



IMPLEMENTATION CONCEPT

Human Rights-based Approach

Content

Introduction	3
Part I – HEKS-EPER’s Human Rights-based Approach to Development	
1. Why HEKS-EPER is applying the Human Rights-based Approach	5
2. HEKS-EPER values and principles as basis for applying the HRBA	7
3. HEKS-EPER’s understanding of the HRBA to development	9
3.1. Framework of Development	9
3.2. Strategic focus	14
4. Advocacy	18
5. Process markers for the realization of rights through HRBA to development	20
Glossary	22
List of Abbreviations	27
Part II – HEKS-EPER examples of working rights-based Document Part II (separate paper)	
Part III – Tools to implement the HEKS-EPER Human Rights-based Approach Document Part III (separate paper)	



Introduction

The aim of this concept paper is to define, consolidate and demonstrate the HEKS-EPER understanding of working rights-based. It further aims at defining a strategic focus in order to implement the approach in a more integrated and systematic way.

The rights-based approach to development has been already a fundamental part of HEKS-EPER's endeavors striving to ensure that all people can live in dignity. Reference to the right of people has been made, explicitly or implicitly, in numerous projects and programmes and constitutes an important part of our work. This is also clearly reflected in strategic decisions. The HEKS-EPER strategy 2008 – 2012 outlines the organization's commitment towards working rights-based with the following words:

«The rights enshrined in the Universal Declaration of Human Rights, the UN agreements on civil, political, economic, social and cultural rights, are also groundbreaking. HEKS constantly endeavours to ensure that people know their rights and are in a position to claim them. It strives to ensure that all people can live in dignity...»

HEKS-EPER as a church-based organization is looking back to a much longer history of working practice guided by participatory approaches which are framed by Christian values and

international Human Rights. These practical experiences are closely related to what is today called “Human Rights-based Approach” to development (HRBA). Thus, the concept paper is not introducing something completely new. It is rather systematizing the lessons learnt of HEKS-EPER’s practical experience and is establishing the HRBA as a core approach of our work.

The implementation concept is the heart of a comprehensive HEKS-EPER HRBA package, which consists of three separate papers:

- The implementation concept gives the basics of the HRBA and defines HEKS-EPER’s position and strategic focus. It attempts to reflect our common understanding of the Human Rights-based Approach to development. Core concepts such as accountability and equality, or intersections with our focal and transversal themes are outlined here.
- The second paper consists of HEKS-EPER examples in working rights-based. It shows how much the rights-based approach is already part of the HEKS-EPER work and identity, and shall have an inspiring effect on other projects. Additionally, it provides the basis to learn from our HRBA project experiences and to identify good practice examples. This paper constitutes a living document and will be enlarged and modified permanently.
- The last and largest paper of the HRBA package is an analysis and strategizing handbook. It shall provide very practical support in implementing the HEKS-EPER right-based approach. Here it is important to be selective and pick out the modules or tools relevant and useful in the given situation. It is imperative to adapt them to the audience and apply the conceptual models to very concrete examples of the respective context.

These three papers enable us to define and outline our common understanding of the HRBA, to put it into relations with our previous and current work, and to promote further capacity-building among us and our partner organizations thus enhancing the effects and impacts of our projects. Last but not least, the package, especially paper II and III, has to be considered as a living document which can be complemented or modified over time.



Part I

HEKS-EPER's Human Rights-based Approach to Development

1. Why HEKS-EPER is applying the Human Rights-based Approach

HEKS-EPER's motivation to implement a rights-based approach systematically to its programmes and projects stems from the organization's identity and core values. Although the churches had originally a critical position against international Human Rights because they are non-religious values, the international Human Rights are based on the values of the Jewish-Christian tradition as well as on other religions. In the HEKS-EPER annual report of 1947, religious Christian believes are linked with human dignity by highlighting that:

«Every human being is created in god's own likeness and thus every refugee every destitute poor is holding its inherent and inalienable dignity.»

Already in 1965, HEKS-EPER stated that we are not working out of gracious benevolence but out of responsibility towards equal neighbours. Every human being has rights and we are working towards the realization of the rights of the most marginalized and discriminated. The need to analyse the causes of hardships and the necessity, especially as a church-based

organization, to address injustice and its roots causes have become central to HEKS-EPER's approach ever since. This has been regularly re-confirmed and strengthened, most recently by the published leaflet about our values and core beliefs and last but not least in the daily work of HEKS-EPER (see examples in part II of the HRBA package).

Together with our values and our identity, it is HEKS-EPER's commitment for an effective and sustainable approach towards development and greater impact which leads us to apply the HRBA systemically. The roots of poverty and inequality are complex socio-political, cultural and economic structures and dynamics that exclude certain population groups. Decades of experience and numerous studies in the field of development cooperation have proven that poverty and injustice can only be reduced sustainably by enhancing structural change addressing these root causes. The provision of basic needs and security is thereby often a precondition for instigating empowerment processes, but it must be accompanied by measures targeting the root causes. Therefore, we base our efforts for the improvement of the situation of the People of our Concern on a Human Rights-based Approach. We are not aligned with any party politics, but we acknowledge the political character of our work in standing up for the respect of Human Rights and human dignity.



