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Rights-Based Approaches to Development: Office of the High Commissioner for Human Rights

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Office of the High Commissioner for Human Rights

by Robin Richardson

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development (The Office of the High Commissioner for Human Rights).

The mission of the Office of the High Commissioner for Human Rights (OHCHR) is to “protect and promote all human rights for all and to prevent the occurrence or continuation of human rights abuses throughout the world.” The OHCHR works with governments, national institutions, civil society, and regional and international organizations in order to strengthen the United Nations human rights program. As a department of the United Nations, the OHCHR is mandated to promote and protect all rights established in the Charter of the United Nations and in international human rights laws and treaties. This includes preventing human rights violations, promoting international cooperation to protect human rights, and attempting to integrate a human rights approach within all work carried out by United Nations agencies.

In particular, the OHCHR promotes the use of a rights-based approach to development not only because it supports human rights, but is also seen as more effective, sustainable, rational and genuine than other development processes. Although there is not one well-defined, universal rights-based approach, the OHCHR says this type of approach to development must include linkage to rights, accountability, empowerment, participation, and non-discrimination and attention to vulnerable groups. The documents found under the following four categories reflect the efforts the OHCHR has taken in promoting a rights-based approach to development.

Background Resources

Jose Ayala Lasso. 1996. “Making Human Rights a Reality in the Twenty-First Century.” *Emory International Law Review*. 10(497): 497-508.

In this article the author discusses the former High Commissioner for Human Rights’ view on the role of that office in promoting human rights both within the U.N. and worldwide. It provides historical background and practical prescriptions.

Christof Heyns and Frans Viljoen. 2001. “The Impact of the United Nations Human Rights Treaties on the Domestic Level.” *Human Rights Quarterly*. 23(3): 483.

Abstract: The article focuses on the influence of the international human rights treaties of the United Nations (UN) on countries. The success or failure of any international human rights system should be evaluated in accordance with its impact on human rights practices on the domestic level. At the beginning of the new millennium, it is clear that the concept of human rights is widely. The conceptual battle is over, and the focus has shifted to the implementation of human rights. Universal ratification of the main U.N. human rights treaties might be appearing on the horizon, but ratification in itself is largely a formal, and in some cases an empty, gesture. The challenge now is to ensure that the promises contained in the treaties and affirmed through ratification

are realized in the lives of ordinary people around the world. A paradigm shift to the true customers of the system is necessary. In 1999, a study was initiated in collaboration with the Office of the High Commissioner for Human Rights to investigate the impact of the U.N. human rights treaty system worldwide and to make recommendations for their reform. The impact of the treaties on human rights practices in twenty different countries was studied by the present authors.

Rights Office of the United Nations High Commissioner for Human and Project United Nations. Staff College. 1997. Manual on human rights reporting: under six major international human rights instruments. United Nations. 9211007526.

This article reviews the literature on state reporting of human rights performance to all major instruments. It covers the purpose, structure and process of this reporting in detail.

John P. Pace. 1998. "The development of human rights law in the United Nations, its control and monitoring machinery." *International Social Science Journal*. 50(158): 499.

Abstract: This article attempts to demonstrate that the successive development of other tools, such as awareness-building approaches launched at the end of the 1980s and the face of advisory services and technical cooperation that followed, lead to a focus on the right to development and the role of the United Nations (UN) system in supporting governments to create conditions that would enable them to fulfill their international legal obligations. The adoption of the Declaration on the Right to Development by the General Assembly of the U.N. on December 4, 1986 constitutes a milestone in the evolution of the promotion and protection of human rights by the UN. The process of formulation and implementation of human rights law has the Charter and the Universal Declaration of Human Rights as its foundation. This article highlights the fact that the working methods of the treaty bodies are indeed the core mechanism in the control and monitoring machinery of the U.N. system of human rights law and that they have also developed in response to challenges arising from the overall evolution of human rights implementation. In spite of the acknowledged desire for a homogeneous approach, it is a historical fact that substantive human rights law developed in separate sectors, principally civil and political rights on one hand and economic, social and cultural rights on the other.

