CSO TOOLKIT

AGENTS FOR CITIZEN-DRIVEN TRANSFORMATION (ACT)

ADOPTING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

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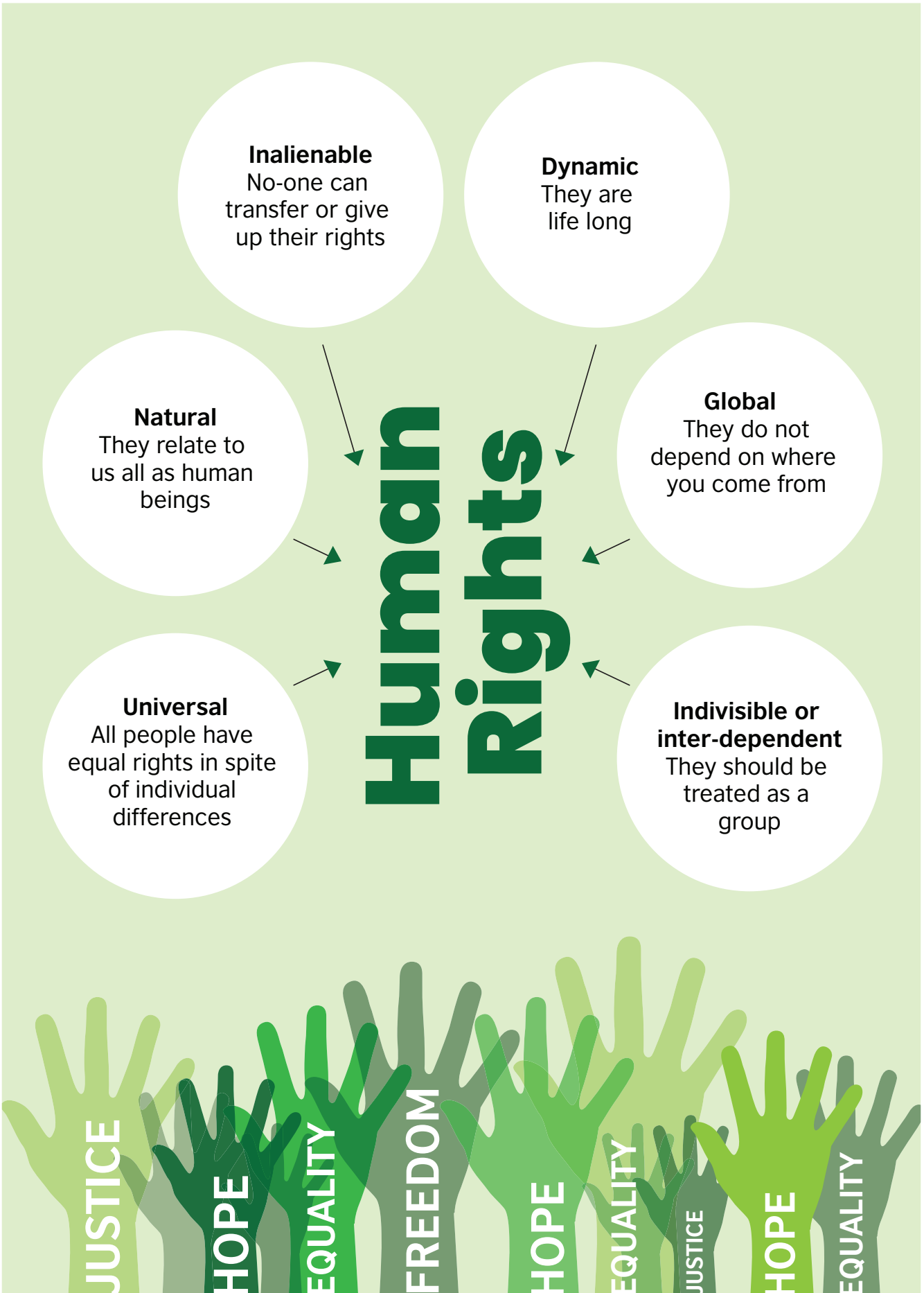**Inalienable**
No-one can transfer or give up their rights

