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# Leaving no one behind: Using a Rights-Based Approach in projects and programmes

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**Webinar**

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**EaP Webinar**

**4 August 2020**

# Learning goals

By the end of this webinar you will know:

- **What** the RBA to development is
- **Why** the RBA is relevant to your organisation and your work
- **How to** integrate the RBA in a project design or action plan
- **Where to find** additional information on human rights and the RBA

# Why are we talking about an RBA?

01

Strong commitment in the EaP to RBA, to human rights and inclusive national development.

02

Application of a RBA is being prioritised by the EU in assessment of funding proposals.

03

There are strong linkages between national achievement of the SDGs and national implementation of human rights. You can support both processes when you work rights-based.



**Part 1:**

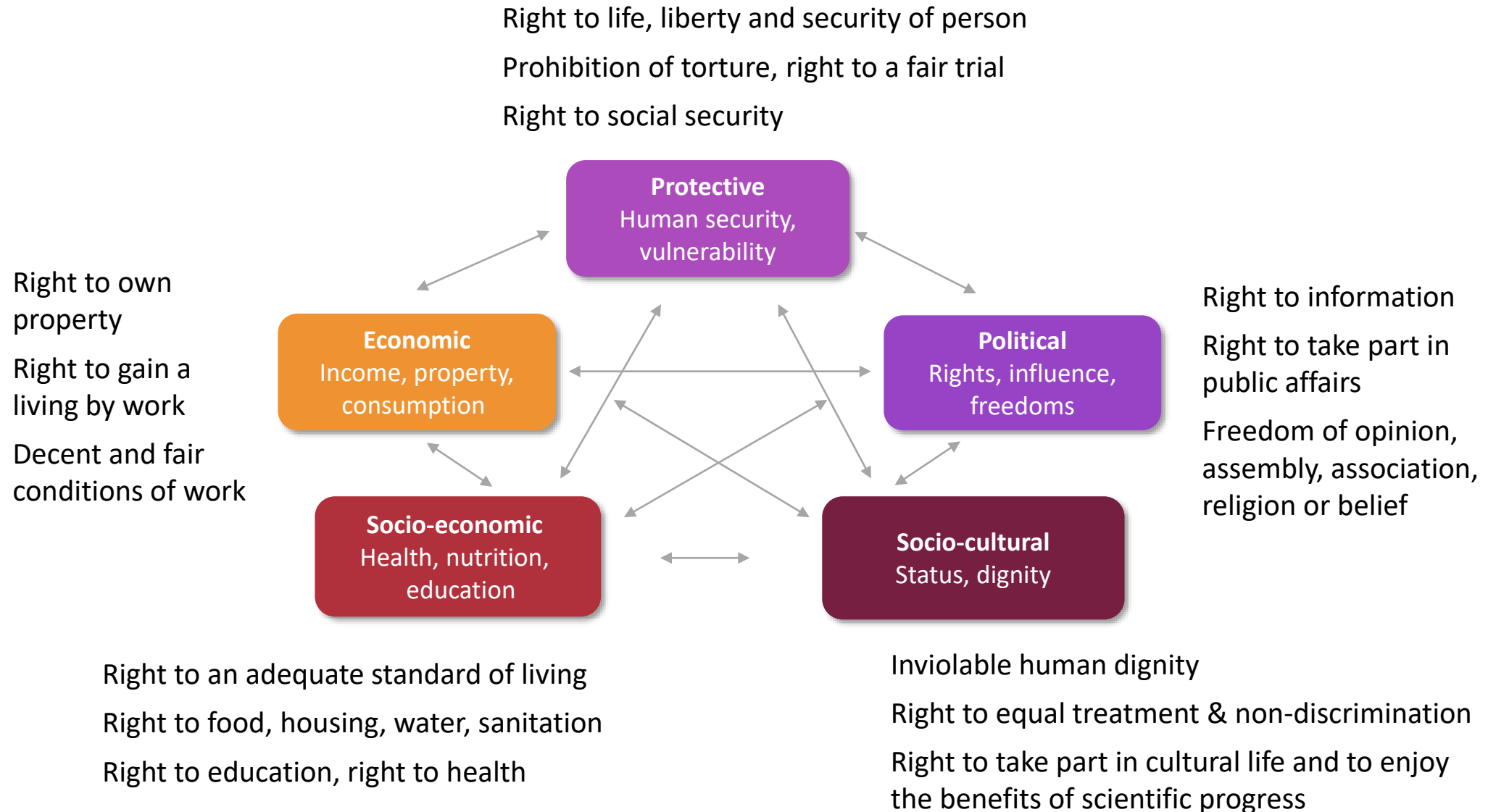
**Key concepts:  
Human rights,  
RBA to  
development**



What are human rights?