B. G. Ramcharan. 2005. "The Future of the U.N. High Commissioner for Human Rights." *Round Table*. 94(378): 97.

Abstract: Human rights will remain central to the future world order and to the well-being of countries across the globe. For a little more than a decade the U.N. Commissioner for Human Rights has been charged with leading the promotion and protection of human rights world-wide. The author, who was recently Acting High Commissioner after the assassination of the third holder of the office, assesses the progress made in that first 10 years and sets an agenda for future developments.

Rights United Nations Centre for Human and Rights United Nations. Office of the High Commissioner for Human. 2000. Human rights training: a manual on human rights training methodology. New York; Geneva: United Nations.

Abstract: Includes an introduction to the meaning of human rights, the United Nations human rights program, and the text of the Universal Declaration of Human Rights. Presents human rights training methodology developed on the basis of the experience gained by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Rights United Nations. Office of the High Commissioner for Human. 2005. Economic, social and cultural rights: handbook for national human rights institutions. New York: United Nations. http://www.ohchr.org/english/about/publications/docs/train12_e.pdf.

Abstract: This handbook's aim is to assist national human rights institutions in the development of policies, processes and skills to integrate economic, social and cultural rights further into their work. It examines ways in which national institutions legal mandates can be interpreted to these rights within their jurisdictions and how their functions and powers can be exercised more appropriately in their regard.

Rights United Nations. Office of the High Commissioner for Human. 2001. [Training manual on human rights monitoring](#). United Nations. 9211541379.

[This article] Describes methods and techniques for monitoring human rights performance. The [t]Target audience[s] [are]is both members of U.N. field operations and others.

Rights-Based Approaches Used by OHCHR

Andrea Cornwall and Celestine Nyamu-Musembi. 2004. "Putting the 'rights-based approach' to development into perspective." *Third World Quarterly*. 25(8): 1415.

Abstract: This paper seeks to unravel some of the tangled threads of contemporary rights talk. For some, the grounding of rights-based approaches in human rights legislation makes them distinctively different to others, lending the promise of re-politicising areas of development work--particularly, perhaps, efforts to enhance participation in development, that have become domesticated as they have been 'mainstreamed' by powerful institutions like the World Bank. Others complain that like other fashions, the label 'rights-based approach' has become the latest designer item to be seen to be wearing, and has been used to dress up the same old development. We pose a series of questions about why rights have come to be of interest to international development actors, and explore the implications of different versions and emphases, looking at what their strengths and shortcomings may come to mean for the politics and practice of development.

Department for International Development. 2005. [How to Reduce Maternal Deaths: Rights and Responsibilities](#).

This is a report intended for practitioners in the health and human rights fields. It presents starting points for the implementation both principles into programs.

Lisa VeneKlasen and Studies University of Sussex. Institute of Development. 2004. [Rights-based approaches and beyond: challenges of linking rights and participation](#). Institute of Development Studies. 1858648548.

The authors relate their experience as development and human rights practitioners to the recent trend towards rights-based development. They clarify the conceptual and practical bases of the ideas that are crucial to the convergence of human rights and development.

Human Rights v. Development Needs

Dan Bockington; Jim Igoe and Kai Schmidt-Soltau. 2006. "Conservation, Human Rights, and Poverty Reduction." *Conservation Biology*. 20(1): 250.

Abstract: The article discusses the discomfort about the relationships between conservation, human rights, and development needs. Because of its disconnection this discomfort is unproductive. In order to have a productive discussion, the authors of this article make three observations. First is the dearth of good information regarding the social impacts of protected areas. Second is the need of a conservationist to be suspicious of an exclusive focus on indigenous peoples. Lastly is the importance of understanding the ecologies of coexistence.

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Mac Darrow and Amparo Tomas. 2005. "Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation." *Human Rights Quarterly*. 27(2): 471.