Dynamic
They are life long

Natural
They relate to us all as human beings

Global
They do not depend on where you come from

Universal
All people have equal rights in spite of individual differences

Indivisible or inter-dependent
They should be treated as a group

Human Rights

JUSTICE HOPE EQUALITY FREEDOM HOPE EQUALITY JUSTICE HOPE EQUALITY

PURPOSE

This ACT Toolkit has been developed as a guideline to support CSOs in Nigeria; it is not a training manual. It can be used as a reference document to support CSOs[1] to understand the importance of adopting a Human Rights Based Approach (RBA) to development, to stay on track, to refine their RBA[2] and to improve the effectiveness and legitimacy of the CSO by planning for the sustainability of its programme and project activities at community level. The RBA Toolkit is relevant for all CSOs and CS Networks, from emerging to mature. The Toolkit aims to provide a summary of the background to human rights, and to share a useful tool that can support CSOs to adopt a human rights-based approach to development within their State, and in response to their local context.

In practice, for the CSO to be successful, the adoption of a RBA involves both duty-bearers (government agencies, policy makers) and rights-holders (citizens – with CSOs as their representatives, who understand policies, etc, and can advocate effectively on the constituents' behalf). However, in daily life all people are both rights-holders and duty-bearers with rights, responsibilities and obligations.

In line with ACT's commitment to Human Rights and Gender and Social Inclusion (G&SI), it is anticipated that CSOs' projects and plans demonstrate the mainstreaming of G&SI and the adoption of a Rights-based Approach. In the absence of these approaches, sustainable change is unlikely.

The ACT programme supports CSOs to collaborate through Peer Learning Platforms around all aspects of organisational development and change. RBA is an approach that CSOs need to engage closely with, from those that are just emerging to those that are mature and more experienced and this ACT Toolkit will be of benefit to all CSOs, regardless of their years of experience. The ACT Toolkits can assist CSOs peers to support and learn from each other. CSO collaboration can erode any lack of trust, build a culture of shared learning and support, and together CSOs can better meet the capacity and resource challenges that face them.

INTRODUCING HUMAN RIGHTS

Human rights are applicable to all, without discrimination. For this reason, human rights are said to be 'universal' – they apply to all human beings irrespective of where they were born, their status in society or at work, what gender they are, whether they are disabled or non-disabled people, what age they are, what ethnicity or religion they are, or who they are related to.

Everyone is both a rights-holder and a duty-bearer. Duty bearers are state and non-state actors that have the obligation to respect, protect, promote and fulfil human rights of rights holders. State actors and non-state actors can be regarded as duty-bearers. CSOs, adults such as parents, teachers, police, local government authorities are all duty-bearers who help children and young people to enjoy their rights to security, safety, education, healthcare, freedom to be heard, etc.

Duty-bearers are also individual rights-holders - every individual person has rights in relation to specific duty-bearers, eg: regardless of individual work roles and responsibilities, everyone has right to water, to life and liberty, to freedom from slavery and torture, to freedom of opinion and expression, to access education, to access to health care and many more. Everyone is entitled to these rights, without discrimination. In addition, all rights-holders, to a certain extent, are duty-bearers - they have a duty to ensure that they support and do not violate the rights of others. Parents have a duty to ensure that their children go to school, to exercise their right to education, and to live in a safe and secure environment.

To ensure the equal enjoyment of human rights by all persons, human rights are guaranteed by law, as documented in state legislation, national legislation, the constitution, regional and international treaties, and policies. The UDHR[3] declares that rights are universal – to be enjoyed by all people; this is inclusive of all civil and political rights. The UDHR was published in 1948 by the United Nations (UN). At a regional level, the African Charter on Human and People's Rights (1981), outlines 68 Articles that were agreed by the Organisation of African Unity (OAU) on the rights of the African people. The Charter was signed and ratified by 55 African countries. (Nigeria signed the charter in 1982 and ratified it in 1983.)

