, and he still wants to go, but there is no money in the household. The rains have been bad this year and the millet has dried too soon on the stalk. Patience suffers from strong pains in her abdomen, which make it hard for her to work. She would like to go to the hospital. She does not trust the clinic, which is an hour's walk away, but the bus to the city is expensive, and who would look after the children?

Tuvalu

Michael and Sarah are both 19 and they live on the island of Tuvalu in the Pacific. They had been sweethearts since their schooldays, and finally got married three years ago. Although they both got their school certificates, it has been hard finding work since, and they usually have very little money. Michael's family encouraged him to go to school so that he would be able to avoid going into the fishing through which so many families have tried to make a livelihood. After school, when he and Sarah were really in love, Michael had wanted to go away to Australia and find a new life for him and Sarah, but he couldn't get permission and then, anyway, Sarah got pregnant and they had to get married quickly. Now they have another baby as well. They are lucky that Sarah's parents said they could all live in the shack next to the main house. It's just one room and it's cramped, but it's OK, except whilst the rain is actually falling, when the holes in the roof let in a lot

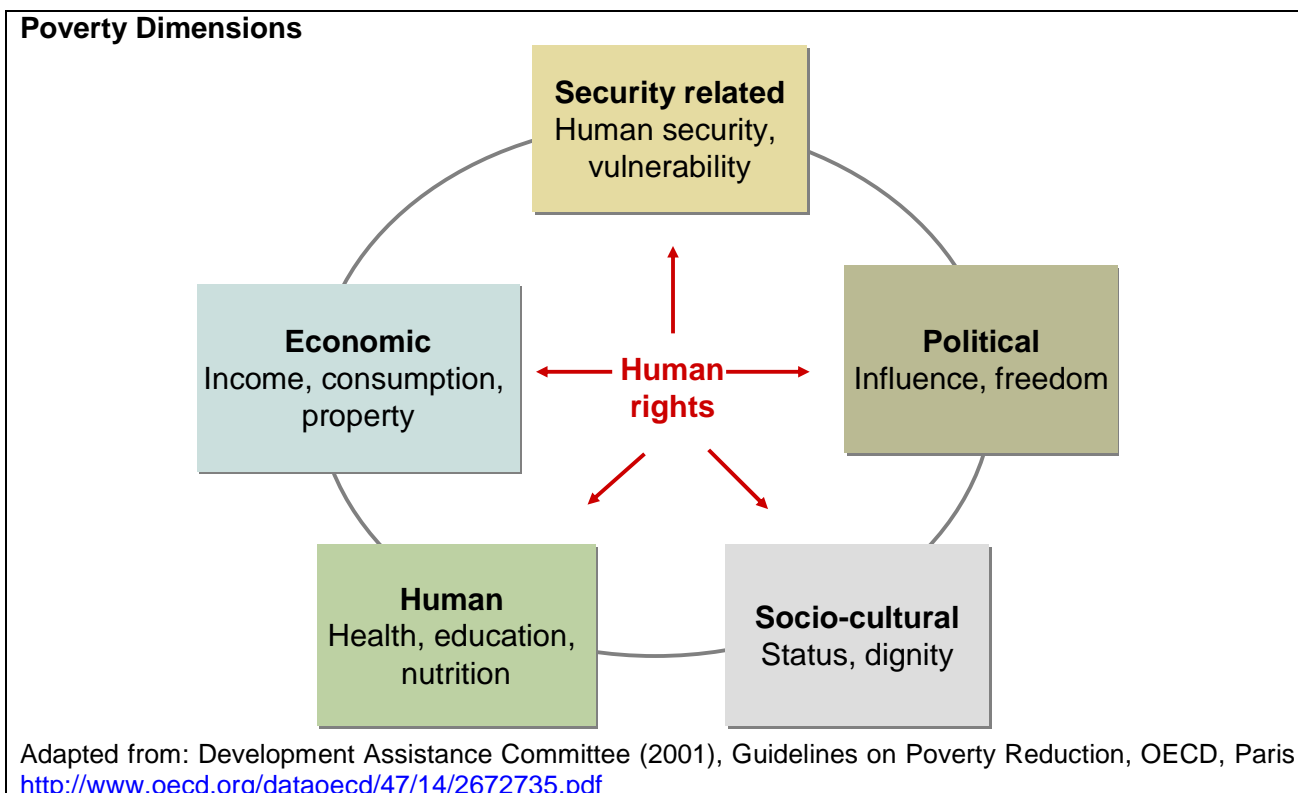
of water. It does dry out quite quickly, though it's making Sarah very depressed. For a while, Michael didn't have any work at all. He couldn't bear sitting round the house all day, listening to the kids crying and Sarah moaning, so he used to hang out with friends, drinking too much beer and sometimes getting into fights. Sarah's father got fed up with him and told him he'd have to join in with the fishing business. So now he's away a lot of the time doing a job he hates, though it is fun hanging out when they stop in other ports, and he's not getting on well with Sarah when he comes home.