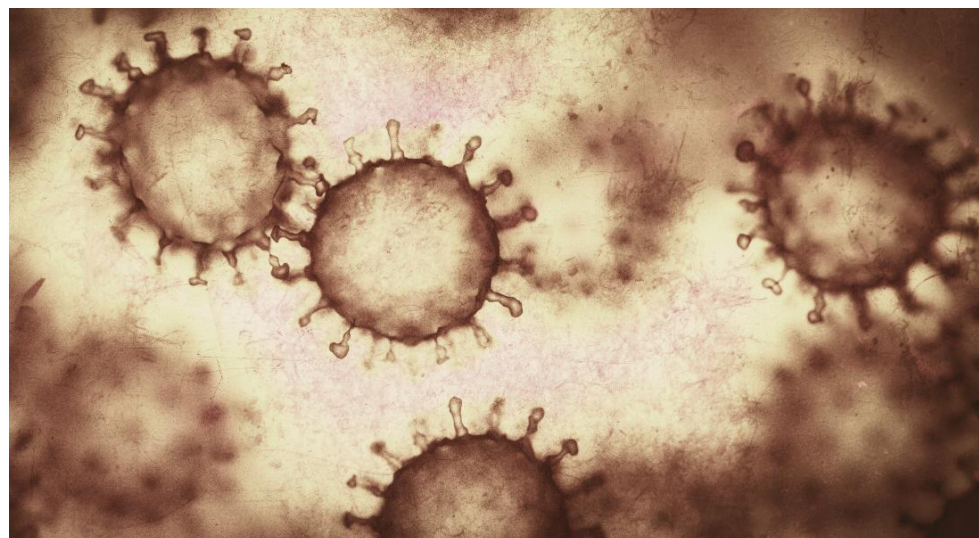


# Human rights and human development





# Human rights and Covid-19



Respect for human rights principles at the heart of local, national, regional and international responses.

OHCHR Covid-19 Guidance  
<https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>

The image shows the cover of a report titled "COVID-19 and Human Rights: We are all in this together" published in April 2020. The cover is blue and features the United Nations logo and the text "United Nations".

Office of the United Nations High Commissioner for Human Rights  
United Nations Development Programme  
United Nations Sustainable Development Group

United Nations High Commissioner for Human Rights  
UN  
SDG

OHCHR  
UNDP  
UNEP  
UN Women  
UNICEF

COVID-19 and Human Rights  
We are all in this together  
APRIL 2020

Checklist for a Human Rights-Based Approach to Socio-Economic Country Responses to COVID-19

July 2020

United Nations

# UN Statement of **Common Understanding** on Human Rights-Based Approaches to Development Cooperation and Programming (UNDG 2003)

## Aim

All programmes of development cooperation, policies and technical assistance should **further the realization of human rights** set out in the international human rights instruments.

## Process

**Human rights standards and principles** guide all development cooperation in **all sectors** and in **all phases** of the programming process.

## Focus

Development cooperation contributes to developing the capacity of **duty-bearers** to meet their obligations and of **rights-holders** to claim their rights.



# The five RBA working principles

- Applying human rights principles
- Participation and access to the decision-making process
- Non-discrimination and equal access
- Accountability and access to the rule of law
- Transparency and access to information

# What can an RBA do for us?

01

Considering the indivisibility and interrelatedness of human rights helps to address the complexity of development problems

02

Define national and local development goals in terms of international human rights commitments made by your country

03

Leave no one behind. Make development projects more effective and results more sustainable.

# What can an RBA do for us?

01

## **Human rights standards**

- Provide a road map to the scope of the problem and the desired results of national and local development projects
- Set minimum guarantees for inclusion of marginalised and vulnerable groups

02

## **Human rights monitoring & reporting system**

- Provides guidance on what the international human rights standards mean in practice
- Informs programme design
- Monitors national progress towards a.o. the SDGs

# 2030 Agenda for Sustainable Development



Leave no one behind

- Grounded in international human rights treaties and instruments
- Universal
- Explicit recognition that implementation must remain consistent with relevant international human rights law
- Follow-up and review processes have to respect human rights
- ... and builds on existing review processes, such as those under the legally binding human rights framework

# SDG 5

- **Achieve** gender equality and the empowerment of women and girls.