Institutions are created to resolve disputes of the interpretation of human rights. At national level these include courts, at regional level they include the African Commission on Human and People's Rights, and at international level there is the UN Committee of Economic, Social and Cultural Rights (CESCR) and the UN Human Rights Committee (HRC).

The effectiveness of this system of laws and institutions depends largely upon the existence of democratic accountable governments that respect the rights of its people – the absence of a democratic government undermines the effective enjoyment or protection of all human rights.

[1] For CSOs – please read CSO, CBO and CS Network (or NGO)
[2] HRBA and RBA can be used interchangeably – Human Rights-based Approach, and Rights-based Approach
[3] UDHR – Universal Declaration of Human Rights (1948)

Rights depend and impact on each other, for example: the right to education involves freedom of expression, freedom of thought, the right to information, the right to participate and the right to life. In addition to the duty of policy-makers and service-providers to provide appropriate educational facilities, staffing, etc, for all children and youth, it also demands the responsibility and obligation of parents to ensure that children participate fully in their education. With every right, there are responsibilities and obligations – thus, as stated above, everyone is both a rights-holder and a duty-bearer.

WHOSE OBLIGATION IS IT TO PROTECT HUMAN RIGHTS?

Wherever there is a right, there is a duty/obligation to protect it. Where the state has signed up to legislation, conventions and policies, they have the primary responsibility to guarantee the existence of circumstances in which every individual and community can exercise their rights. It is the obligation of the state to ensure that individuals and communities are aware of their rights and the institutions that protect them; the state should prevent violations of human rights. However, many citizens are unaware of their human rights, and CSOs working in development have a role to play to ensure that this information is made available for them. For example, the failure of the state to provide essential primary health care to those in need may amount to a violation of health rights that legislation obligates them to provide. The CSO supporting access to primary health care, will advocate for the rights of their constituents, this will include engaging with both the rights-holders and the duty-bearers to influence positive change.

WHAT HAPPENS WHEN RIGHTS ARE NOT OBSERVED?

Oppression may take the form of discrimination. When this occurs, basic rights may be denied on the basis of gender, disability, religion, ethnicity, race, age, sexual orientation, etc. Women are uniquely vulnerable to certain types of human rights abuses; in addition to sexual abuse, entrenched discrimination against women is prevalent in many parts of the world and leads to various forms of political and social oppression. Also, women suffer greater poverty than men and are often denied political influence, education and job opportunities. Disabled women are often discriminated against on the basis of being a woman and of being a person with a disability, facing double discrimination.

It has been found that there is strong inter-dependence between human rights violations and conflict.[4] Abuse of human rights often leads to conflict, and conflict typically results in human rights violations. It is not surprising then that the protection of human rights is central to conflict resolution.

HOW CAN CSOS ADDRESS RIGHTS VIOLATIONS?

Advocacy - CSOs seek to create awareness about human rights, the ways in which policies and legislation are applied, and the institutions (duty-bearers) responsible for implementation. Effective advocacy enables groups to mobilise for changes in law, or the implementation of policies that are already in place but not activated, to ensure citizens' adequate protection. In the process of advocacy, those involved in the advocacy develop solidarity with one another. They also need to acquire and sharpen debating, mobilising, organisational and other personal and social skills to create dialogue between the state (duty-bearers) and civil society/ citizens (rights-holders). Solid advocacy planning enables a process of outreach and constituency-building through which those communities who most affected by the denial of their rights are supported to take control of shaping or changing the specific policies that affect them.

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4 https://www.beyondintractability.org/essay/human_rights_violations%20

Civic Education – Ideally civic education should be part of the education syllabus, young children should grow up with the knowledge and understanding of their civic rights and duties. However, CSOs often play the role of educators to raise awareness around specific human rights in the sector in which they engage. For this the CSO needs to have an in-depth understanding of specific legislation and policies in place in their state that legitimise the demands of their constituents to exercise those rights, and a full understanding of who the duty-bearers are within that sector and state.