Germany

Three months ago, Fatma and her two small children came from Iran to Landshut. She decided to migrate after her son Tarek, who is 5, was diagnosed with epilepsy and no proper medical treatment was available in her village in the mountains. A friend had told her that medical treatment would be good in Germany. Thus, she undertook the long and difficult journey. She is currently without residency status, but has been awarded "subsequent orders of toleration" for herself and her children. These allow her to stay in Germany for an extendable period of 3 months. The order of toleration limits her right to move around the country and she has to stay put in Landshut. In Iran, Fatma was a trained teacher. In Germany she has applied for employment with a cleaning company, but none of her applications has been successful, since the toleration order limits her entitlement to stay to three months. So, Fatma is living on social benefits. These are mainly handed out in vouchers with some additional cash as pocket money. The vouchers entitle her to buy her food in certain supermarket chains. But she cannot use them to buy Halal meat with the only Turkish grocery shop in town. Her son Tarek has received treatment from the local hospital. However, because they lack official residency status, the hospital would be limited to providing Tarek with only absolutely essential care. Therefore, they cannot get the new and expensive drug which has been specifically developed for children suffering from epilepsy. Fatma's second child, Sara, is 7 years old. She is going to the beginner's class in a German all-day primary school in Landshut. She is the only child in her class who is not German. Sara can only speak and understand a few words in German but the teachers say that she will not receive any special support. They say that it is in Fatma's responsibility to make sure that her daughter catches up. At a parent's meeting Fatma is greeted with great reservation. Fatma attributes that to the fact that she is wearing a headscarf. The other parents express worries that their children's learning will be held back should there be special consideration for Sara's needs. Sara has been jeered at by her class mates since she refuses to eat meat during school lunch for fear that it is pig.

In discussions afterwards, and following the presentation on rights, people noted the **multi-dimensional** aspects of poverty and saw the way that inequity in power relations causes and maintains conditions of poverty. People noted the differences between absolute poverty (such as Malawi), living at the "tipping point" (as in Tuvalu) and socially constructed poverty (as in Germany). In all instances, the characters in the scenarios are unable to fulfil their potential roles as fully active citizens, participating in the decisions which affect their lives. Discussion showed that rights and poverty are inextricably linked, that numerous rights are challenged in the scenarios and that rights principles of: participation, non-discrimination/ inclusion and accountability/ fulfilment of obligation are not upheld. In terms of basic services, there are, in each scenario, challenges to accessibility, affordability, adequacy, adaptability and quality.

No poverty reduction without human rights: Poverty is a violation of human rights and human rights help fight poverty in all its dimensions.



3.3 *The differences between needs-based and human rights-based development*

Human rights- based and needs-based approaches to development

Human rights- based approach	Needs-based approach
<ul style="list-style-type: none"> • People have a right to assistance • Governments are legally and morally bound to do something • People are active participants in the development process • All people, without discrimination, have the right to fulfill their potentials • All work contributes to the goal of poverty eradication and development for all • All people can work to realise their rights 	<ul style="list-style-type: none"> • People deserve help • Governments ought to do something, but are not legally obliged to • People may participate but, generally, development happens to them • Resources are scarce, and some people will lose out • There are separate goals for each sector and no over-arching purpose • Some people have the “know how” to meet their needs

To work for Human rights-based development we need to re-think:

Participation: Promoting all people's ethical, active involvement in the decision-making processes which affect them.

Inclusion: Ensuring that groups of people who are normally marginalised have access to appropriate development processes and services. Also, the need to determine that the processes of people's participation are appropriate and that participation leads to sustainable, and greater, equity in power relations and equitable sharing of access to resources.