Abstract: Ushered in during the 1990s in response to development failures of the structural adjustment era, human rights-based approaches to development have proliferated in recent years. Nonetheless, the rhetoric has so far not been matched by conceptual rigor, systematization of practice, or lessons-learning-shortcomings that may undermine continuing support for such approaches. This Article seeks to contribute conceptual clarity to the frequently muddy waters of rights-based approaches, addressing in particular the conceptual and practical relevance of the international human rights normative framework to development cooperation within the U.N. system. The analysis focuses upon particular niches in which a normatively rigorous model for rights-based programming seems uniquely adapted, that is to say, in addressing asymmetries of power, the phenomenon known as "elite capture," and the transformation of violent conflict. The Article concludes with a reminder of the challenges and prerequisites for the wider implementation of rights-based approaches, and of the urgency of the need for a strengthened conceptual framework for empowerment and accountability.

United Nations. Division for Social Policy and Development. 1999. [Participatory approaches to poverty alleviation in rural community development](#). United Nations. 9211301947.

This paper on poverty reduction in rural areas aims to identify the most effective policies and methods for increasing the incomes, opportunities and influence of the poor. The author also discusses reasons for emphasizing participatory approaches to rural development. The following components of successful integrated rural development strategies are described, as follows: specifically targeting the poorest groups, including women, soil conservation and land reform,

providing equitable access to basic education and health services, markets, roads and agricultural extension. The paper offers considerable evidence that participatory strategies of poverty reduction are more effective than those imposed from above.

John O'Manique. 1992. "Development, Human Rights and Law." *Human Rights Quarterly*. 14(3): 383.

Abstract: The article explores the foundations of positive law within the context of human rights and development. The author's conception of rights and law is very different from those of the positivist or realist who see law as a coercive order created by human communities to protect people from one another, and rights as entitlements granted by law. The author claims that there are some world order views which are reminiscent of the optimistic and holistic character of the earlier natural law theories. According to the author, they integrate morality, human rights and law more intimately, and provides with a universal foundation. The hypothesis that emerge from author's study is that human rights are universal and are the bases for positive law, and that rights and law are human manifestations of the propensity to develop found in all living organisms. The article examines two major approaches in understanding of rights and law--natural law theory and legal positivism--through the eyes of some of their major proponents.

Siddiqur Rahman Osmani. 2005. "Poverty and Human Rights: Building on the Capability Approach." *Journal of Human Development*. 6(2): 205.

Abstract: This paper explores the conceptual connections between poverty and human rights through the lens of the capability approach. The concept of capability can be seen as the bridge that links poverty with human rights because it plays a foundational role in the characterisation of both poverty and human rights. Once this common foundation is noted, poverty can be defined as denial of human rights. Furthermore, the capability approach also helps us to address the question of whether just any denial of human right should count as poverty or whether there should be some restriction in this regard admitting only certain cases of denial of human of rights into the domain but not others. The capability perspective suggests that the domain should indeed be restricted in some well-defined ways. Finally, the paper argues that such restriction of domain need not be inconsistent with the principle of indivisibility of human rights.

John P. Pace. 1998. "The development of human rights law in the United Nations, its control and monitoring machinery." *International Social Science Journal*. 50(158): 499.

Abstract: This article attempts to demonstrate that the successive development of other tools, such as awareness-building approaches launched at the end of the 1980s and the face of advisory services and technical cooperation that followed, lead to a focus on the right to development and the role of the United Nations (UN) system in supporting governments to create conditions that would enable them to fulfill their international legal obligations. The adoption of the Declaration on the Right to Development by the General Assembly of the U.N. on December 4, 1986 constitutes a milestone in the evolution of the promotion and protection of human rights by the UN. The process of formulation and implementation of human rights law has the Charter and the Universal Declaration of Human Rights as its foundation. This article highlights the fact that the working methods of the treaty bodies are indeed the core mechanism in the control and monitoring machinery of the U.N. system of human rights law and that they have also developed in response to challenges arising from the overall evolution of human rights implementation. In spite of the acknowledged desire for a homogeneous approach, it is a historical fact that substantive human rights law developed in separate sectors, principally civil and political rights on one hand and economic, social and cultural rights on the other.

Amartya Sen. 2005. "Human Rights and Capabilities." *Journal of Human Development*. 6(2): 151.