HUMAN RIGHTS AND DEVELOPMENT

Democracy and human rights have evolved throughout history. The concept of global development was fuelled by the expectations and hopes that marked the end of the Second World War. Over the years the economic concept of development has been criticised for its market-oriented strategies that have widened the gap between the rich and the poor. 'Human development' has increasingly become the preferred alternative with an emphasis on equity and social justice, which are essential to human rights. The UNDP Human Development Report 2000 considers, for the first time, the theme of human rights as one of its important components, focusing upon changing the model of economic development, asserting that human rights and economic and social progress are inextricably linked. It reinforces the notion of human development as a 'human rights-based approach to development'. Both human development and human rights are concerned with development that is 'people-centred' and retain respect for human dignity and human life as their guiding principles. The shift in development took place from the 'needs-based approach' (charity or handout approach) to participation that involves empowerment to promote the fuller enjoyment of human rights.

WHAT IS A RIGHTS-BASED APPROACH TO DEVELOPMENT?

A RBA to development is a way of raising awareness, advocating, and implementing programmes and projects within CSOs' specific contexts. The approach involves Government (supply side) and Civil Society/Citizens (demand side). Firstly, there are three principles to follow when adopting a RBA to development:

• Participation and inclusion

• Non-discrimination and equality

• Accountability

In order to demonstrate the implementation of the RBA, CSOs should be committed to the processes of empowerment, advocacy, gender and social inclusion and developing their knowledge to use those legal instruments in place within their State, in defence of those who are poor, discriminated against or marginalised in society.

A RBA calls for existing resources to be shared more equally, and helps people living in poverty to understand and assert their rights to access and share those resources. A human rights-based model supports the sustainability of CSOs' project outcomes as it is based on the legal/ethical obligations to bring about change that is sustainable. (Whereas, as stated above, a needs-based approach is generally motivated by charitable support.) It is possible for CSOs to have a needs-based approach to their project work (eg: provide education materials free of charge to the poorest people), but still to carry out rights-based advocacy (influencing Government to provide education materials free of charge) as long as it is in line with relevant legislation that is in place. This process often takes place without the CSO realising it. As stated, this focus on rights will strengthen the sustainability of a development project; however, a project will not be sustainable unless there is ownership at constituent and stakeholder level.

It only makes sense to talk about a 'right' where there is a corresponding 'obligation'. In other words, citizens who have rights (rights-holders) must be able to assert that right against someone who has the duty to uphold that right (duty bearers). To recap - duty bearers are usually a public authority, but it can be a parent, a teacher – although, everyone has the responsibility and obligation to ensure that the rights of others are not violated. (Everyone is both a rights-holder and a duty-bearer.)

The RBA focuses on accountability, thereby making it possible to seek remedies from duty-bearers who fail to fulfil their obligations.

A sustainable approach is one that focuses on the long-term impact of a project or programme; the objectives and activities are aimed at sustaining the changes that the project activities have led to. This is reflected in the RBA, as it is important that both rights-holders and duty-bearers are committed to ensuring that the changes are embedded in systems to ensure long-term change and stability.

Global experience shows that human development is neither effective, equitable nor sustainable if it does not contribute to the promotion, protection and fulfilment of human rights. Many countries that did not attain the MDGs[5] have a weak human rights record and are characterised as fragile and conflict affected.[6]

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[5] Millennium Development Goals, 2000 – 2015 (To reduce poverty while improving health, education, and the environment)
[6] SDC Peace and State building Strategy, p.5, 2015