Obligation: Working to build willing obligation – whereby people choose to recognize, and act upon, their mutual roles and responsibilities.

3.4 What are human rights?

⇒ See Annex 1 – Presentation by Folke Kayser “Human rights-based approach in German development cooperation – Basic concepts”

3.5 Discrimination and inclusivity

Adapted from © CR2 Social Development 2006

Objective: To experience feelings relating to discrimination and social exclusion and relate these to inclusion issues in development

To be able to work for inclusivity from a rights-basis, we need to tackle all aspects of discrimination. We need to look at both: at how society, culture and tradition discriminate against certain groups of people and also at the ways we, as individuals, discriminate and are discriminated against. Not all discrimination is “obvious”. And we all discriminate against other people at times.

Here is a list of simple things which can lead to discrimination: ask yourself if you have ever felt discriminated against because of any of them. Or have you perhaps discriminated against others because of any of these things? What does it feel like to be discriminated against? What does it do to you? What do you feel about the person who is judging you in this way? What do you feel when you judge other people in a discriminatory way? What do you think they feel about you?

Have you ever been discriminated against:

- Because of being a boy or a man
- Because of being a girl or a woman
- Because of the way you look
- Because of the amount of money in your family
- Because you were poor
- Because of the amount of education you had
- Because of your background
- Because of the colour of your skin
- Because of your age
- Because of your health status
- Because of your sexual practice or preference
- Because of your nationality
- Because of the clothes you wear
- Because of your personality
- Because you are close to someone with HIV
- Because you have been abused

Notes for debriefing and discussion

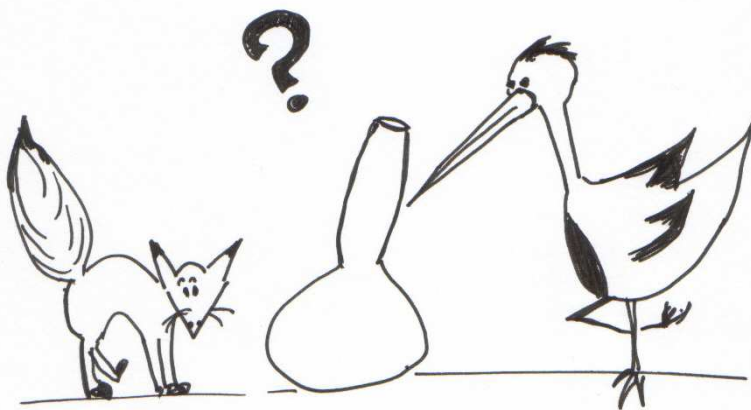
Questions for debriefing: Have you ever discriminated against anyone else for any of these reasons? What does it feel like to be discriminated against? What do you feel when you discriminate against someone else? What did you experience when doing the activity?

Once again, this is an instance where we can see that working for human rights-based development means that we have to challenge ourselves and our own preconceptions and judgements just as much as we challenge the wider society. We can't work to encourage poor and marginalised people's voices in the education system if, in our own homes and lives, we aren't willing to listen to people who have fewer advantages or less power than we do.

Challenging discrimination means that we are challenging inequality. When we get rid of discrimination, we can treat people more equally. But this does not mean that we will then treat everyone exactly the same. Treating people equally means that we will take people's particular needs into consideration, and we will work with them to identify appropriate means to get their rights and their needs met.

The Fox and the Stork

Two friends, a fox and a stork, were both very hungry and were walking across the grasslands together looking for food. Eventually, they met a woman carrying a tall gourd and in the bottom of it there was a delicious meal. She agreed that they could eat the food, and she left them with the gourd and walked on to her home:



Q: Both the fox and the stork were happy at first and agreed to share the food, half each. But, in the end, who got to eat the food?

A: Only the stork could eat, because only he could reach in to get the food. The gourd was not an appropriate shape for the fox to be able to eat. The only way the fox would be able to eat that day, would be if he ate his friend!

DIFFERENT BUT EQUAL!