- **Targets :**

- ✓ End all forms of discrimination, violence, all harmful practices, such as FGM
- ✓ Recognize and value unpaid care and domestic work
- ✓ Promote participation and equal opportunities for leadership
- ✓ Ensure universal access to S&RH and reproductive rights
- ✓ Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control.
- ✓ Enhance the use of enabling technology, in particular I & CT Policies
- ✓ and legislation for promotion of GEWE





# Human rights guide to the SDGs

English | Français | العربية | 简体中文 | 繁体中文 | Dansk | Русский | Español

THE DANISH INSTITUTE FOR HUMAN RIGHTS

The Human Rights Guide to the Sustainable Development Goals

About this guide  
List of goals and targets  
List of instruments

Direction of search  
 Right to goal  
 Goal to right

Goal  
Choose some options

Target  
Format: 14.4

Rights instrument  
Choose some options

Rights article  
Format: 24.2.c

Term (full-text search)  
Search in instrument, target or article title/description


Items  
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Save search  
Print  
PDF  
Data/csv

Search Reset

Choose a goal **1** or a target **11** to see linkage to human rights.

<b>1 NO POVERTY</b> 1.1 1.2 1.3 1.4 1.5 1.a 1.b	<b>2 ZERO HUNGER</b> 2.1 2.2 2.3 2.4 2.5 2.a 2.b 2.c	<b>3 GOOD HEALTH AND WELL-BEING</b> 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.a 3.b 3.c 3.d	<b>4 QUALITY EDUCATION</b> 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.a 4.b 4.c	<b>5 GENDER EQUALITY</b> 5.1 5.2 5.3 5.4 5.5 5.6 5.a 5.b 5.c	<b>6 CLEAN WATER AND SANITATION</b> 6.1 6.2 6.3 6.4 6.5 6.6 6.a 6.b	<b>7 AFFORDABLE AND CLEAN ENERGY</b> 7.1 7.2 7.3 7.a 7.b	<b>8 DECENT WORK AND ECONOMIC GROWTH</b> 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 8.10 8.a 8.b 8.c	<b>9 INDUSTRY, INNOVATION AND INFRASTRUCTURE</b> 9.1 9.2 9.3 9.4 9.5 9.6 9.a 9.c	<b>10 REDUCED INEQUALITIES</b> 10.1 10.2 10.3 10.4 10.5 10.6 10.7 10.a 10.b 10.c	<b>11 SUSTAINABLE CITIES AND COMMUNITIES</b> 11.1 11.2 11.3 11.4 11.5 11.6 11.7 11.a 11.b 11.c
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**Part 2:  
Human rights  
framework  
and systems**



# UN human rights treaty bodies



Committees of **independent experts** (treaty bodies) monitor implementation of 9 core treaties

**General Comments**

Authoritative general interpretations of rights

<http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx>

**Concluding Observations**

Observations on state reports of member States

**Example: Armenia**

<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/AMIndex.aspx>

# Periodic Reporting to the human rights treaty bodies



Recent **Concluding Observations** by UN treaty bodies on Armenia

- CERD 2017
- CRPD 2017
- CAT 2016
- CEDAW 2016
- CESC 2014
- CRC 2013
- CCPR 2012



# UN Human Rights Council



- 47 Member States, elected by the members of the UN General Assembly
- Three regular sessions a year, sometimes special sessions
- Discuss and decide on human rights issues
- The OHCHR is

# UN HR Council Special Procedures



## Special Procedures

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

- Special rapporteurs, special representatives, independent experts and working groups
- 44 thematic and 12 country mandates
- Monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries (country visits)
- Further develop human rights e.g. UN framework on business and human rights

### Example: Armenia

Armenia has issued a standing invitation to all UN special procedures.

- Most recent country visits by special procedures:
- SR on Health (2017)
- SR on sale of children, child prostitution and pornography (2015)
- WG on arbitrary detention (2010)
- SR on HR defenders (2010)