The core dimensions of the human rights-based approach
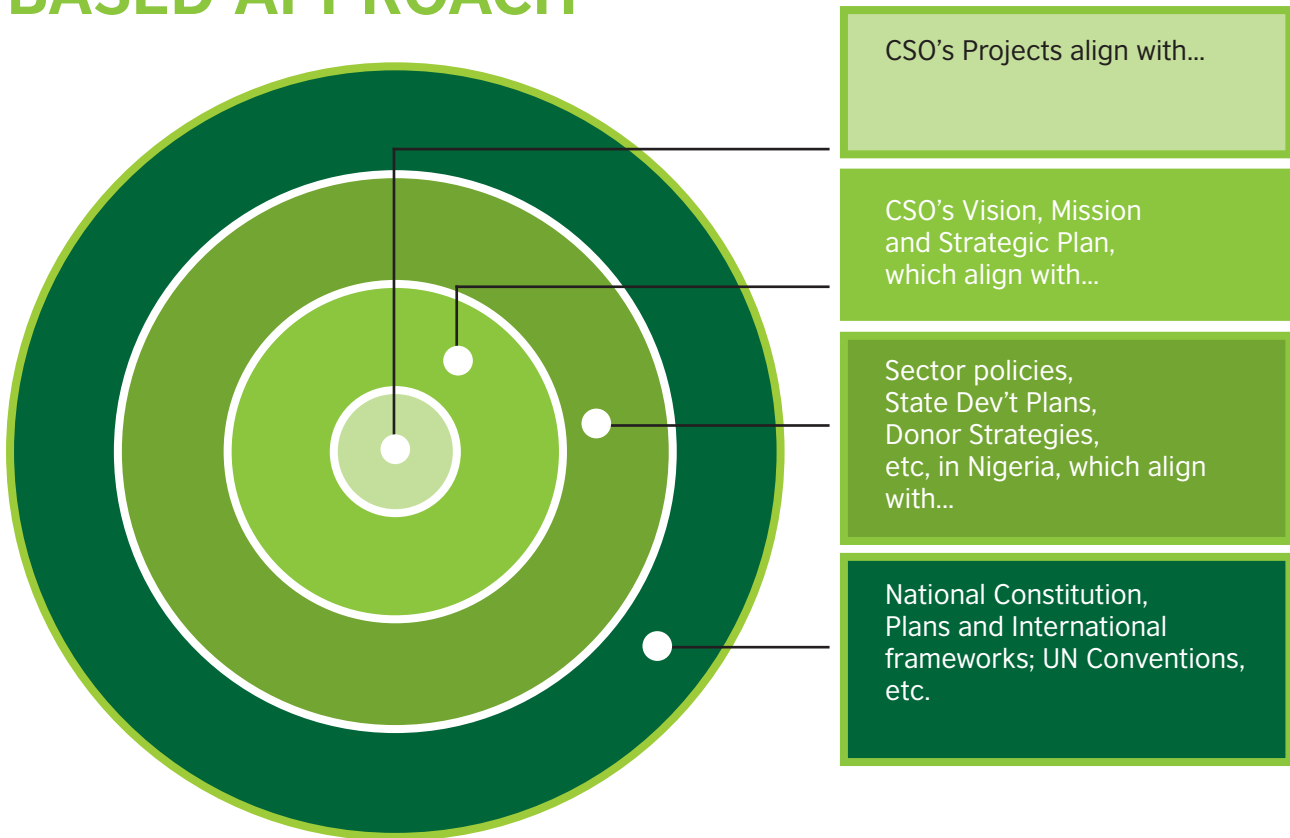

Figure 2: Swiss Development Corporation (SDC)
SDC describe human rights as: 'the scaffolding of development policy'.

QUESTIONS FOR THE CSO TO CONSIDER WHEN ADOPTING A HUMAN RIGHTS-BASED APPROACH

Does the CSO have enough evidence to show there has been a violation of human rights?

- What specific human rights are related to the issue the CSO's constituents are facing and the CSO wishes to address?

- What is the CSO trying to achieve (eg: raising awareness, persuading the government to take responsibility for the issue?) – is it in line with:

- The CSO's Vision, Mission, Values and Strategic Plan?

- Does the CSO know where and how to build the necessary allies to support the rights demands? Is it conversant with the relevant policies/legislation in place and clear about the specific policy or practice that is being violated?

- If the CSO is representing people whose rights have been violated, does it have their permission? Have the constituents been engaged in participatory problem/rights analysis and planning processes?

- Is a human rights-based approach the best approach to take, or would it be better to focus efforts on raising awareness and changing laws, policies and practices at the domestic level?