2. HEKS-EPER values and principles as basis for applying the HRBA

The internal debate about HEKS-EPER's concrete understanding of the HRBA to development has been initiated in the annual planning session in December 2005, whereupon a first working group has been set up. In 2007, the rights-based approach has then been taken up in the bi-annual meeting of the HEKS-EPER International Division with its representatives from Africa, Asia, Latin America and Europe. Two years later, an appreciative inquiry at the International Division Forum 2009 has built the basis for the elaboration of this implementation concept. Several patterns have been identified which constitute the basis of HEKS-EPER's approach in working rights-based.

Putting the last first – The most vulnerable

HEKS-EPER is striving to identify and empower the most vulnerable population groups. In order to make sure that development efforts are targeting those mostly in need and most vulnerable to crisis and shocks, we commit ourselves to provide the most vulnerable the necessary space for reflection and taking up action.

People are the compass – Self-determination, participation and inclusion

HEKS-EPER helps people to lead a self-determined life in dignity. This implies our dedication to assure their participation in the decision-making in project planning and implementation as

far as possible. In this regard, we are committed to work towards transparency for the people on all levels, also including transparency in decision-making processes and budget allocation. These important aspects underline our accountability towards the People of our Concern.

Armed with information, enabled and motivated to take up action – Empowerment of right holders

Injustice and vulnerability are mostly the results of Human Rights violations. In order to capacitate the People of our Concern to take action towards a sustainable realization of their rights, four preconditions have to be fulfilled. Firstly, hungry people are not in the position to think about long-term strategies but must respond to urgent needs. Therefore, providing basic services is still an important part of rights-based work. Secondly, personal security and protection from violence is imperative and requires serious efforts to be ensured. Thirdly, basic education and information on their rights and their situation is needed. And last but not least, a change of mindset and behaviour has to be induced. Many are caught in cultural patterns and systems of dependency which strongly affect the self-perception and block any initiative for change. People thus need to have a vision for their future and the necessary motivation to take up action. All these preconditions are central in enabling the People of our Concern to claim their rights and work towards change addressing the roots of injustice and poverty.

Making the powerful responsible – Accountability

HEKS-EPER aims at addressing duty bearers in order to make them understand their obligations and to hold them accountable. In these efforts, HEKS-EPER refers to legal and moral duties (see glossary). Projects shall involve the duty bearers identified from the very beginning - in the first phase to sensitise them and later on to capacitate them to fulfil their duties.

The HRBA also helps our partners involved in the delivery of basic services to have a clearer understanding of their own role in contrast to the role and responsibility of governments in guaranteeing basic services. Hence, the HRBA obliges us as donor agency and the partners as implementing agencies to reflect constantly on our own roles and our accountability in the field of development.

Together we can – alliance building

Bringing people together on various levels and facilitate their self-organization is a crucial step in the empowerment process. Thus, HEKS-EPER's programmes and projects aim at uniting vulnerable groups through adequate networking endeavours, e.g. community development activities. In addition to this, setting-up strategic alliances with specialized institutions and organizations working on international and national level (e.g. AllianceSud, Bread for all, and APRODEV) shall increase the effectiveness of our work. These strategic alliances are necessary in order to achieve complementarities and to reinforce advocacy endeavours. HEKS-EPER and partners are further benefiting of such strategic alliances by gaining access to a broader knowledge and, vice versa, being able to nourish the forums by bringing in their own experiences and lessons learnt.



3. HEKS-EPER's understanding of the HRBA to development

Today, the Human Rights-based Approach to development is applied and referred to by many different development actors (UN agencies, state agencies, Human Rights organizations, faith-based organizations, political associations etc.) on different levels and in different sectors. This brings along a certain diversity of interpretations and applications of the HRBA, as it holds true as well for other concepts and approaches. However, this makes it all the more important for an organization such as HEKS-EPER to come to a common understanding of what we mean when talking about HRBA. This implies not only to make sure that we mean the same when referring to specific terms or principles, but also that we have the same idea of what lies in our strategic focus. All in all, it shall strengthen our commitment as an organization to think and act rights-based.

3.1 Framework of Development

The Human Right-based Approach bases upon a conceptual distinction between right holders (by some called claim holders) and duty bearers and builds mainly upon the International Human Rights Framework and the respective National Legal Framework (see HRBA scheme on p. 7). Rights and human needs are closely related to each other. Rights answer human needs

which have to be addressed in order to respect human dignity. They develop continuously and are broadly democratically approved standards. Furthermore, rights express the standards for the regulation of relationship between citizens and the state, and in between citizens and communities. Measurement is thus provided by the two-way vertical relationship between the state and its citizens and the horizontal relationship between the citizens.

Legal and value frameworks

The right holders and duty bearers are identified according a given legal or value framework. A legal framework consists of legal rights and legal duties laid down in laws which can be defended before the court (e.g. state law). The (legal) duty bearer is the state and its respective institutions, because states bear the overall responsibility to respect, protect and fulfil the Human Rights. Value frameworks describe the values, norms and customs that are respected by and have an impact on the people but are not written down, thus are called non-codified laws. They are often based on religious beliefs or local customs and traditions and give every person certain rights and duties (e.g. the community chief has duties towards the community members even though he is not officially recognized by the state). This results in duty bearers with moral duties besides the existing legal duty bearers.