# HRC Universal Periodic Review



## UPR

<http://www.upr-info.org/en>

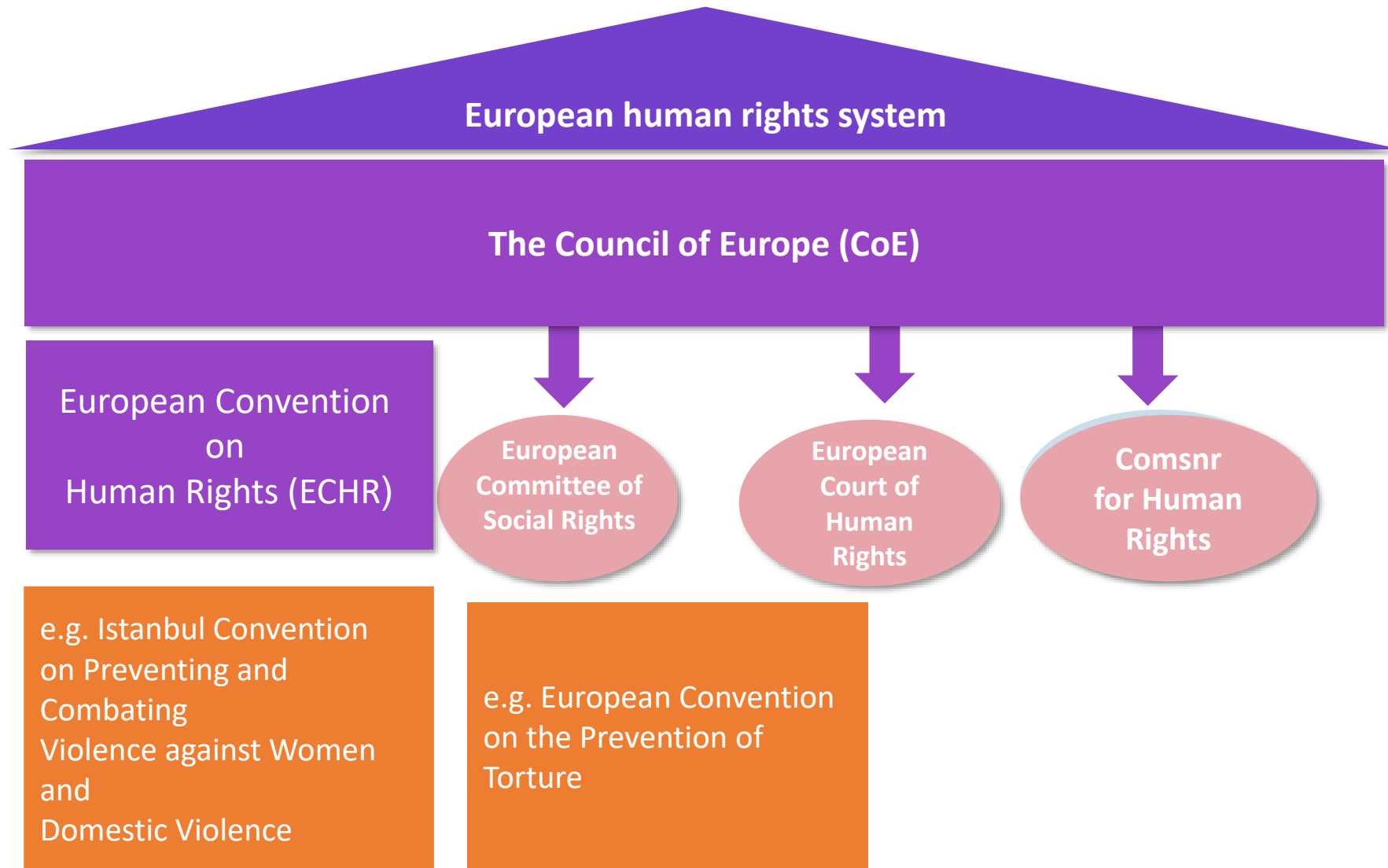
- Peer review by other States
- Every country, every 5 years
- Reports on all human rights
- Three reports: 1) State, 2) Stakeholders, 3) UN sources
- Recommendations from States to States

## Example: Armenia

Most recent UPR: January 2020

- **Examples of (accepted) recommendations:**
  - Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)
  - Adopt and implement national strategy to prevent and punish all forms of violence against children, including child trafficking
  - Take appropriate action to prosecute cases of domestic violence
  - **Next UPR: 2025**