3.6 *Why is an understanding and analysis of discrimination important to our work in development?*

Brainstorming and discussion

- Discrimination as a cause of poverty
- Poverty is both a result of and a reason for discrimination
- Our target groups are discriminated
- Targeted poverty reduction
- Creating opportunities for the discriminated

- Empathy and response
- Protect vulnerable groups
- Discrimination implies social and economic costs for society and leads to conflict and violence
- The poor should enjoy the ultimate benefits of any development intervention
- To avoid exacerbating existing inequalities/discriminations
- Powerlessness and discrimination are mutually reinforcing, therefore development should focus on changing power relations
- Selection of staff and intermediaries should follow equal opportunity guidelines
- Development is incomplete without tackling exclusion

3.7 Rights and responsibilities

Brainstorming and discussion on the right to education:



Some questions for discussion:

- Who has got rights and responsibilities? Which level of rights?
- Are there always corresponding rights and responsibilities?
- What, if education is not granted adequately?

3.8 The added value of human rights-based development

⇒ See Annex 2 – Presentation by Sheena Crawford “The Added Value of Rights-Based Development”.

3.9 Applying the HRBA in three case studies

Objective: To encourage participants to think in depth about the components/steps of human rights-based development in particular sectors/projects.

Participants were divided into three groups to reflect a range of experience and skills. Each group was given one of the following case studies and the accompanying stakeholder table and task sheet. The groups completed the stakeholder table and task sheet and reported back to the plenary discussion.

3.9.1 Project case study Yemen (abridged)

Basic Education Improvement Programme, Yemen

1. Brief description of the project

The Republic of Yemen, one of the least developed countries in the world (ranks 19th in the list of 45 LDCs) with a high population growth rate (3.02%), high poverty incidence (40%) and latent conflicts between its tribal population groups and government, has one of the lowest gross school enrolment rates in the world at just 66%. Access to education, especially for girls (only 46% nationwide) and the quality of education are inadequate (core problem). The institutions responsible for the sector in political, administrative and specialist terms are not yet able within the scope of decentralisation to implement the reforms needed to improve basic education without receiving external assistance. The government's educational policy objectives "Education for All" by 2015 and "Overcoming Gender Disparities" are under serious threat. The government has declared the promotion of basic education to be one of the central tasks of poverty reduction.

The overall objective of the CP *Basic Education Improvement Programme (BEIP)* is as follows: Access to basic education and the quality of basic education are improved. This is identical to the objective laid down in the national *Basic Education Development Strategy (BEDS)* and constitutes a major contribution to the objective of having all children of school age (6 to 15 years) successfully conclude basic schooling by 2015.

The programme is made up of four components: 1) capacity-building in the education authorities; 2) training of school personnel and 3) community participation with a special focus on promoting education for girls and 4) infrastructure promotion (FC). The FC component 4 is funded by KfW. TC provides strategically targeted advice to the Yemeni *Ministry of Education (MoE)* on improving education planning. Concept development in the components looks at the entire country, whereas pilot tests take place in a few provinces in selected school associations or districts. Promotion components include consultancy (direct inputs and a flexible pool of expertise for consultancy assignments), further training and the supply of materials and equipment.

The programme supports the MoE in the implementation of the national Basic Education Development Strategy (BEDS) in close cooperation with all donors. It contributes to the priorities identified for sector development by establishing access to and promoting completion of basic education whilst fostering equality and a qualitatively sound and efficient education system (relevance). The programme's significance derives from concept development and the testing of broad-impact promotion approaches in the above components, which MoE is implementing nationwide with the help of other donors, in particular the multi-donor *Basic Education Development Project (BEDP)*, funded by the World Bank, DfID (*Department for International Development*) and the Netherlands. The German contribution ties in with the EFA-FTI process (*Education for All - Fast Track Initiative*) which is evolving into a sector-wide approach.

The programme is a cooperation programme with KfW and DED. The overall term amounts to nine years (July 2002 – June 2011). The overall costs are estimated at EUR 28,495,000. The volume of FC investment is EUR 18,135,503 (Ibb/Abyan: 6,135,503, Hajja/Marib: EUR 12,000,000); the costs of the TC components in the phase under review amount to EUR 4,000,000. DED is providing 2 experts.