In a given context, several value and legal frameworks are overlapping: the Human Rights are universal and apply everywhere; further, in almost all contexts a national legal framework of a state applies; religious and traditional value frameworks are prevailing in many places too; and also development programmes or policies attribute certain rights to selected parts of the population. HEKS-EPER shall mainly refer to the framework(s) which allow(s) the most significant improvement of the situation of the People of our Concern. However, Human Rights principles or HEKS-EPER values shall always be respected and no reference to any of the chosen legal or value frameworks shall lead to violations of our values and principles such as non-violence (e.g. some local customs may not respect principles of non-discrimination or gender equality).

Right holders and duty bearers

The distinction between right holder and duty bearer is conceptual. Every person has rights and duties. A state official in the department for agriculture, for example, is in his function a duty bearer towards farmers, but at the same time he is also a right holder as a normal citizen. The farmer, on the other side, is a right holder towards the state but also a duty bearer towards his children. He has to send them to school, make sure that they are nourished, etc. Thus the empowerment of right holders shall not prevent us from making them aware of their obligations. In contrary, a well-functioning society bases upon individuals and communities who know both, their rights and their duties. Nevertheless, in relation to a specific problem and a defined legal or value framework the actors can be distinguished between right holders with rights and duty bearers with obligations. In case of an agrarian reform, e.g., the farmers are the right holders and the responsible state institutions are the duty bearers.

In order to solve the problem and realize the rights of the right holders, they must go through a process of empowerment to know, claim and realize their rights. Duty bearers, on the other hand, must be made aware and capacitated in order to assume their obligations towards the right holders. The three obligations for duty bearers are thereby defined as following:

- The obligation to **respect** requires the duty bearer to acknowledge the right and to refrain from interfering directly or indirectly with the enjoyment of the right (state shall not refuse the right to food to anyone, e.g. by taking away the right holders' necessary means to nourish themselves).
- The obligation to **protect** requires the duty bearer to take steps to prevent third parties from interfering with the enjoyment of the right (state must ensure that nobody takes away the right holders' necessary means to nourish themselves).
- The obligation to **fulfil** means to proactively engage in appropriate activities towards the full realisation of the right and to directly provide assistance or services (state must work towards guaranteeing that all the right holders have the necessary means to nourish themselves: e.g. implementation of agrarian reform, providing resources/ staff to organise the reform / land distribution etc.).

Holding duty bearers accountable does not necessarily mean to blame them and pursue a confrontational approach. In contrary, HEKS-EPER and its partners promote processes (see HEKS-EPER examples in part II) where right holders and duty bearers see an advantage in working towards the realization of the rights. This can be in the run-up of elections or related to an image campaign of a ministry, for example. Here, creativity and the use of windows of opportunity are required and shall be promoted (see brainstorming methods in part III).

Unfortunately, not all duty bearers are willing to fulfil their obligations even though they know them very well. Discrimination, exploitation, political power plays and corruption are omnipresent in our project areas. Non-violent protests and manifestations to pressure the duty bearers to fulfil their duties are legitimated and can go as far as hunger strikes (ultimate means) or land occupation. Thereby, the public media plays a central role and offers many options to multiply the effects of the activities.

In all efforts of engaging with duty bearers it is thus imperative that every taken measure has to be assessed carefully regarding the risks and consequences for the people (do no harm), plus regarding their consistency with HEKS-EPER values and principles such as non-violence (see the HEKS-EPER Advocacy Concept for Development Cooperation).

The HRBA scheme¹

Applying the Human Right-based Approach means to work according the Human Rights principles and to think in terms of processes. These principles and the particularities of the HRBA process are an inherent part of the HEKS-EPER understanding of working rights-based (see the HRBA scheme) and are described more specifically below.