# European human rights system



# Human Rights Institutions, Laws, Policies and Processes in Armenia

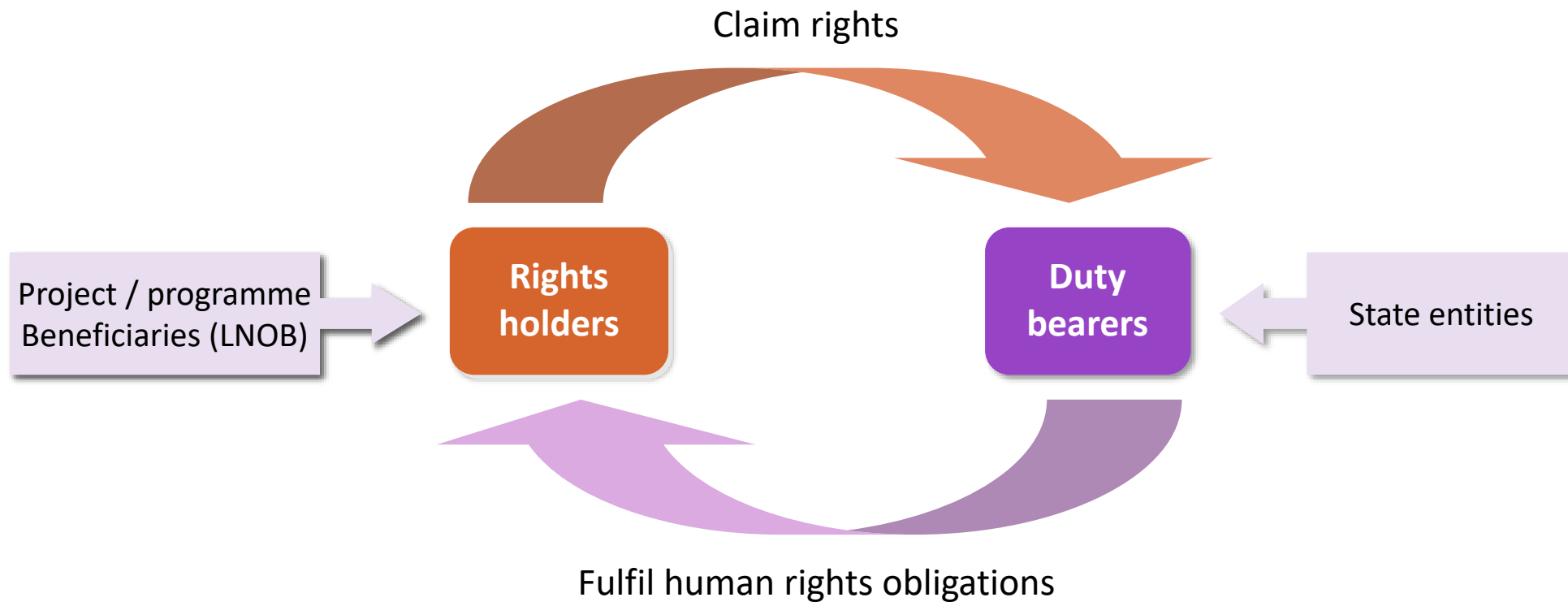
- Government agencies and Institutions
- **Human Rights Defender of the Republic of Armenia** (The HRD is also the National Torture Prevention Mechanism).
- **National Action Plan for Human Rights 2020-22**
- **National Action Plan on Gender Equality 2019-23**
- **Draft Law on Disabilities** (to facilitate implementation of the CRPD)
- **Draft revised Law on Combatting Violence against Women**
- Civil society, women's and youth organisations, labour, social welfare organisations etc.



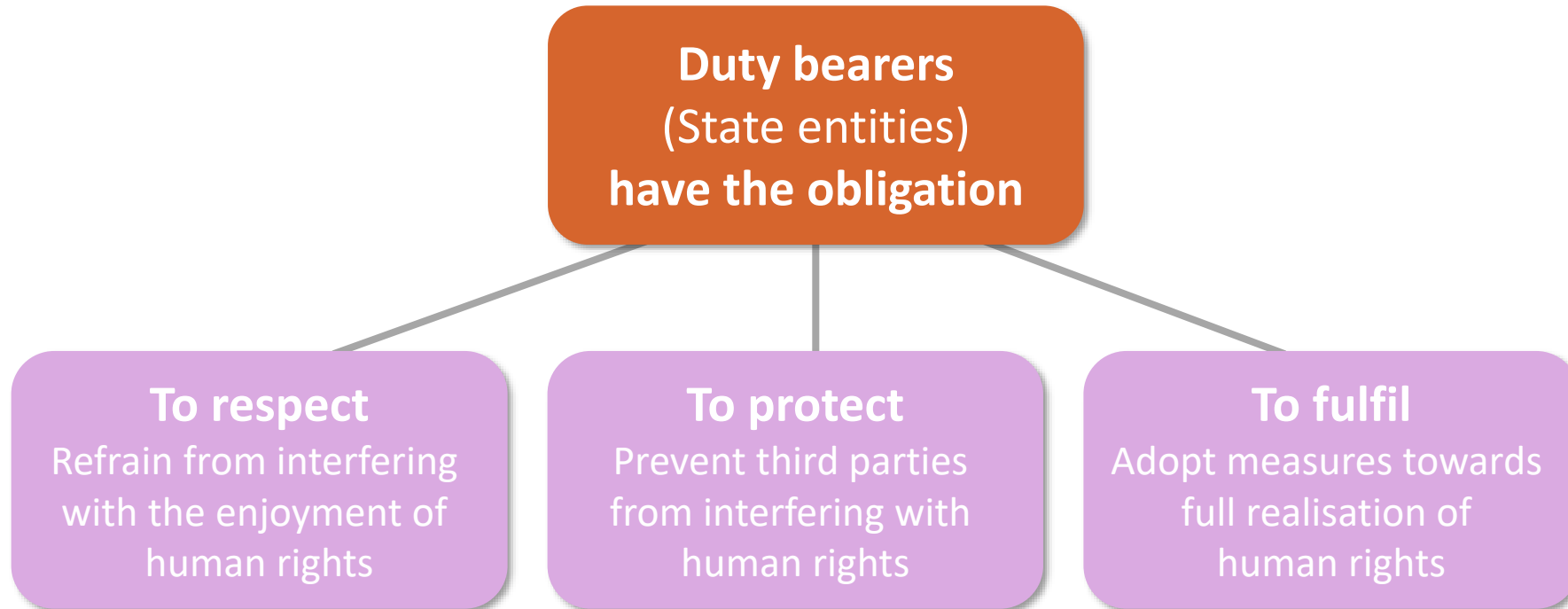


**Part 3:  
Conceptual  
framework:  
Rights-based  
approach**

# RBA = shift in perspectives



# What does it mean to be a duty bearer?



# What about the private sector?

## UN framework for business and human rights

### State duty to **protect**

State must enact and enforce appropriate **laws and policies** to prevent, investigate, redress and punish HR abuses by private actors  
**Protect HR** in state-business relations

