"There is virtually no aspect of our work that does not have a human rights dimension."

Ban Ki-moon, Secretary-General of the United Nations

Applying a Human Rights-Based Approach to Development Work in Rwanda

A practical handbook to guide UN Agencies and Implementing Partners of UN Projects

For more information and resources on this subject, and to inquire about support and training on HRBA for your projects please contact:

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Increasingly people are now seeing that a clean and healthy environment is essential to the realization of basic human rights. Several regional human rights charters now contain an explicit reference to the right to a clean and healthy environment.

The right to a clean and healthy environment

As we embark on implementing the new UNDAP, I would like to remind all that the Human Rights-Based Approach to Development is an integral part of the Delivering As One in Rwanda. I urge agencies and our implementing partners to incorporate it in all their different initiatives, in order to contribute to Rwanda’s development in a holistic and comprehensive manner.

Message from the UN Resident Coordinator

Lamin Manneh
Resident Coordinator of the United Nations in Rwanda
INTRODUCTION

The United Nations is founded on the principles of peace, justice, freedom and human rights. The Universal Declaration of Human Rights recognizes human rights as the foundation of freedom, justice & peace. The unanimously adopted Vienna Declaration and Programme of Action of 1993 states that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

In the UN Programme for Reform that was launched in 1997, the Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes within the framework of their respective mandates.

Since then most UN agencies have adopted a human rights-based approach to their development cooperation and have gained experiences in its operationalization. But each agency has tended to have its own interpretation of approach and how it should be operationalized. However, UN interagency collaboration at global and regional levels, and especially at the country level in relation to the Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF) processes, requires a common understanding of this approach and its implications for development programming. This handbook attempts to arrive at such an understanding on the basis of those aspects of the human rights-based approach that are common to the policy and practice of the UN bodies that participated in the Interagency Workshop on a Human Rights based Approach in the context of UN reform 3-5 May, 2003.

This Statement of Common Understanding specifically refers to a human rights-based approach to the development cooperation and development programming by UN agencies and implementing partners.
Rwanda is a signatory to many international and regional human rights treaties. Below is the status of ratification by Rwanda of Core Human Rights conventions:

<table>
<thead>
<tr>
<th>Convention</th>
<th>Status</th>
<th>Date</th>
<th>Monitoring Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Covenant on Civil and Political Rights (ICCPR-1966)</td>
<td>Ratified</td>
<td>1975</td>
<td>CCPR/ HRC</td>
</tr>
<tr>
<td>International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-1984)</td>
<td>Ratified</td>
<td>2008</td>
<td>CAT</td>
</tr>
<tr>
<td>International Convention on the Protection of the Rights of All Migrant Workers or Members of their Families (ICRMW)</td>
<td>Ratified</td>
<td>2008</td>
<td>ICRMW</td>
</tr>
<tr>
<td>International Convention on the Prevention of Enforced Disappearances (CPED)</td>
<td>Pending</td>
<td></td>
<td>CPED</td>
</tr>
<tr>
<td>International Convention on the Rights of Persons with Disabilities CRPD</td>
<td>Ratified</td>
<td>2008</td>
<td>CRPD</td>
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</tbody>
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The Common Understanding:

1. 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.

2. 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.

3. 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.

Explanation

1. 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. A set of programme activities that only incidentally contributes to the realization of human rights does not necessarily constitute a human rights-based approach to programming. In a human rights-based approach to programming and development cooperation, the aim of all activities is to contribute directly to the realization of one or several human rights.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments should guide all development cooperation and programming in all sectors and in all phases of the programming process. Human Rights principles guide programming in all sectors, such as: health, education, governance, nutrition, water and sanitation, HIV/AIDS, employment and labour relations and social and economic security. This includes all development cooperation directed towards the achievement of the Millennium Development Goals and the Millennium Declaration. Consequently, human rights standards and principles guide both the Common Country Assessment and the UN Development Assistance Framework. Human rights principles guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design (including setting of goals, objectives and strategies); implementation, monitoring and evaluation. Among these human rights principles are: universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law.

At what stage in my project do I need to ensure I incorporate a Human Rights-Based Approach?

At every stage!

• At the conceptualization stage
• At the planning stage
• At the implementation stage
• At the evaluation stage
• At the reporting stage
Universality and inalienability: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere 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”.