THE CSO'S PROCESS OF ADOPTING A HUMAN RIGHTS-BASED APPROACH

CSO's Projects align with...

CSO's Vision, Mission and Strategic Plan, which align with...

Sector policies, State Dev't Plans, Donor Strategies, etc, in Nigeria, which align with...

National Constitution, Plans and International frameworks; UN Conventions, etc.

To adopt a RBA a project must align with other strategic and rights-focused commitments. So in order for a CSO's advocacy interventions to lead to change that is sustainable, it is important for their plans to align with their organisational strategy, which should align with appropriate sectoral State Government policy plans, which in turn align with Federal plans, National Constitution, Legislation and International Conventions (signed and ratified by the Government of Nigeria).

This approach ensures that the CSO is focusing on a Rights-based Approach – and the commitment to change lies in engagement (dialogue) between the demand-side (CSOs and their constituents) and the supply-side (policy-makers and service providers).

The CSO has a key role to play in using advocacy activities to link the demand and supply sides in an attempt to encourage mutual understanding of roles and responsibilities. Together they can bring about change which in turn leads to sustainable development.

THE SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The SDGs were adopted by World Leaders at a UN Summit in 2015 by the UN General Assembly and are intended to be achieved by 2030. The 17 interlinked global goals have been designed to be a 'shared blueprint for peace and prosperity for people and the planet, now and into the future'. To support the CSO's understanding of the links between the 17 SDGs and Human Rights instruments, please see this highlighted link which provides a helpful guide, indicating specific and related human rights against each of the 17 sustainable development goals.

The list provided does not contain all the instruments, but is a guide for CSOs to plan their advocacy strategies, by selecting the specific SDGs that relate to their sectoral focus and advocacy issue, and the relevant human rights – however, it is critical that the CSO understands which UN human rights instruments that the Nigerian government and their state has committed to/ratified to legitimise the human rights demands of their constituent group.

PLANNING A RIGHTS-BASED ADVOCACY STRATEGY

Advocacy is a skill that can be learnt by anyone. The most effective human rights advocates are firmly rooted in the communities they serve, have experience and knowledge of the problems in that community and are able to help to solve those problems with members of the community. They are, therefore, facilitators bringing people together to sensitise them about a problem and then to solve it collectively. Any CSO, CS Network or group of people can organise a successful advocacy activity. However, the key to success is careful and adequate planning. Rights analysis of the issue and context are essential elements of this planning process. (For more in-depth Advocacy Planning, see the ACT Toolkit: Advocacy Strategy Development)

Planning for advocacy in the area of human rights, necessitates some or all of the following activities:

- Identification of an issue or a problem that needs solving

- Fact-finding or investigating the nature and extent of the problem – and identifying the specific right(s) that is being violated

- Assessment of the social, political, economic and cultural context – identify the key legislation that is in place that legitimises the demand for the related human right(s) at State level

- Documentation and reporting of the problem (related to the violation of a specific human right)

- Formulation of a strategy to bring about change – involves: stakeholder analysis, goal, objectives, targets, action to be taken to access greater enjoyment of the specific economic and social rights

- Building alliances in support of the proposition – could include networking with political allies, other organisations, local, cross-state and/or national

- Education and community mobilisation to alert the public (those not already engaged) to the problem

- Lobbying for change – attempting to influence those in decision-making positions to support the proposed change (this could be to lobby for policy review or for the implementation of legislation or policies that are in place)

Social, Human, Economic and Environmental pillars are the focus of the 17 Sustainable Development Goals (SDGs) that guide CSOs' and Governments' focus on international development. Local ownership is key to project sustainability. (See Figure1 below.)