3.9.2 Project case study Bangladesh (abridged)

Multidisciplinary HIV/AIDS Programme in Chittagong, Rajshahi, Khulna and Sylhet, Bangladesh

1. Brief description of the project

During the government negotiations in October 2006, it was decided to extend the first phase of the project to December 2008, to cooperate more closely with the Ministry of Local Government, Rural Development and Co-operatives (MoLGRDC) and to expand the project area to other large cities. These modified tasks necessitate the following changes to the original offer.

The HIV/AIDS epidemic in Bangladesh is in the early stages. Nevertheless, the rapid spread of the disease among population groups that are particularly at risk – e.g. drug users – points to a high-risk potential. The National AIDS/STD Programme (NASP), under the aegis of the Ministry of Health and Family Welfare (MoHFW), has approved a national multisectoral strategy to combat the HIV epidemic. However, poor coordination at the national and local levels, lack of technical capacity and inadequate expertise at the service level hamper successful implementation. Consequently, there are deficiencies in the multisectoral prevention, diagnosis, consultation and treatment of sexually transmitted diseases (STDs) and HIV/AIDS in Bangladesh, especially in the urban environment (core problem).

The overall objective of the project is: Prevention, diagnosis, consultation and treatment of STDs and HIV/AIDS in Chittagong, Rajshahi, Khulna and Sylhet have improved. The lead executing agency is the MoLGRDC. Implementing organisations are the Ministry and the respective municipalities that will work together. The project facilitates the development of a decentralised, local response to the HIV epidemic, consistent with the national policy and strategy pursued by NASP (relevance). It strengthens coordination and cooperation among the individual stakeholders, particularly the MoLGRDC, MoHFW and the private sector including non-governmental organisations (NGOs), while also promoting joint responsibility for public health in the cities. By institutionalising the strategy to combat HIV/AIDS at the decentralised level, the project contributes to sustainable HIV prevention in the cities mentioned above.

In financial terms, the project accounts for only a small share of the overall donor contribution to combat HIV/AIDS in Bangladesh. However, it does make a significant substantive contribution through close cooperation and coordination with the Urban Primary Health Care Project (UPHCP) promoted by the Asian Development Bank (ADB) and through the targeted promotion of capacity development and cooperation between the various stakeholders.

The project's components of support include the assignment of short- and long-term staff to offer procedural support and technical advisory services, local experts, further training, materials and equipment for transport, office equipment and additional medical equipment. Local subsidies are used for operational research, the development of innovative prevention measures and the introduction of a quality assurance system for STD and HIV/AIDS services.

The project is estimated to have an overall term of seven years (from June 2004 to May 2011) with a German contribution of EUR 6,500,000. The first phase has been extended by 19 months (June 2004 to December 2008); the German contribution for the phase is EUR 3,545,000.

3.9.3 Project case study Kenya (abridged)

Programme to Support the Reform of the Water Sector, Kenya

1. Brief description of the project

Currently approximately 70% of the urban and 48% of the rural population in Kenya are supplied with drinking water. Approximately 50% of the population are serviced by a centralised or decentralised sewerage system. The poorer population groups in the rapidly growing outskirts and rural areas, suffer from an insufficient supply, especially of drinking water, and are forced by circumstances, to fall back on hygienically risky and uncontrolled alternative water sources. The increasing water pollution and uncontrolled abstraction of water and degraded water catchment areas therefore, endanger to an ever-increasing degree, a sufficient, hygienically safe water supply and increase the health risks of the Kenyan population. The core problem of the Kenyan water sector is the insufficient access of the urban and rural population to a quality controlled drinking water supply and refuse and sewerage disposal, as well as the

lack of a sustainable water resource management for the maintenance and circumspect utilisation of the limited reserves. The main reason for the lack of efficiency in the water sector, is the institutional and legislative system, which in the past promoted corruption. It is characterised by a centrally oriented structure with partly undefined responsibilities and a lack of incentive systems for an efficient management of the water supply and refuse and sewerage disposal systems. With the passing of a new Water Act in 2002, the Kenyan government decided on an extensive sector reform. The core elements of the reform are the separation of legislative functions, regulation, and ownership of assets and its operation as well as the separation of the institutional responsibilities for water supply and sewerage and water resource management. The operation of water supply and sewerage systems are to be increasingly commercialised.