### Corporate responsibility to **respect**

Business enterprises must act with **due diligence** to avoid infringing on HR within **sphere of influence**  
> appropriate **risk management system** to prevent and address adverse HR impacts


### Access to **remedy** for victims of abuse

Effective **grievance mechanisms** and adequate **redress and remedy**, judicial and non-judicial, for victims of HR abuses from both the state and corporations

# RBA in a nutshell



**Do Maximum  
Good:**  
Best positive  
impact on  
human rights



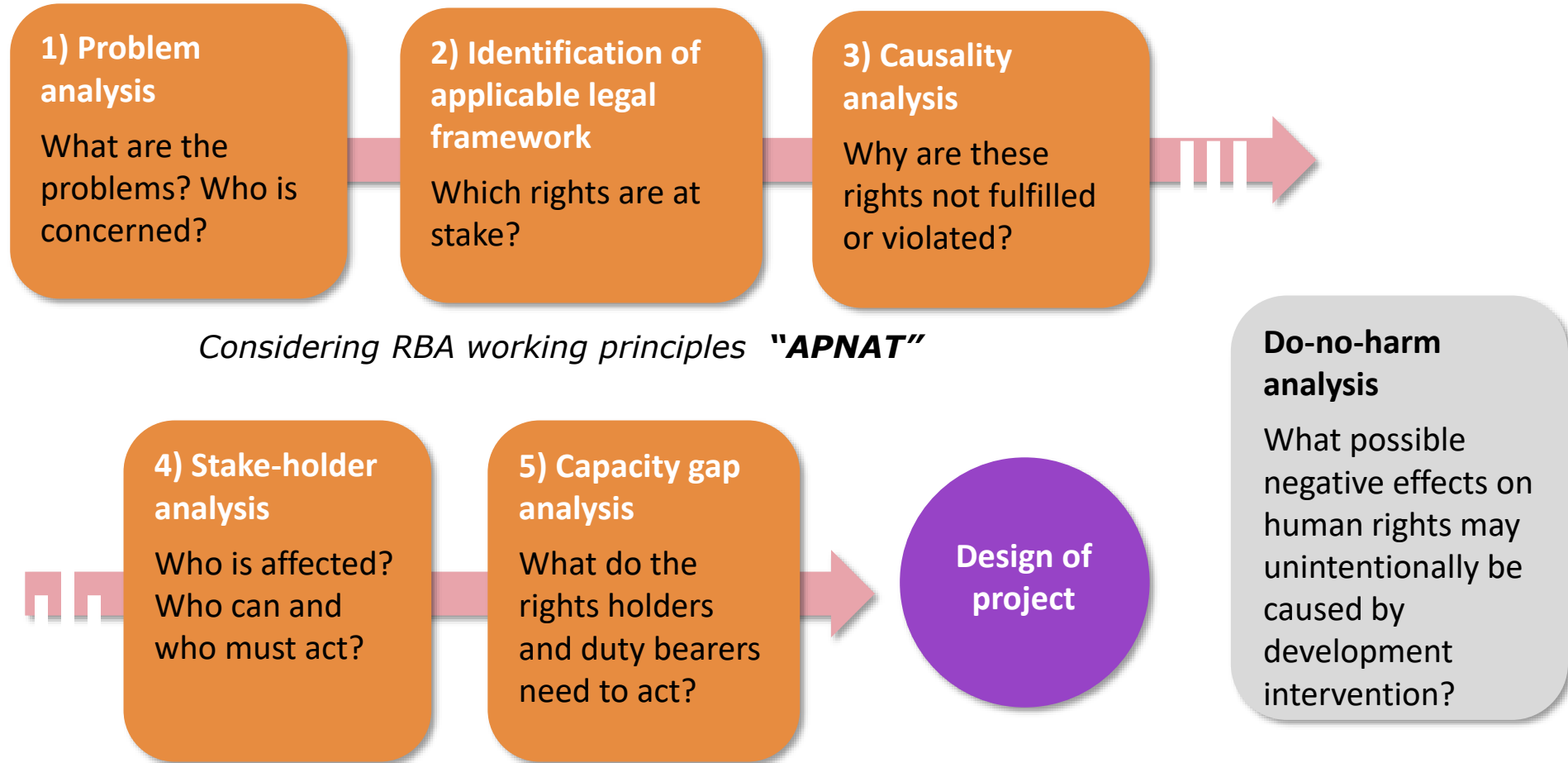
**Do No Harm:**  
No negative impact on  
human rights