Local Ownership and Sustainability

Ownership	Sustainability	Replication	Cooperation
Key stakeholders* participate in decision-making	Project plans enable the achievement of the development goals	Resources for the project are accessible	Project meets basic needs and rights for all
Key stakeholders participate in project implementation and project M&E	Does not constitute a burden to the community or entail added costs	Institutional environment facilitates the project's objectives	The needs and rights met are a development priority
Key stakeholders have control of the project after project completion	Has a long life-cycle	Implementation is taking place in other communities	Implementation occurs in association with other institutions

Figure 1: Local Ownership and Sustainability Matrix

* *Key stakeholders include project constituents/rights-holders, as well as relevant duty bearers/decision-makers*

Broberg and Sano (T&F 2017)[8] state that: In terms of implementation, the RBA is related to a participatory approach, processes of empowerment, forms of advocacy and the use of legal instruments in defence of groups of people who are poor, discriminated against or marginalised.

RBA Advocacy Strategy Components[9]

Knowledge of the situation
- Research the issue
- Study the specific rights context and relevant legislation and policies
- Develop a clear definition of the problem

Strategy
Set clear goal and objectives for change

Organisation of the group
- Training/raising awareness
- Shared decision-making
- Democratic leadership
- Strengthening capacity to grow and take action collaboratively

Gain Support
- Stakeholder analysis – target key allies (political and non-gov't)
- Raise their awareness of issue and specific rights
- Create means of communication
- Transmit message externally

Mobilise forces
- Mobilise groups to take action in support of change (focus on key advocacy targets)
- Use available legal mechanisms – policy reform, etc
- Use all possible means – lobbying and political pressure

8 Taylor and Francis, 2017
9 Modified from programme developed by Dr M Schuler for the Advanced Women's HR Training Programme, Washington (1999)

A rights-based advocacy strategy may be defined as a planned way of achieving a goal. The strategy refers to a series of organised actions by individuals, groups or communities that aim to secure the enjoyment by all of their human rights. The strategy should:

- Clearly articulated goal and objectives
- A series of planned activities designed to fulfil the goal and objectives – it is not spontaneous
- It is conducted over a period of time in a systematic fashion – not occasionally or sporadically
- It is conducted by a group in a collaborative and organised way

To summarise, the principle benefits of a RBA to development can be summarised as follows:

- Promotion of human-centred development - putting people first
- Recognition of the inherent dignity of every human being without distinction
- Promotion of equity between all women and men
- Promotion of equal opportunities and choices for all so everyone can develop their own unique potential and have a change to contribute to development and social progress
- Promotion of state, national and international systems based on equity in access to public resources, social and economic justice
- Promotion of mutual respect between people as a basis for peace, justice, conflict resolution and sustainable human development

GLOSSARY

Advocacy	Advocacy is the act of speaking on behalf of, or in support of, another person, or a group of people. In development it is often speaking on behalf of a group of people who have been marginalised from accessing their fundamental human rights. For example, a CSO may work to support women and girls facing sexual and gender based violence who are unable to speak for themselves. The CSO will provide active support to advocate for change on behalf of this group.
Demand Side	RBA is seen as 'demand-side' led, as it focuses on citizens and their rights entitlements. In the development context, basically demand-side refers to the intended recipients of the efforts of the Health Sector, Education Sector, Economic Development Sector, Environmental Sector, Justice Sector, etc. The demands of the citizens should be based on their rights and entitlements as detailed in the national and state legislation, and the UN Conventions and Covenants signed up to by the Government.
Empowerment	In the development context, empowerment is not about delegating power or giving someone the authority to do something, it is to support someone with the means to achieve something for themselves, to enable them to become stronger and more prepared to move forward and be successful on their own terms. When we feel empowered we feel better prepared to take up opportunities that previously we were not able to do.
G&SI	Gender and Social Inclusion (G&SI) is a concept that addresses improved equal access for all, including women, girls, youth, poor people, people with disabilities, ethnic minority groups, older people, children, LGBTQI, etc. This can vary based on context, but should include those people who are often traditionally excluded from development initiatives. It supports more inclusive policies and mindsets and increases voice and influence by all.
Human Rights Legislation	Human Rights legislation is put in place to protect citizens from discrimination. It aims to guarantee people equal access and equal treatment, regardless of characteristics that might lead to their discrimination, based on stereotyping or bias.