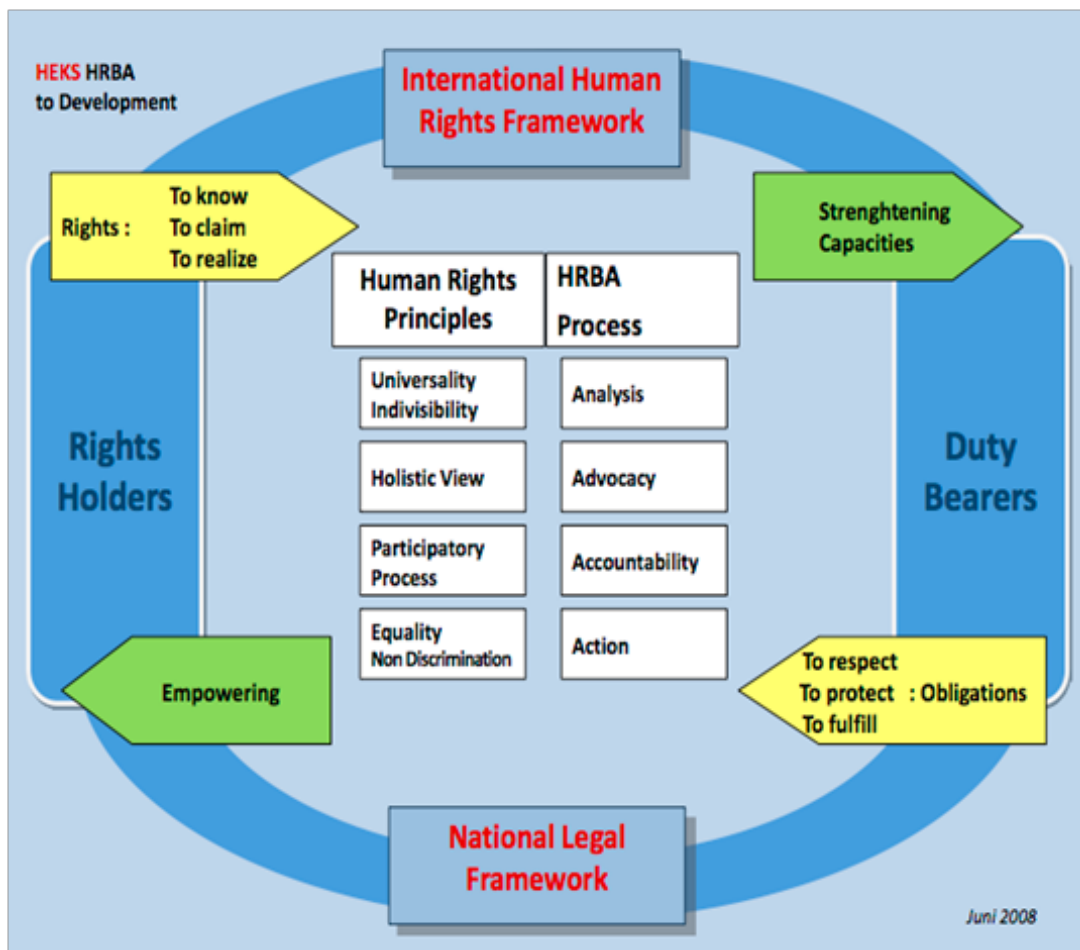
Human Rights Principles

- **Universality and indivisibility:** Human Rights are universal and indivisible. All people everywhere in the world are entitled to them. The human person cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights". Whether Human Rights of a civil, political, economic, social or cultural nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- **Holistic view and Interdependence:** The realization of one right often depends, wholly or in part, upon the realization of others. For instance, the realization of the right to food may depend, in certain circumstances, on the realization of the right to education.
- **Participatory process:** Every person is entitled to an active, free and meaningful participation in, and contribution to the realisation of its civil, economic, social, cultural and political rights. The participation and influence of the right holders in process of design, monitoring and evaluation of a project is of major importance.
- **Equality and Non-Discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their Human Rights without discrimination of any kind, such as race, color, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the Human Rights treaty bodies.

HRBA process – What does it imply?

- **Analysis:** Rights-based strategies require a solid analysis for identifying those who are excluded and discriminated, the causes for this exclusion and discrimination, and the corresponding obligations of different actors in any given context. Human Rights

1 Based upon figure of SDC and modified by HEKS-EPER.



standards serve as useful tools when analyzing the international and national contexts. It will help the design, monitoring and evaluation process of the programme and projects (see part III chapter 1 on how to conduct an analysis).

- **Advocacy:** Through advocacy, the state, private companies, multilateral institutions etc. must be challenged and/or strengthened to fulfil their obligations, based on the priorities and demands of marginalized and impoverished. It is important to relate the programme and project endeavors to relevant national, regional and international Human Right standards, instruments and mechanisms (see chapter 1.4 or the HEKS-EPER Advocacy Concept for Development Cooperation).
- **Accountability and Rule of Law:** States and other duty bearers are responsible for the adherence of Human Rights. In this regard, they have to comply with the legal norms and standards enshrined in Human Rights instruments and mechanisms. Duty bearers but also HEKS-EPER and its partners must show accountability, upwards and downwards, in all actions taken.

- **Action:** Rights-based strategies require activities to address and work with both the duty bearers as those with obligations, and the right holders as those who have rights to claim. HRBA is clearly not only a change of perspective but must absolutely lead to actions taken towards the realisation of the rights of the People of our Concern.

3.2 Strategic focus

HRBA to development – Human Rights work

HEKS-EPER is a development organization and as such working with Human Rights mechanisms is not an aim in itself but shall contribute to make our development endeavours more sustainable. Starting point of the analysis is always a problem affecting the People of our Concern, not a particular Human Right (e.g. right to education or children's rights). Applying the Human Rights-based Approach to development is to address a specific problem by referring to Human Rights or rights leading to the realization of Human Rights.

On a programme level, organizations doing Human Rights work (e.g. Human Rights Monitoring or advocating specifically for the freedom of speech) can be a central part of HEKS-EPER's country strategy if this has a positive impact on the identified problem. HEKS-EPER partners at project level shall pursue their development endeavours with a right based approach by delivering services only when combined with efforts to hold duty bearers accountable.