Abstract: The two concepts--human rights and capabilities--go well with each other, so long as we do not try to subsume either concept entirely within the territory of the other. There are many human rights that can be seen as rights to particular capabilities. However, human rights to important process freedoms cannot be adequately analysed within the capability framework. Furthermore, both human rights and capabilities have to depend on the process of public reasoning. The methodology of public scrutiny draws on Rawlsian understanding of "objectivity" in ethics, but the impartiality that is needed cannot be confined within the borders of a nation. Public reasoning without territorial confinement is important for both.

Sigrun I. Skogly. 1993. "Structural Adjustment and Development: Human Rights--An Agenda for Change." *Human Rights Quarterly*. 15(4): 751.

Abstract: This article contends that there is a relationship between development, structural adjustment, and human rights. While the international financial institutions have not yet recognized this relationship, such recognition would create potential for sustainable development which current development and financial strategies to a large extent lack. This article begins by presenting the current approaches to structural adjustment, some of the criticisms that have been raised to these approaches, and how this relates to human rights. It then discusses the legal, political, and economic reasons for including human rights in structural adjustment policies, and why the discourse of rights provides a different--and more fruitful--approach to the questions of development and structural adjustment. According to the author, to link the effects of structural adjustment to so-called non-economic factors such as social dimensions has gained recognition in the last few years. The relative failure of structural adjustment to achieve the stipulated goals has also largely been recognized, and new ways to improve efficiency are being sought. However, to link these issues to a consideration of human rights, to determine damage, but also as a way to seek improvement, is fairly new.

Emma Tomalin. 2006. "Religion and a rights-based approach to development." *Progress in Development Studies*. 6(2): 93.

Abstract: This paper is concerned with the observation that rights-based approaches to development have tended to ignore the ways in which religion and culture shape understandings of human rights. Although religious traditions often act against the pursuit of human rights, there are also areas of overlap and consensus. The first part of the paper suggests that the absence of a research agenda within development studies on 'religion and development' has meant that a significant indigenous mechanism for pursuing rights has been overlooked. Drawing upon examples from India, the second part of my discussion then asks whether a language of social justice based upon the concept of duty is more appropriate than one based upon rights.

Stephen Tully. 2006. "The Human Right to Access Electricity." *Electricity Journal*. 19(3): 30.

Abstract: Electricity access is already well established within the framework of human rights, either as an implicit attribute of a pre-existing right (such as non-discrimination or sustainable development) or explicitly in the context of eliminating discrimination against women. There is also broad acknowledgement by states of the desirability of eliminating energy poverty for all, but particularly for the rural poor, and women.

Poverty and Human Rights

Dan Bockington; Jim Igoe and Kai Schmidt-Soltau. 2006. "Conservation, Human Rights, and Poverty Reduction." *Conservation Biology*. 20(1): 250.

Abstract: The article discusses the discomfort about the relationships between conservation, human rights, and development needs. Because of its disconnection this discomfort is unproductive. In order to have a productive discussion, the authors of this article make three observations. First is the dearth of good information regarding the social impacts of protected areas. Second is the need of a conservationist to be suspicious of an exclusive focus on indigenous peoples. Lastly is the importance of understanding the ecologies of coexistence.

Ohchr. 2002. Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies. <http://www.unhchr.ch/development/povertyfinal.html>.

Abstract: This report is a set of guidelines, intended to assist countries, international agencies and development practitioners to translate human rights norms, standards and principles into pro-poor policies and strategies. In elaborating these guidelines the authors have taken up the challenge of bridging the divide between a normative approach and a development economist's approach to the concept and content of poverty. At the same time the experts have helped to clarify what a rights-based approach to development means in practice.

Ohchr. 2004. Human Rights and Poverty Reduction: A Conceptual Framework. <http://www.unhchr.ch/html/menu6/2/povertyE.pdf>.

This report by the OHCHR explains the need for an appropriate concept of poverty and the relationship between poverty and human rights. It lists the main features of a human rights approach to poverty reduction strategies.

Siddiqur Rahman Osmani. 2005. "Poverty and Human Rights: Building on the Capability Approach." *Journal of Human Development*. 6(2): 205.