HRBA/RBA

A Human Rights Based Approach/Rights-based Approach is about empowering people with the necessary knowledge and understanding to be able to claim and exercise their rights – as well as increasing the accountability of individuals and institutions who are obligated to respecting, protecting and fulfilling those rights. Everyone has responsibilities to exercise their rights and to respect and fulfil the rights of others. Whilst encouraging rights-holders to claim their rights, the HRBA to development also develops the capacity of duty-bearers to meet their obligations. Governments have obligations to respect, to protect and to fulfil every right of their country's citizens.

MDGs

The Millennium Development Goals (MDGs) were 8 goals with measurable targets, aimed at eradicating poverty, 2000-2015. Leaders of 189 countries signed the millennium declaration at the UN Millennium Summit in 2000. The goals ranged from providing universal primary education to environmental sustainability, to avoiding child and maternal mortality. In 2015, these were superseded by the SDGs.

Ownership

In the development context, ownership is not regarded in terms of owning property or land. It is believed that development cooperation can only succeed and be sustainable if the stakeholders regard externally funded projects as 'theirs' and are closely involved in their planning, implementation and monitoring. There is general agreement that if a donor or a CSO decides independently what is 'good' for local development, the outcome will not be sustainable. It is at the heart of development, and at the heart of EU-ACT's approach, to encourage participatory project planning, implementation and monitoring to ensure that the activities are owned by the CSO's constituents. Through collaborative engagement ownership is strengthened, and the constituents' commitment leads to the project's success and sustainability.

SDGs

17 Sustainable Development Goals (SDGs) were adopted by all UN Member States in 2015. They provide a blueprint for peace and prosperity for people and the planet, now and in the future. They are an urgent call to action by all countries in a global partnership. They recognise ending global poverty must go hand in hand with strategies to improve health and education, reduce inequality and encourage economic growth – whilst tackling climate change and working to preserve oceans and forests.

Supply Side

In the development context, and focusing on a HRBA, the 'Supply-side' refers to service delivery inputs such as health care, education, justice, etc, that is provided to all citizens on the basis of formal sectoral planning by technical planners and management on behalf of Government Ministries, Departments and Agencies. The services are all documented in rights legislation.

Sustainable Development

Project sustainability is a common theme related to the management of CSOs' projects and programmes. The focus is on the 'Outcomes' of a project, and for these to be sustainable certain considerations have to be set from the project identification through to its formulation, design, funding and evaluation. Most projects fail because of a lack of sustainability planning. It is necessary to carry out a contextual analysis of the social, economic, cultural, legal, and political environments before agreeing the approach, values, goals and objectives of a project. The involvement of stakeholders is of key importance to the project's sustainability (to develop 'ownership' at community and service-delivery/policy-making levels). Analysing the potential for sustainability will determine a project's relevance, acceptability and viability, alongside a financial and risk analysis.

REFERENCES/SOURCES OF INFORMATION

A Human Rights Based Approach to Development: UNDP – Adding the Missing Link
www.undp.org HR Pub Missing Link

Beyond Intractability:
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International Journal of Human Rights, Pub: Taylor and Francis (2017):
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Online Pictures

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Sustainable Development Goals: https://sdgs.un.org/goals

Swiss Agency for Development and Cooperation (SDC):
https://www.shareweb.ch/site/Conflict-and-Human-Rights/Documents/SDC%20Guidance%20on%20Human%20Rights%20in%20Development%20and%20Cooperation%20EN.pdf

The Economic and Social Rights Handbook; an Alliances for Africa Training Resource

The Rights based Approach to Development: Potential for change or more of the same
https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/8508/IDSB_35_4_10.1111-j.1759-5436.2004.tb00167.x.pdf;jsessionid=5BEAC25731393856FF76CEA082198E25?
sequence=1

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The Agents for Citizen-driven Transformation (ACT) programme works with civil society organisations (CSOs) to enable them to be credible and effective drivers of change for sustainable development in Nigeria. The four-year programme (2019-23) is funded by the European Union and implemented by the British Council.