Indivisibility: Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked in a hierarchical order.

Inter-dependence and inter-relatedness. The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.

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, colour, 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.

Participation and inclusion: Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.

Accountability and rule of law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments.

HOW DO I KNOW MY PROJECT INCORPORATES A HUMAN RIGHTS-BASED APPROACH?

Below is a suggested HRBA Checklist for UN programme managers and implementing partners

- Is there any human rights treaty or instrument relevant to the work of this Programme or project?
- Do all members of the community served by this project understand they have a right to this service?
- Does the Government feel it has an obligation to provide this service to its people?
- Are there any issues preventing equal access of the service being provided?
- Are there mechanisms to ensure the people have a say on the decisions affecting them regarding the implementation of this project?
- Are there people in the community likely to be discriminated against in the enjoyment of this service, e.g. people with disabilities, women or children?
- Is there enough information to the public in the affected area regarding their entitlement to this service?
- Are there mechanisms by which people with concerns about the project can voice these concerns?
3. Programmes of development cooperation contribute to the development of the capacities of duty-bearers to meet their obligations and of ‘rights-holders’ to claim their rights.

In a HRBA human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty-bearers). It identifies rights-holders (and their entitlements) and corresponding duty-bearers (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations.

**Implications of A Human Rights Based Approach to Development Programming of UN Agencies**

Experience has shown that the use of a human rights-based approach requires the use of good programming practices. However, the application of “good programming practices” does not by itself constitute a human rights-based approach, and requires additional elements. The following elements are necessary, specific, and unique to a human rights-based approach:

1. Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.
2. Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfill their obligations. They then develop strategies to build these capacities.
3. Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.
4. Programming is informed by the recommendations of international human rights bodies and mechanisms.

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**Question:**
I am working as an implementing partner for UN HABITAT, an agency that works on housing. How does my work relate to human rights?

**Answer:**

Your work involves human rights in many ways: The right to adequate housing is a fundamental human right. Although it may seem that the issue of housing is a private matter for individual citizens, in fact that right is recognised under international human rights law; the right also contains freedoms such as:
- Protection against forced evictions and arbitrary destruction and demolition of one’s home.
- The right to be free from arbitrary interference with one’s home, privacy and family.
- The right to choose one’s residence, to determine where to live and freedom of movement.

Therefore understanding the Human Rights-Based Approach helps you succeed more in your work.
I am a UN Staff member in charge of a health programme. The project aims at improving health services to impoverished populations in the Southern part of Rwanda, and one of the deliverables of the project is the construction of dispensaries in this part of the country. How is this handbook relevant to me?

Answer

This handbook is relevant to you too. The right to health is a fundamental human right. The 1946 Constitution of the World Health Organisation (WHO) says: “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction to race, religion, and political belief, economic or social condition”. In addition the Universal Declaration of Human Rights also mentions health as part of the right to an adequate standard of living (Article 25).

Other elements of good programming practices that are also essential under a HRBA, include:

1. People are recognized as key actors in their own development rather than passive recipients of commodities and services.
2. Participation* is both a means and a goal.
3. Strategies are empowering, not disempowering.
4. Both outcomes and processes are monitored and evaluated.
5. Analysis includes all stakeholders.
6. Programmes focus on marginalized, disadvantaged and excluded groups.
7. The development process is locally owned.
8. Programmes aim to reduce disparity.
9. Both top-down and bottom-up approaches are used in synergy.
10. Situation analysis is used to identify immediate, underlying, and basic causes of development problems.

Elements of good programming practices under a HRBA should also include the following: (i) in order to reach the most hard to reach, it is critical to collect the data to shed light on the vulnerable population. HRBA should be based on hard evidence; (ii) Capacity building of rights holders and duty bearers should be placed as a core strategy of HRBA; (iii) In order to realize human rights, the UN needs to take more integrated approach and strengthen its engagement with other Human Rights Mechanisms.