Enhancing discussion about the role of HEKS-EPER and its partners

HEKS-EPER and HEKS-EPER partners shall hold a discussion about the understanding of personal roles and self-perception. Our role as facilitator includes being moral duty bearer towards the People of our Concern, as well as, being right holder as a registered organization towards legal duty bearers. Nevertheless, without neglecting our downward accountability towards the People of our Concern, it is important to make clear that HEKS-EPER and its partners should not be held accountable for basic service provisions which are clearly the duty of the state.

Legal duties and moral duties

Applying the HRBA implies to address legal duties, anchored in a legal framework such as the national law, and moral duties, e.g. duties of the church. HEKS-EPER and its partners shall address the duties and respective duty bearers which have the biggest potential to lead towards a sustainable improvement of the situation of the People of our Concern.

The overall responsibility for meeting Human Rights obligations rests with the state. This responsibility includes all the organs of the state such as parliaments, ministries, local authorities, judges and justice authorities, police, teachers or extension workers. All these are legal duty bearers. In cases where the legal framework, such as a specific law or policy, is well elaborated

and provides good opportunities to improve the situation of the right holders, working on holding the respective legal duty bearers accountable is often a very effective strategy. Legal duties are more tangible and belong to a codified legal framework, what makes it more promising in claiming the fulfilment of these duties.

Nevertheless, in various situations the reference to moral duties and holding accountable the moral duty bearers can be equally or even more effective than only referring to legal duties. Sometimes in remote areas, non-codified law has a greater impact on the reality of the People of our Concern than codified law which has been set up by a faraway government. Moral duties thereby offer additional reference to support the most vulnerable. It is thus important to not only focus on legal duties but to keep the moral duties and the respective duty bearers in mind.

Adaption and simplification according the context

HEKS-EPER has programmes in various different socio-political contexts, from countries with an active and well-developed civil society to countries suffering under the control of repressive regimes. The way the HRBA is introduced and/or applied must be assessed and adapted according to the specific context and its particularities (see chapter 5 b) in part I). In some cases, HEKS-EPER and its partners must be more cautious to not put themselves at risk and might therefore adapt the terminology to the context. Nevertheless, the shift of mindset towards empowering the People of our Concern as right holders and holding the duty bearers accountable should be promoted constantly and realized in the projects and programs as far as the context allows. Where the work of HEKS-EPER and its partners is being abused for purposes which deeply contradict and undermine our values, and right holders can only be supported through a long-term effort in empowerment, HEKS-EPER must reflect critically about its own role. If through our work we are strengthening unjust power structures, a phase out has to be considered.

Where partners risk to be overstrained by the shift to the new approach with its particular perspective and terminology, terms and concepts shall be explained in an way which is easy to understand. Therefore, the assessment of the partners' knowledge in working rights-based constitutes an important step. Introduction and capacity-building measures can then respond effectively to the partners' capacities.

Conflict sensitivity in working rights-based

HEKS-EPER and its partners pursue a non-violent and constructive conflict culture in their work towards change. However, being advocate for the most vulnerable and addressing the root causes of inequality and discrimination means challenging power holders. This provokes resistances, brings up conflicts on the surface and might increase tensions between various actors. Advocacy activities such as demonstrations, support in judicial processes etc. are uncomfortable for power holders who often react with threatening or using physical violence. It

is important that we and our partners are aware of the potential impact these activities and resource allocation might have on power structures and dynamics as well as on existing and potential conflicts. Additionally, we have to reflect on implicit ethical messages we send out by our actions and behaviour. How are we and our partners perceived due to our current or former engagement (e.g. churches in the Balkan). A regularly updated analysis of the context is imperative. Negative effects shall be avoided and security threats on the People of our Concern, our partners and HEKS-EPER itself shall be minimized. Nonetheless, “do no harm” shall not be understood in a way that every strategy causing a risk must be avoided.

Synergies with mainstreaming gender equality

HEKS-EPER promotes the consequent implementation of the strategy of gender mainstreaming in all the projects and country programs. Mainstreaming gender equality and the HRBA to development are often seen as two parallel approaches to development requiring different methods of implementation. Yet, they derive from the same social justice roots and have much in common: both rely on an analytical framework (different experiences and roles of men and women – normative framework based on rights and duties), both tackle power imbalances and call attention to the impact and sustainability of activities, as well as to the importance of empowerment, inclusion and participation in decision-making. Following one approach alone may ignore important aspects of the other. For example, supporting agricultural improvement to realise the right to food without assessing the gendered roles of peasant farmers may overlook women’s rights to equality. Human Rights violations of women that occurred in the private sphere of relations between individuals were for long not acknowledged. It is therefore advisable to combine the two methods, which are complementary and mutually reinforcing.

HRBA – Development of Rural Communities (DevRC) – Peace Promotion and Conflict Transformation (PCT)

HEKS-EPER experiences made, show the importance of considering the inter-linkages between the HRBA, DevRC and PCT. HRBA applies on both focal themes, development of rural communities and peace promotion and conflict transformation. The Human Rights perspective, for example, is central in conflict prevention as well as in conflict transformation: “A Human Rights perspective on (violent) conflicts emphasises inequality, inequity, injustice and insecurity as structural conditions underpinning violent conflicts. It highlights the nature and functioning of state institutions and systems of governance as pivotal in understanding protracted social conflicts.”²

The two focal themes are also strongly interdependent from each other. On the one side, the development of rural communities plays a major role in preventing violence if done in a

² Citation: Parlevliet M., 2009, Rethinking Conflict Transformation from a Human Rights Perspective, p. 8, on <http://www.berghof-handbook.net>

conflict sensitive manner, and on the other side, the development of rural communities is only possible and sustainable in an environment where conflicts are managed peacefully. The realization of the rights of the People of our Concern depends heavily on the conflict situation, may it be in terms of their physical security or the necessary stability for economic survival. The rights-based approach is an effective instrument in both efforts and shall therefore be considered as inherent part of DevRC and PCT and their inter-linkages.