**Part 4: Applying  
Rights-based  
approach in  
practice**

# RBA in project planning and design



# Human rights guide to the SDGs

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# Causality Analysis

**National / Local Development  
problem**

**Immediate causes**  
*Current status of the problem*

**Underlying causes**  
*Services, access, policies, practices*

**Root causes**  
*Power relations, patterns of discrimination*

# Stakeholder analysis

Who are the rights holders?

Who are the duty bearers?

Other actors?

Are there groups that identify themselves as indigenous?

Who is most affected?

Who is responsible?

Who must act?

Who can act?

Who decides? How?

Who wins? Who loses?

Who is left out?

Distribution of power and resources

Understanding social and cultural factors

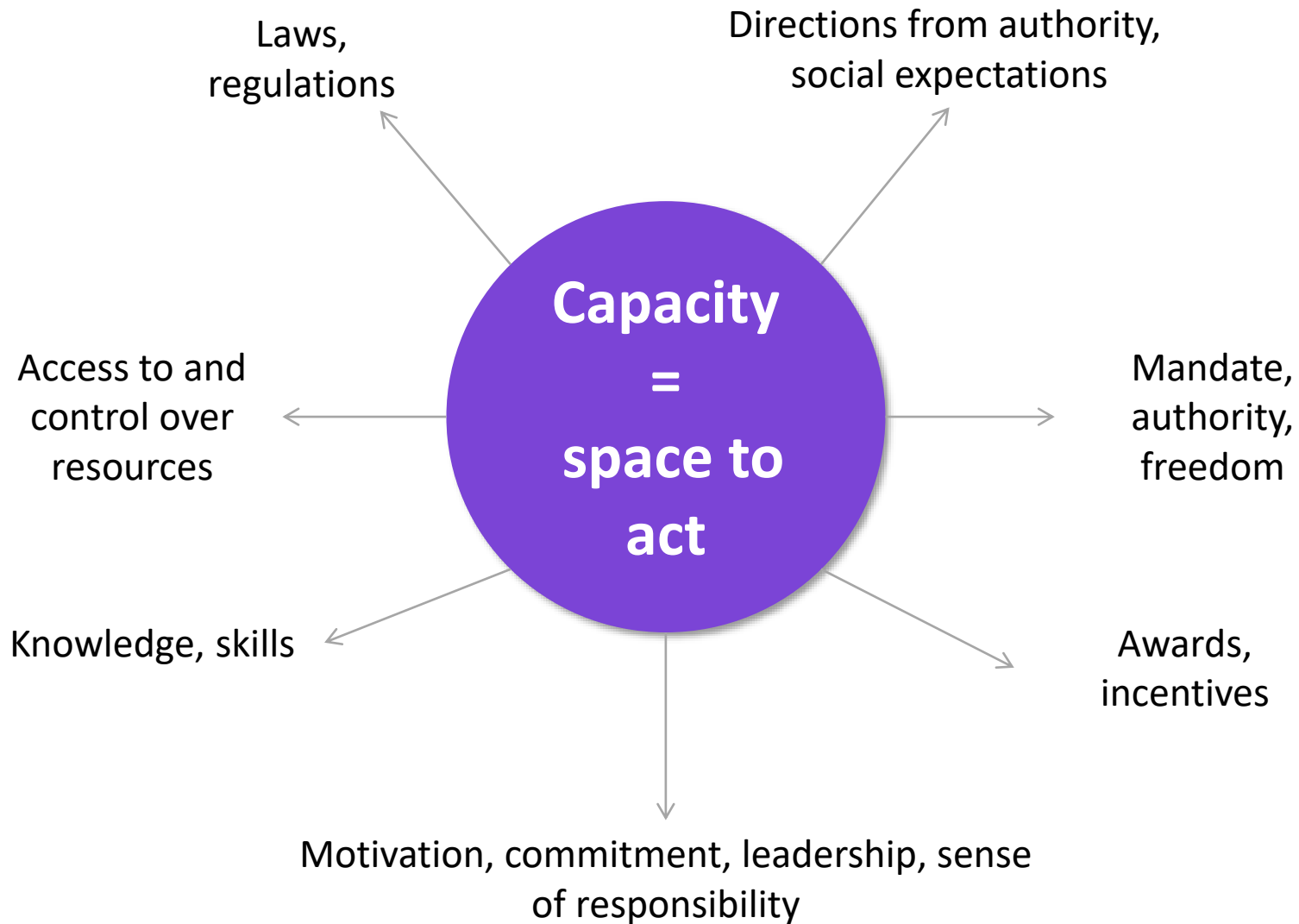
Identifying the practical needs and strategic interests of all groups of people