The project's "KV Programme for the Reform of the Water Sector, Kenya" overall goal is: „Access of the poor population to quality controlled drinking water as well as to a regulated refuse and sewerage disposal is increased and the water resource management improved.“ The project consists of 4 components: (1) Institutional reform of the water supply and refuse and sewerage disposal, (2) Commercialisation of water supply and sewerage companies, (3) Water resource management and (4) Public relations and communication. The project works on the national, regional and local levels. Such networking enables on the spot experiences to flow into the steering of national policy processes. Co-operation that has been firmly agreed upon for the expansion of commercial water supply and sewerage companies and in water resource management exist with the Kreditanstalt für Wiederaufbau (KfW), the World Bank, the German Development Service (DED) and the French relief organisations *Agence Française de Développement* (AFD) and *French Co-operation* (Project ARCHE). With InWEnt and private enterprises, cooperation is planned in the area of training of water supply and sewerage companies.

The project contributes considerably to the implementation of the goals of the Kenyan Water Act and the strategies derived thereof. With measures for sector regulation as well as the implementation of reforms in the *Lake Victoria North* and *South* as well as *Central* regions a significant leverage on the total reform process can be expected.

The total promotion period amounts to 10,25 years (from 10/2003 to 12/2013) at a total cost of 16.000.000 EUR. From KfW loans and grants totalling 26.000.000 EUR for the development and rehabilitation of drinking water and sewerage infrastructure in the Kenyan secondary towns are under implementation, a further amount of 20.200.000 EUR is planned. The offer's 2nd phase runs from 01/2005 to 12/2007 with a volume of 5.000.000 EUR (of which 1.000.000 EUR are balance of funds from the shortened 1st phase).

3.9.4 Supplementary material

Universal Declaration and human rights treaties

- Universal Declaration of Human Rights (1948)
<http://www.unhchr.ch/udhr/index.htm>
- International Covenant on Civil and Political Rights (1966)
<http://www2.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economic, Social and Cultural Rights (1966)
<http://www2.ohchr.org/english/law/cescr.htm>

Further resources on the right to education

- General Comment No. 13 (1999), The right to education, (Article 13 of the International Covenant on Economic, Social and Cultural Rights)
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b?OpenDocument)
- Core elements of the human right to education (see Annex 3 zip file with supplementary workshop material)

Further resources on the right to health

- General Comment No. 14 (2000), The right to the highest attainable standard of health, (Article 12 of the International Covenant on Economic, Social and Cultural Rights)
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358b0e2c1256915005090be?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358b0e2c1256915005090be?OpenDocument)
- WHO Factsheet Health and Human rights
http://www.who.int/entity/hhr/Right_to_health-factsheet.pdf
- Human rights and HIV/AIDS
<http://www.unaids.org/en/PolicyAndPractice/HumanRights/default.asp>

- Document collection on health and human rights (see Annex 3 zip file with supplementary workshop material)

Further resources on the right to water

- General Comment No. 15 (2002), The right to water, (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)
<http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/2002/11&Lang=E>
- Contents of the human right to water (see Annex 3 with zip file with supplementary workshop material)
- Document collection on the human right to water and sanitation (see Annex 3 zip file with supplementary workshop material)

3.9.5 Table on stakeholders, claims on rights and duties

Stakeholder Types	Major practical rights (relevant to work of the project)	Level of claim and why	Major practical duties (relevant to work of the project)	Level of duty and why
In this column, identify all the major stakeholders in the project. A stakeholder is anyone who has an interest in the project, but the interest may be positive or negative. Be sure to disaggregate the stakeholder types: DO NOT just say e.g. "rural women". Think about the different circumstances of people's lives which make their problems and concerns different from other people's, and which are relevant to the work of the project.	In this column, list all the major practical rights that people have in relation to the work of the project. DO NOT just say e.g. "the right to security", but think about what this means in practice.	Does this stakeholder type have a <i>Low</i> <i>Medium</i> or <i>High</i> level of claim? Answer this in general, not for each right you listed (Note: Different from <i>capacity</i> of stakeholder to effectively claim the right in reality.)	In this column, list all the major practical duties that people have in relation to the work of the project. DO NOT, e.g., say "to provide security services", but think about what this really means in practice.	Does this stakeholder type have a <i>Low</i> <i>Medium</i> or <i>High</i> level of duty? Answer this in general, not for each right you listed (Note: Different from <i>capacity</i> of stakeholder to effectively fulfill the duty in reality.)