Abstract: This paper explores the conceptual connections between poverty and human rights through the lens of the capability approach. The concept of capability can be seen as the bridge that links poverty with human rights because it plays a foundational role in the characterisation of both poverty and human rights. Once this common foundation is noted, poverty can be defined as denial of human rights. Furthermore, the capability approach also helps us to address the question of whether just any denial of human right should count as poverty or whether there should be some restriction in this regard admitting only certain cases of denial of human rights into the domain but not others. The capability perspective suggests that the domain should indeed be restricted in some well-defined ways. Finally, the paper argues that such restriction of domain need not be inconsistent with the principle of indivisibility of human rights.

Professor Siddiq Osmani and Professor Manfred Nowak Professor Paul Hunt. 2004. [Summary of the Draft Guidelines on a human rights approach to poverty reduction](#).

This article addresses the basis of the idea underlying the adoption of a human rights approach to poverty reduction. Essentially, the idea assumes that policies, and the institutions implementing those policies, for poverty reduction should be based explicitly on the norms and values set out in the international law of human rights. This paper first sets out the main features of a human rights approach to poverty reduction. It then explains the added value that comes

from basing poverty reduction strategies on the international human rights framework. Finally, it illustrates how this framework can be applied in operational terms by considering the implementation of the right to health as part of a poverty reduction strategy.

General Secretary. 1999. *The Role of Employment and Work in Poverty Eradication: The Empowerment and Advancement of Women.*

This report aims to demonstrate the role of employment creation in poverty eradication. It focuses on the lack of economic opportunities for the poor and inherent economic and societal biases against women.

Sigrun I. Skogly. 1993. "Structural Adjustment and Development: Human Rights--An Agenda for Change." *Human Rights Quarterly*. 15(4): 751.

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Violence Against Women

Women, Commission on the Status of. 1998. [Economic and Social Council resolution 1998/12 on critical areas of concern identified in the Beijing Platform for Action.](#)

This is a resolution adopted by the Economic and Social Council in 1998. It includes recommendations by the Council, for example actions to be taken by governments and the international community in a holistic, integrated approach. The resolution also lists which resources should be provided in order to combat violence against all women. The Council also recommends creating linkages to protect women, particular legal measures that can be taken, and how to ensure gender-sensitive justice.

2006. [INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND A GENDER PERSPECTIVE.](#)

This report focuses on the relationship between trafficking and the demand for commercial sexual exploitation. A human rights approach to trafficking is recommended.

2006. [MISSION TO LEBANON.](#)

This article focuses on the particular human rights violations women face in Lebanon, specifically concentrating on human trafficking. The author of this article recommends a human rights-based approach in order to improve conditions for women.

General Secretary. 1999. [The Role of Employment and Work in Poverty Eradication: The Empowerment and Advancement of Women.](#)

This report aims to demonstrate the role of employment creation in poverty eradication. It focuses on the lack of economic opportunities for the poor and inherent economic and societal biases against women.

Environmental Development Needs

Dan Bockington, Jim Igoe and Kai Schmidt-Soltau. 2006. "Conservation, Human Rights, and Poverty Reduction." *Conservation Biology*. 20(1): 250.

Abstract: The article discusses the discomfort about the relationships between conservation, human rights, and development needs. Because of its disconnection this discomfort is unproductive. In order to have a productive discussion, the authors of this article make three observations. First is the dearth of good information regarding the social impacts of protected areas. Second is the need of a conservationist to be suspicious of an exclusive focus on indigenous peoples. Lastly is the importance of understanding the ecologies of coexistence.

El Hadji Guisse. 2002. [Relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation.](#)

This is a resolution by the Sub-Commission on Human Rights, which discusses the right to water in light of different international agreements on water and human rights. It requests that the Special Rapporteur and member states coordinate to improve monitoring of this right.

Division United Nations Development Programme. Management Development and Governance. 1998. [Integrating human rights with sustainable human development: a UNDP policy document.](#) New York: United Nations Development Programme.

This report provides the UNDP's assessment of the general relationship between human rights and development, as well as how the UNDP can better integrate and promote human rights. It includes useful annexes on UNDP publications on governance and human rights in 1997 and features of international human rights law relevant to development.