# Capacity gap analysis

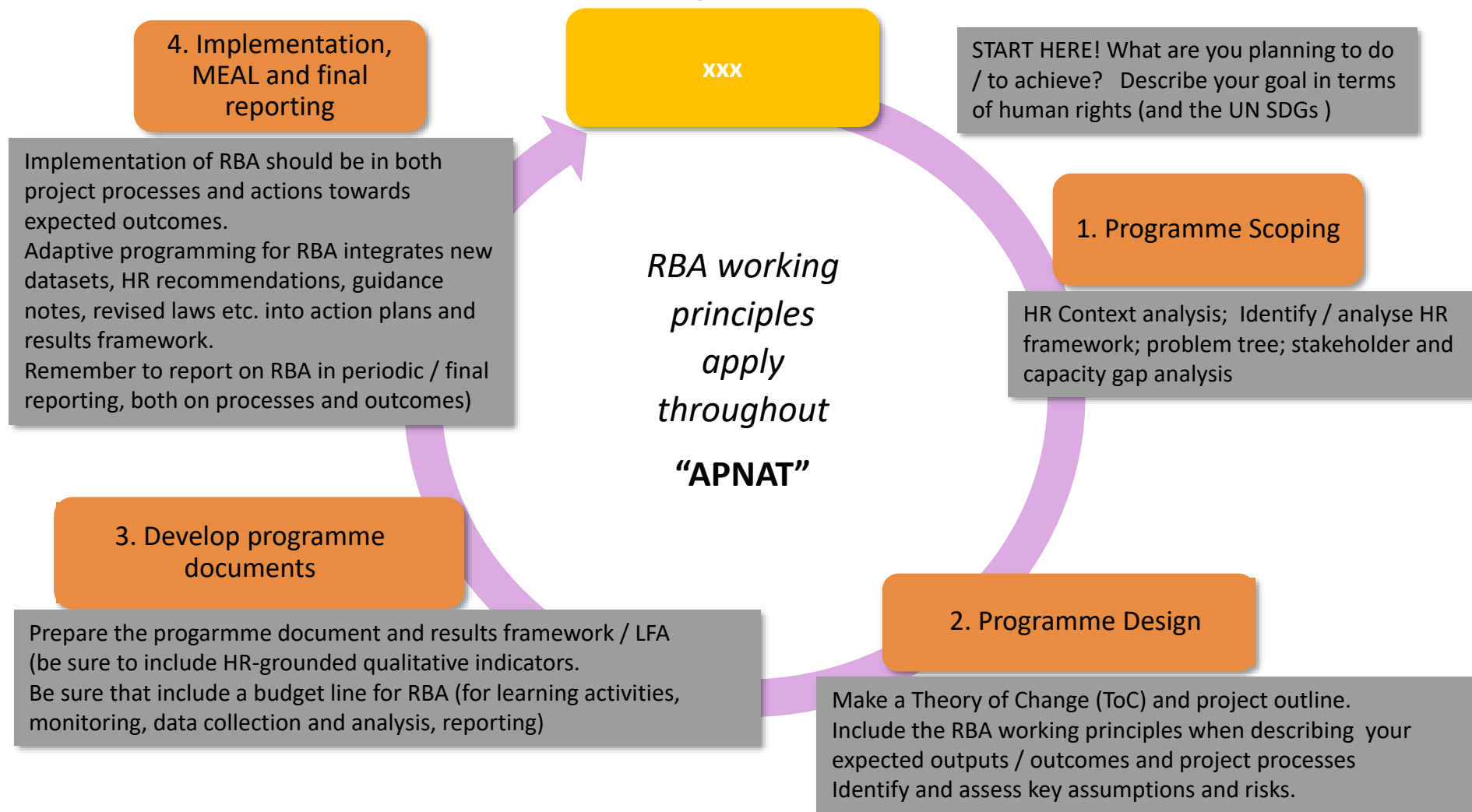
1. What **capacities** are lacking for the **rights holders** to claim their rights?
2. What **capacities** are lacking for the institutions or individuals to carry out their duties as **duty bearers**? What conflicting interests affect the duty bearers **political will** to carry out their duties?
3. What **structural barriers** (laws, cultural norms, practical obstacles, ...) prevent rights holders from effectively claiming their rights and duty bearers from performing their duties? How do the legal, policy and institutional **frameworks** affect their capacities?



# Capacity gap analysis



# Applying RBA through the project cycle



# The five RBA working principles

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