Source: Brocklesby M.A. & Crawford S. (2005) Rights Based Development: A Guide for Implementation

3.9.6 Questions to be considered/ areas for discussion

I) Identifying rights-holders and duty-bearers, assessing their capacity

Rights-holders

1. Who are the rights-holders? Who represents the interests of the rights-holders?
2. Which groups of people have more/ less voice?
3. What are their rights?

4. What are the opportunities and abriers for different rights-holders to claim their rights? Why?
5. What is the main reason for rights-holders not claiming their rights effectively: lack of rights awareness, lack of capacity (money, time, know-how), lack of access to power?
6. *What can project do to empower and enable rights-holders to claim and realise their rights?*

Duty-bearers

7. Who are the duty-bearers? What are the reporting lines within government? What do we know about power relations between central government and implementing personnel (health personnel/ teachers etc.)? Who represents the interests of the duty-bearers?
8. Do duty-bearers know about their rights obligations?
9. What is the main reason for duty-bearers not to fulfil their rights obligations effectively: lack of knowledge, lack of higher political will, lack of incentives for health personnel or lack of capacity?
10. *What can project do to make duty-bearers fulfil the rights obligations and hold them accountable?*

II) Referring to human rights standards

(Information: All case study countries have ratified the two human rights covenants and the major human rights conventions.)

Human rights standards

11. Which human rights standards apply? (Only focus here on ICCPR and ICESCR)
12. What are the core elements of this right? (See General Comments: "4 A's")
13. Which element is best/ least fulfilled?
14. *Which core element should project most focus on?*

Identification of state duties

15. State duties to *respect* the human rights standard. Are there indications of rights violations by state actors?
16. State duties to *protect* the human rights standard: Are there indications of rights violations by non-state actors? Does the state take appropriate measures to prevent and sanction rights violations?
17. State duties to *fulfil* (facilitate, provide, promote) the human rights standard: Is the legislation human rights conform? Does state take deliberate steps for fulfillment – e.g. action plan?
18. Budgeting/ resourcing: Does state use its maximum of available resources to fulfil the human right? Is the priority setting oriented on realisation of human rights?
19. *What should project focus on in its advisory work?*

III) Applying human rights principles (discrimination and equality, particiaption and empowerment, transparency and accountability)

Discrimination

20. Which group of people is most marginalised with respect to its enjoyment of their right to health/ water/ education?
21. Which group is being discriminated against (not just legally but also in effect)?
22. *What can project do to reduce discrimination and actively include marginalised groups?*

Voice and response mechanisms (participation and accountability)

23. What do we know about the power relations between rights-holders and duty bearers?
24. How are decisions on policies and budgets taken?
25. Which mechanisms for rights-holders to inform themselves about government actions on health/ education/ water are in place? Do they effectively create transparency?
26. Which mechanisms for claiming their rights and articulating complaints are in place? Do they effectively provide redress?
27. Which mechanisms/ procedures for consultation and participations are in place? Are they effective?
28. What mechanisms for holding duty-bearers accountable are in place?
29. *What can project do to strengthen voice and response mechanisms (procedures, systems or institutions that facilitate meaningful participation, accountability and redress)?*

3.9.7 Discussion of groupwork

Issues raised during discussion of case studies

- Analysis of context needed: socio, political, geographic rights environment
- Disaggregation of stakeholder data
- Review national laws, regulations, policies
- Innovative information provision → reach marginalised
- Need for better methodology, indicators (for poverty, etc.)
- Participatory monitoring and evaluation
- Broad understanding of rights-holders/ target groups → then prioritise most marginalised
- National actors are primary duty bearers but donors have co-responsibility
- Poverty focus: removal of economic barriers
- Work at different levels: policy advice, institutions, target group & link them together
- Not only participation of representatives but also of direct rights-holders (e.g. including children and young persons in school management councils)
- Issues of corruption: accountability
- Link up with new partners: HR institutions, CSOs, media

Essential, is the decentralisation of power, which requires consideration of:

- Multi-stakeholders
- Policy and law
- Institutionalised mechanisms
- Co-management
- Inclusion
- Level-linking: macro-meso-micro
- Multi-level monitoring and evaluation
- “Conflict” management (for institutions)

3.10 Experiences in human rights-based development

⇒ See Annex 4 – Presentation by Sheena Crawford “Rights-Based Development – Experiences & Examples of Impact”.

