

Frequently-Asked Questions on HRBA

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges governments (principally) and other duty-bearers to align their actions to international human rights standards.

What are
human
rights?

What is human
rights-based
approach to
development?



A human rights-based approach 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. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

According to the Office of the High Commissioner for Human Rights, the 2030 Agenda is unequivocally anchored in human rights as it is explicitly grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties and other instruments, including the Declaration on the Right to Development (para 10).

The Agenda states that the SDGs aim to “realize the human rights of all” (preamble) and emphasises “the responsibilities of all States... to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status” (para 19).

Are human
rights part
of the SDGs?

Why HRBA?

- HRBA helps to shift the framework of development away from a narrow focus on economic growth towards a more holistic appreciation of the multiple (political, social, cultural, etc.) and interrelated dimensions of human development – where development is understood as the process whereby people are able to fulfil their full potential through realizing their human rights.
- HRBA helps clarify the roles and responsibilities of individuals and groups as rights holders on the one hand, and governments and other relevant development actors as duty bearers on the other.
- Duty-bearers are accountable to rights-holders for human rights obligations under international law and codified in national legislation affirming the agency of the poor and marginalized people to chart their own destiny by empowering all people to claim their rights rather than treat them as passive recipients of aid and charity.
- Thus, HRBA requires participation from rights-holders in the decision-making processes of the duty-bearer.

HRBA is based on five legal principles

- 1** The explicit, accurate use of the international human rights framework
- 2** Participation in development decisions as a right
- 3** Empowerment as a right and a precondition for effective participation
- 4** Non-discrimination and prioritisation of groups vulnerable to human rights violations
- 5** Accountability of duty-bearers to rights-holders

Three core attributes of the human rights-based approach to development

All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.

Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

Development cooperation contributes to the development of the capacities of 'duty bearers' to meet their obligations and/or of 'rights-holders' to claim their rights

In the context of neoliberal globalization, which has imposed a standard set of liberalization, privatization and deregulation policies throughout the world, the HRBA approach becomes more important. The more neoliberal policies dominate development strategies, the more governments downplay or even deny their human rights obligations – especially in fulfilling economic, social and cultural rights – in favour of commercial or profit-oriented provision of goods and services by the private sector.

Why does HRBA matter significantly in a globalised world?

HRBA are claims that are to be enforced, for which others—duty bearers—are to be held accountable.

The HRBA underscores that governments have an obligation to establish a regulatory and policy framework that ensures access to essential services for all without discrimination. Indeed governments must see to it that nobody is deprived of such services solely because he or she is unable to pay - an increasingly globalized world, a HRBA accentuates the need for international cooperation to hold globally powerful entities to account for the social and environmental impacts of their operations.

Eight out of 24 DAC providers accounted for:

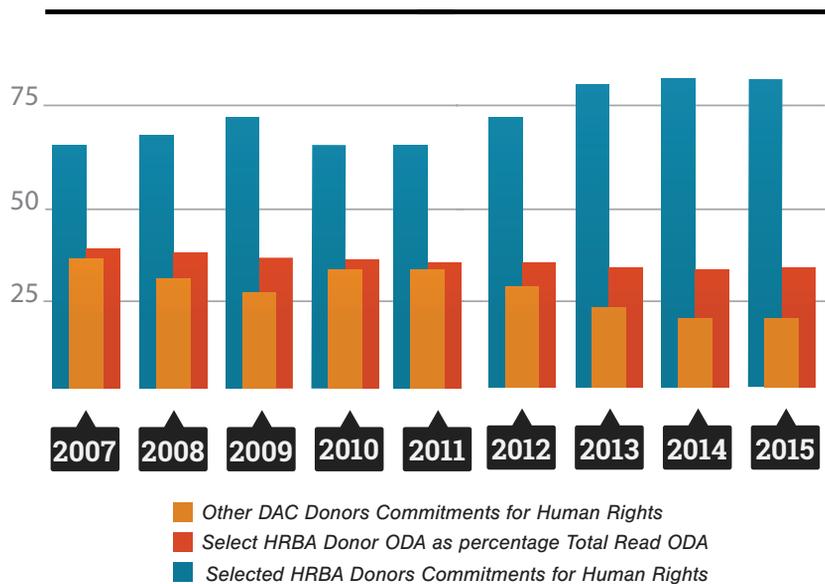


Human rights purposes



Civil society participation

Selected HRBA Donors support for human rights as a percentage of total commitments for this purpose



Source: OECD-DAC

The Committee on Economic, Social and Cultural Rights (CESCR) is unequivocal in its opinion that there are human rights obligations attached to international cooperation.

In its General Comment No. 23 (2016) on the Right to just and favourable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights):

✓ All States must take steps individually and through international assistance and cooperation, especially economic and technical, with a view to achieving progressively the full realization of the right. It is particularly incumbent upon those States which are in a position to assist others in this regard. International assistance and cooperation is a means of transferring knowledge and technology and a tool for States to maximize available resources for the full realization of Covenant rights.

✓ Where a State party is not in a position to meet its obligations to realize the right, it must seek international assistance. Depending on the availability of resources, States parties should respond to such requests by providing economic and technical assistance and technology transfer, and promoting transnational dialogue between employer and worker organizations, among other measures. Such assistance should be sustainable, culturally appropriate and provided in a manner consistent with human rights standards.

✓ Economically developed States parties have a special responsibility for, and interest in, assisting developing countries in this regard.

What obligations do development financial institutions have in implementing HRBA?

What can duty-bearers do to reinforce rights-based partnerships for sustainable development?

- Analyse human rights in the context of power relations
- Empower rights-holders, especially women and the most marginalized, and the most marginalized, by fully respecting their right to organize.
- Institutionalise participation of rights holders at all levels of governance
- Allow local actors to take the lead in defining priorities and strategies for the development agenda
- Build the capacity of duty-bearers to fulfill human rights
- Enhance transparency of development partnerships
- Conduct rights-based audits
- Improve the accountability of duty-bearers by strengthening a range of mechanisms

Sources:

- 1 The Office of the United Nations High Commissioner for Human Rights
- 2 Policy Research on the Implementation of a Human Rights-Based Approach in Development Partnerships. CSO Partnership for Development Effectiveness and IBON Partnership for International Development, January 2018