Useful approach to deal with complex living systems

The HRBA promotes constant analysis and reflection on the context and its dynamics. We are permanently looking at the complexity of structures and relationships within and between the communities, state institutions etc. and our own role. Analysis, self-reflection and flexibility are inherent to the rights-based approach which makes it a useful approach to deal with complex living systems such as rural communities. It is not anymore about change on a project level, but we look at the bigger picture and pursue strategies to enhance change on a societal level. In short, the strengthening of our capacities in working rights-based goes hand in hand with HEKS-EPER's Change Monitoring System and the reflections and initiatives about how to deal with complexity.



4. Advocacy³

Advocacy is crucial for right holders in claiming their rights and holding duty bearers accountable and thus intrinsic part of the concept of a Human Rights-based Approach (HRBA) to development. The HEKS-EPER Advocacy Concept for Development Cooperation elaborates the role of advocacy in our work in detail. Therefore, this chapter just gives a short overview on our understanding of advocacy.

Under advocacy we understand organized efforts by citizens to influence the formulation and implementation of public policies and programmes by persuading and pressuring state authorities, international financial institutions, and other decision-makers. Influencing actors or holding duty bearers accountable might be found at different levels and according to circumstances. Most probably a multi-level approach from the municipal level up to the international level will be required.

Advocacy efforts vary widely in scope, intensity and impact. Besides the advocate's capacities and objectives, these variables depend strongly on the working context. Methods and activities, but also expectations regarding the results, differ significantly between advocacy

³ Based on the HEKS-EPER Advocacy Concept for Development Cooperation.

efforts undertaken in functional democratic states and those in failed states. Advocacy work under, or against, a restrictive regime cannot be dealt with the same way as advocacy work in a democratic state with a lively civil society and a well-functioning legal system. The scope of action is limited and the security of partners and local people requires increased attention. An ongoing conflict sensitivity monitoring and risk assessment is therefore crucial. Through international observers and links into international networks this obstacle can be counteracted to some extent.

HEKS-EPER as a development agency acknowledges the importance of advocacy work as complementary to its development programmes. HEKS-EPER is indeed convinced that advocacy activities can strengthen the sustainability and effectiveness. It is however important to state that HEKS-EPER primarily understands itself as a development agency and not as a Human Rights organization. This understanding has following implications on the significance of advocacy in our programmes.

- Advocacy is a possible component of HEKS-EPER country programmes –not the other way around. Our core business is development work and advocacy may be a part of it wherever needed and meaningful. Advocacy must not necessarily be mainstreamed into all HEKS-EPER programmes.
- Advocacy is linked to our country programmes and the related projects. Impulses and agenda for advocacy emerge in partnership between HEKS-EPER and its partners. Advocacy issues are primarily rooted in partners' initiatives. We may act as a facilitator and interceder for partners' advocacy endeavours or join the agenda of international networks.
- HEKS-EPER may take up in Switzerland advocacy initiatives only if those are complementary to the partners' endeavours and rooted in the projects in line with the HEKS strategy we are supporting. Furthermore, such activities shall avoid compromising the security of involved partners and People of our Concern.



5. Process markers for the realization of rights through HRBA to development

Process markers for societal change

The process markers, or milestones, below provide the bigger picture of change from a rights-perspective. It is necessary for the long-term monitoring and evaluation of rights-based initiatives to have these milestones in mind. It is not to be understood as a linear process, in contrary it contents also backlashes.

Rights-based monitoring and evaluation ask new questions but, where possible, use existing monitoring and evaluation instruments and mechanisms. HEKS-EPER and its partners thus continue to monitor and evaluate their work with familiar tools and approaches of the respective domain. Advocacy actions, for example, are monitored and evaluated in regard to their contribution to the realization of the People of our Concern's rights, but with the help of indicators and methods already used in the field of advocacy evaluation.

The Change Monitoring System of HEKS-EPER plays a crucial role therein. The realization of rights can be assessed by looking at the changes which really have an impact on people's life. Vice versa, the degree of realization of rights is central in assessing the impact. Therefore, the degree of realization of rights builds part of the Change Monitoring System and lists among the indicators (see HEKS-EPER's Change Monitoring System).

Specific operational questions and instruments regarding rights-based monitoring and evaluation will be elaborated in the medium-term. At present the process markers below allow to understand the long term processes of rights-based approaches and to put the achieved change into relation to each other.

Right holders are empowered

- Basic conditions concerning protection, economic capacity, educational capacity, health capacity and gender equality allow the most vulnerable groups to reflect their situation and take up action.
- Right holders have been able to analyze their situation and know their rights.
- Necessary data is collected and a strategy to claim their rights is developed.
- Increased numbers of right holders take up action and claim their rights.