3.11 Putting human rights-based development into practice

Participants carried out a short brainstorming to identify ways to promote human rights-based development in GTZ practice

Possibilities:

- Involve inside our “reasoning”
- Piloting in sector project
- Actively look for projects (e. g. In youth employment) for more RBD approach and others
- Without obligation: why would people bother?
 - o get in at start (project/ policy design phase)
 - o consider HRBA already in budgeting
 - o find champions
 - o find the “hook”
- Parliamentarians:
 - o interested in how countries plan to fulfil
 - o focus on governmental obligations
- Convincing other sectors to deal with disaggregated target groups
- Combine approaches: gender, do no harm
- Using the obligation scaffolding, “spreading the word”

4 Documents and links for further reading

Documents

BMZ (German Federal Ministry for Economic Cooperation and Development) (2008), Development Policy Action Plan on Human Rights 2008-2010, BMZ Strategies Nr. 167, Bonn.

<http://www.bmz.de/en/service/infothek/fach/konzepte/konzept167.pdf> (English version)

<http://www.bmz.de/de/service/infothek/fach/konzepte/konzept155.pdf> (German version)

Development Assistance Committee (2006), The Development Dimension: Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges, OECD Paris

http://www.oecd.org/document/24/0,3343,en_2649_34565_37045656_1_1_1_1,00.html

Development Assistance Committee (2007), DAC Action-Oriented Policy Paper on Human Rights and Development, OECD, Paris.

<http://www.oecd.org/dataoecd/50/7/39350774.pdf>

Development Assistance Committee (2007), Human Rights and Aid Effectiveness, DAC Update, OECD, Paris.

<http://www.oecd.org/dataoecd/15/12/38713028.pdf>

Gready, Paul / Jonathan Ensor (ed.) (2005), Reinventing Development: Translating Rights-Based Approaches from Theory to Practice, Zed Books, London.

Jonsson, Urban (2003), Human Rights Approach to Development Programming, UNICEF, Nairobi.

OHCHR (2006), Frequently asked questions on a human rights-based approach to development cooperation, Geneva.

<http://www.ohchr.org/Documents/Publications/FAQen.pdf>

OHCHR (2008), Claiming the MDGs: A human rights approach, Geneva

http://www2.ohchr.org/SPdocs/Claiming_MDGs_en.pdf

Piron, Laure-Hélène, Tammie O'Neil (2005), Integrating Human Rights into Development: A synthesis of donor approaches and experiences. Report for the OECD DAC Network on Governance (GOVNET), Overseas Development Institute, London.

<http://www.odi.org.uk/rights/publications.html> (webpage with link to full report and executive summary)

Tomás, Amparo (2003), A Human Rights Approach to Development: Primer for Development Practitioners.

<http://www.crin.org/hrbap/index.asp?action=theme.docitem&item=4714>

UN (2003), The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies

<http://www.undg.org/?P=221> (webpage with link to document)

Uvin, Peter (2004), Human Rights and Development, Kumarian Press, Bloomfield.

Links

Issues and Priorities in the work of the German Federal Ministry for Economic Cooperation and Development (BMZ)

<http://www.bmz.de/en/issues/HumanRights/index.html>

BMZ: The importance of Human Rights in German Development Cooperation

<http://www.bmz.de/en/issues/HumanRights/hintergrund/allgemeineMenschenrechte/hintergrund.html>

Information portal Human Rights and Development Cooperation of the German Institute for Human Rights

http://www.institut-fuer-menschenrechte.de/webcom/show_page.php/_c-573/_nr-1/_lkm-807/i.html

(in German)

GTZ sector project "Realising Human Rights in Development Cooperation"

<http://www.gtz.de/human-rights> (in German)

Office of the UN High Commissioner for Human Rights

<http://www.ohchr.org>

- Link “Human Rights Bodies”: texts of human rights conventions, ratifications, general comments, concluding observations and other treaty-body related documents
- Link “Countries/ Human Rights in the World”: state reports, concluding observations, special procedures and other country-related human rights information
- Link “Your Human Rights/ Human Rights Issues”: legal documents, tools, reports of Special Rapporteurs and other issue-specific human rights information