*One practical way to ensure that the principle of participation is applied is through the use of volunteerism/involvement of benefiting communities into programmes and projects. This could be through the use of community volunteers in the implementation of projects and for the dissemination of information related to the project within the community or through participative planning, monitoring and evaluation of projects. This would ensure that communities and individuals, especially the most vulnerable, go from being passive recipients of aid to effective and empowered rights owners actively demanding and contributing to the realization of their rights.
A human rights based approach (HRBA) serves to analyze the underlying causes of development challenges, whereby human rights standards define gaps of concerned duty-bearers and needs among affected rights-holders, particularly the most vulnerable and marginalized. It is a people centered approach to development, complementing the Millennium Development Goals by strengthening support for the principles of non-discrimination, indivisibility of rights and the rule of law in poverty reduction efforts. UN agencies share a common understanding of the HRBA and apply them in development assistance programmes all over the world, including Rwanda.

What does a “Human Rights Based Approach” mean?
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What is a human rights treaty?
A human rights treaty or convention is a legally binding agreement between States to uphold certain standards at national levels. States only become parties to a treaty or convention if they voluntarily accept its terms and conditions. If so, they assume obligations to take various steps to give effect to the human rights standards enshrined therein. For instance, the Universal Declaration of Human Rights (UDHR) is not a legally binding treaty, however, the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights have turned the standards of the UDHR into two legally bindings conventions, and Rwanda has voluntarily acceded to both as well as to many others. Each human rights treaty has a committee of independent experts attached to it. The committee monitors the implementation of the treaty at national levels through requesting reports from States and responding by means of Concluding Observations outlining progress and concerns for the State.

Access to water is also recognised as a human right. International human rights law contains specific obligations related to access to safe drinking water. These obligations require states to ensure everyone’s access to a sufficient amount of safe drinking water for personal and domestic use. The obligations also require states to ensure access to adequate sanitation, and to protect the quality of drinking-water supplies and resources.

So in implementing your project, you have to approach the work with the knowledge that you are helping people access a right, not just doing work of charity. And because you are dealing with a right, you have the responsibility and duty to ensure that there is no discrimination in the enjoyment of the right. This means everyone in the community should be entitled to equitable access. You have to make sure that decision-making on who has the access to this food or water is transparent, and that it involves the population your project is serving. You need also to make sure that you involve people who may be marginalised, for example disabled persons within the community. For example, if you install a water pump for a village but that pump cannot be accessed by people with disabilities, then you are not providing “equitable” access to all, and you may be inadvertently promoting discrimination in access to services. A human rights-based approach enables you to serve everyone equally, and without discrimination, and makes your work successful and acceptable to the local population. So yes, this handbook applies to you even if you do not consider your project as a “human rights project”.

This handbook is therefore important for all UN Staff and our implementing partners in ensuring the success and sustainability of our work. If we all adopt a human rights based approach in implementing our project, we are more likely to succeed and the impact of our project will be greater and more holistic.
IN PRACTICAL TERMS...

.... HOW DO WE INCORPORATE A HUMAN RIGHTS-BASED APPROACH IN OUR WORK IN RWANDA?

Question:
I am an implementing partner in a project supported by the United Nations. But my project involves food and water distribution to schools and poor communities. It has nothing to do with human rights. How does this handbook apply to me?

Madame Ilibagiza, Nyagatare

Answer
Your project has many human rights aspects that you should be aware of, so this handbook applies equally to you.

The right to food is recognised in the Universal Declaration of Human Rights as part of the right to an adequate standard of living, and is enshrined in the 1966 International Covenant on Economic, Social and Culture Rights to which Rwanda is signatory. All human beings, regardless of their opinion, national or social origin, property, birth, or other status have the right to adequate food and the right to be free from hunger.

What is the Universal Periodic Review?
The Universal Periodic Review is a peer-review process engaging all UN Member States. Following the preparation of a national report and submissions from National Human Rights Institutions, NGOs and other stakeholders, a State delegation appears in front of the Human Rights Council in Geneva, Switzerland, where it receives recommendations on action to be taken to improve the human rights situation back home. The State responds by making commitments for follow-up until the next review takes place. In 2011, Rwanda went through the examination of its Human Rights compliance before the UN Human Rights Council which culminated in 73 recommendations. Out of those, Rwanda agreed to implement 67 recommendations.

What do UN Agencies and implementing partners need to do to incorporate HRBA in their work?

UN Agencies and implementing partners in Rwanda should ensure that programmes and projects carried out particularly within the framework of the UNDAP factor in human rights in a structured and systematic manner. Human rights principles should guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design, as well as monitoring and evaluation.
Unity in Diversity

United Nations

RWANDA