Public Awareness raising: Community and civil society movements become active

- Alliances are built and their work is supported by networks.
- The problem is made visible and discussed in public discourse (and media).
- Not fulfilled rights are known by the public.
- Injustice and discrimination are understood and felt by wider parts of the society and underlying power structures are questioned.
- Entry points in order to institutionalize entitlements into policy development are identified and activated.

Duty bearers are motivated to support the process

- Duty bearers accept and understand their duties.
- Duty bearers are trained and equipped with necessary competencies to act.
- Duty bearers are able to deal with resistances and take up action.

Structures and policies are changed and contribute towards the realization of the rights of the most vulnerable

- Policies and laws are drafted.
- Policies and laws are implemented.
- Communities and civil society are strengthened, actors on all levels are addressed and values of justice and non-violence are internalised.

Glossary⁴

ACCOUNTABILITY: States and other duty bearers are accountable and must act within the rule of law. They are answerable for the observance of Human Rights. They have to comply with the legal norms and standards enshrined in Human Rights instruments.

ADVOCACY: organized efforts by citizens to influence the formulation and implementation of public policies and programmes by persuading and pressuring state authorities, international financial institutions, and other decision-makers.

CIVIL AND POLITICAL RIGHTS: The rights of citizens to liberty and equality; sometimes referred to as 'first generation rights'. Civil rights include freedom to worship, to think and express oneself, to vote, to take part in political life, and to have access to information.

COLLECTIVE RIGHTS: The rights of groups to protect their interests and identities.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) (adopted 1979; entered into force 1981): The first legally binding international document prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women.

CONVENTION ON THE RIGHTS OF THE CHILD (CRC) (adopted 1989; entered into force 1990): Convention setting forth a full spectrum of civil, cultural, economic, social and political rights for children. Since its adoption, it has been ratified more quickly and by more governments than any other Human Rights instrument.

DEVELOPMENT ORGANIZATION: are organizations aiming at eradicating poverty and promote sustainable development. Their work is closely linked to the one of Human Rights organization but they see the reference to Human Rights more as a mean to eradicate poverty and inequality than an aim in itself.

DUTY BEARERS: Duty bearers are the actors collectively responsible for the realization of Human Rights. Those who bear duties with respect to a Human Right are accountable if the right goes unrealized. When a right has been violated or insufficiently protected, there is always someone or some institution that has failed to perform a duty.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS: These rights relate to the conditions necessary to meet basic human needs such as food, shelter, education, health care, and gainful employment. They include the rights to education, adequate housing, food, water, the high-

4 Source: Child Rights' Information Network <http://crin.org/resources/infoDetail.asp?ID=4709&flag=report> and UNDP / OHCHR, Methodology and tools for Human Rights-based Assessment and Analysis, see <http://hurilink.org/tools/MethodologyandToolsforHRBAssessmentand-Analysis-BiH.pdf> .

est attainable standard of health, the right to work and rights at work, as well as the cultural rights of minorities and indigenous peoples.

ENVIRONMENTAL, CULTURAL AND DEVELOPMENTAL RIGHTS: Sometimes referred to as third generation rights, these rights recognize that people have the right to live in a safe and healthy environment and that groups of people have the right to cultural, political, and economic development.

FULFILL: Obligation of duty bearer to take appropriate steps, through legislation, policies, budgetary allocations and other measures, to promote the realization of the rights (within available resource constraints and ability).

HUMAN RIGHTS: These are the rights possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity. Human rights are universal, inalienable and indivisible. The idea of Human Rights as **inalienable** means that it is impossible for anyone to abdicate their Human Rights, even if he or she wanted to, since every person is accorded those rights by virtue of being human. It also means that no person or group of persons can deprive another individual of her or his Human Rights. The **indivisibility** of Human Rights means that none of the rights considered to be fundamental Human Rights are more important than any other; they are inter-related. These rights express our deepest commitments to ensuring that all persons are secure in their enjoyment of the goods and freedoms that are necessary for dignified living.

HUMAN RIGHTS ORGANIZATION: Human Rights organizations are dedicated to protect Human Rights and to bring offenders to justice. They investigate and expose Human Rights violations and hold abusers accountable. Human Rights monitoring and advocacy for the realization of Human Rights are their core business, mostly with a strong focus on civil and political rights.

HUMAN RIGHTS PRINCIPLES: A set of principles that when upheld will promote the full realization of Human Rights (see p. 8).

HUMAN RIGHTS STANDARDS: The international legal codes that express legally binding interpretations of Human Rights articles and to which all ratifying states have agreed to adhere.

HUMAN RIGHTS TREATIES, COVENANTS AND CONVENTIONS: are part of international law. Used interchangeably, treaty, covenant and convention refer to legally binding agreements between states. These agreements define the duties of states parties to the treaty, covenant or convention. They apply in times of peace and conflict. Human Rights treaties regulate obligations of states towards persons in their own territory (rather than towards other states). Even though the Universal Declaration of Human Rights is not a convention, it has become 'common law' and is now considered legally binding for all states.

HUMANITARIAN LAW: (Geneva Conventions) rules the behavior of states and other combatants in armed conflicts. It clarifies obligations between states, e.g. on: hijacking, nuclear weapons, airspace, extradition, laws ruling the behavior of parties in armed conflict.

INALIENABILITY: Human Rights are inalienable: they cannot be taken away by others, nor can one give them up voluntarily.

INDIVISIBILITY: Human Rights are indivisible in two senses. First, there is no hierarchy among different kinds of rights. Civil, political, economic, social and cultural rights are all equally necessary for a life of dignity. Second, some rights cannot be suppressed in order to promote others. Civil and political rights may not be violated to promote economic, social and cultural rights. Nor can economic, social and cultural rights be suppressed to promote civil and political rights.

INTERDEPENDENT: Refers to the complementary framework of Human Rights law. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

INTERNATIONAL BILL OF HUMAN RIGHTS: The combination of the Universal Declaration Of Human Rights (UDHR), the International Covenant On Civil and Political Rights (ICCPR) and its optional Protocol, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR): Adopted in 1966, and entered into force in 1976. The ICCPR declared that all people have a broad range of civil and political rights.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR): Adopted in 1966, and entered into force 1976. The ICESCR declares that all people have a broad range of economic, social and cultural rights.

LEGAL DUTIES: Legal duties are duties imposed by formal legal rules. Legal duties are distinct from moral duties, since when a duty bearer does not fulfill its duties and a legal right is violated, there may be consequences under the law. A legal duty is usually imposed by some type of formal written law, whether it is laws made by state, statutes etc.

LEGAL FRAMEWORK: A legal framework consists of rights and duties laid down in laws which can be defended before the court.

LEGAL RIGHTS: Rights that are laid down in law and can be defended and brought before courts of law.

MORAL DUTIES: Moral duties based on an existing value framework but are not necessarily considered as legal duties. For example, in most national legal frameworks, there is no legal

duty to provide aid or care to another person in need. Representatives of church, however, have the moral duty to take care of persons in need.

MORAL RIGHTS: Rights that are based on value frameworks (see below) and are not necessarily part of an existing legal framework. They are often but not always based on religious beliefs and traditions.

NONBINDING: A document, like a declaration, that carries no formal legal obligations. It may, however, carry moral obligations or attain the force of law as International Customary Law.

PROTECT: Obligation of a duty bearer to ensure that non-state actors and other third parties are respecting the rights of others.

REALIZATION of Human Rights: A Human Right is realized when individuals enjoy the freedoms covered by that right and their enjoyment of the right is secure. A person's Human Rights are realized if sufficient social arrangements are in place to protect her/him against threats to her/his enjoyment of the freedoms covered by those rights.

RESERVATION to a treaty (covenant, convention) indicates that a state party does not agree to comply with one or more of its provisions. Reservations are, in principle, intended to be used only temporarily, when states are unable to realize a treaty provision but agree in principle to do so.

RESPECT: Obligation of the duty bearer to refrain from interfering with the exercise of the right or refrain from committing violations.

RIGHT HOLDERS: Every human being is born with inalienable and universal rights, the Human Rights. Thus, every woman, man, girl and boy is a right holder of the Human Rights. Regarding another specific legal or value framework, however, a clear distinction between right holder and duty bearer can be made where the right holder can claim his rights and hold the duty bearer accountable to respect, protect and fulfil his rights.

RULE OF LAW: The Human Rights principle that the law is absolute and must be obeyed by all members of a particular community.

STRUCTURAL CHANGE: A societal change that does not only happen on the superficial or symptom level but which changes deeply rooted realities of a society. Addressing root causes of inequalities and conflicts means thus to initiate change on a structural level of the society.

VALUE FRAMEWORK: Describes the values, norms and customs that are respected by the people but are not necessarily written down in a codified form of law. They are often based on religious beliefs or local customs and traditions (non-codified forms of law) and give every person certain rights and duties (e.g. the community chief has duties towards the community members even though he is not officially recognized by the state).

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR): Adopted by the General Assembly on December 10, 1948, and is the primary UN document establishing Human Rights standards and norms. All member states have agreed to uphold the UDHR. Although the declaration was intended to be nonbinding, through time its various provisions have become so respected by States that it can now be said to be Customary International Law.

UNIVERSALITY: Human Rights belong to all people, and all people have equal status with respect to these rights. Failure to respect an individual's Human Right has the same weight as failure to respect the right of any other – it is not better or worse depending on the person's gender, race, ethnicity, nationality or any other distinction.

List of Abbreviations

APRODEV	Association of World Council of Churches Related Development Organizations in Europe
CARP	Comprehensive Agrarian Reform Program
CESCR	Committee on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DAR	Department of Agrarian Reform
DevRC	Development of Rural Communities
HRBA	Human Rights-based Approach
PASEDP	Poverty Alleviation and Accelerated Development Program
PCT	Peace and Conflict Transformation
PRA	Participatory Rural Appraisal
SDC	Swiss Development Cooperation
SWOT	Strength-Weakness-Opportunity-Threats
TFM	Task Force Mapaland
UAW	Useful to Albanian Women
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
WCCH	Women Competence and Culture House

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