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Human rights-based approaches to poverty eradication and development

Introduction

The human rights-based or rights-based approach to poverty eradication and development lies at the very heart of ActionAid's work. This short paper aims to explain how we interpret these terms, and how we use and define them in the context of our work.

The paper goes on to outline our specific approach to poverty eradication, explaining poverty as a direct consequence of the denial or violation of human rights and the result of unequal power dynamics in the process of claiming and/or realising one's rights. The paper explains that our approach places as much emphasis on how we go about our work – the process we follow, as what we aim to achieve – the outcome. The content of rights (the what) needs to work with the process of securing these rights (the how) and most importantly, needs to relate to the specific rights holders (with whom or whose rights).

The paper concludes with examples of non rights-based approaches, and provides suggestions on how to implement a rights-based approach.

ActionAid's rights-based approach

ActionAid's approach to poverty eradication starts with the connection between poverty and human rights, from the perspective of people living in poverty.

We believe that people who live in poverty should understand their experiences of want, fear, discrimination and exclusion in terms of human rights abuses, violations and exploitation, and not in terms of natural phenomena, as the consequence of their own failings, or as situations they have brought upon themselves.

We believe that opposing patriarchy is an integral part of a human rights-based approach. Women's rights are central in our analysis and practice of human rights and must be central to all our work.

We believe that the rich and powerful, at all levels, structurally deny the rights of the poor and excluded in order to appropriate and accumulate wealth and control over productive resources. Rich and powerful elites tend to capture the state structure and apparatus to deny or violate rights for all, and to maintain the conditions that allow oppression and injustice to continue.

States (executive governments, judiciary and legislative parliaments) tend to be dominated by such elites. ActionAid believes that this domination must be challenged as the fundamental role and responsibility of the state is to respect, protect, promote and fulfil the rights of all people, not simply the elite. Holding governments accountable for the fulfilment of human rights is therefore a central part of our rights-based approach.

We believe that the most effective way for people living in poverty to claim, secure and enjoy their human

rights is to organise and mobilise with others, have a voice and develop their power to negotiate.

We subscribe to and support the United Nations Universal Declaration of Human Rights and subsequent covenants, conventions and treaties.

The "What": The content of rights

Our interpretation of human rights, their scope and the duties required to protect them, is primarily derived from international and national human rights instruments.

Defining Human Rights

The notion of human rights and the broader concept of human dignity have been formulated over centuries by political philosophers and moral thinkers to express the deep-rooted belief that everyone has a moral claim to be treated equally and justly by others. Human rights set out what it means to be a human being. They guide and instruct governments how to act, what their function is, what they are responsible for and how their authority is limited.

Human rights can be classified into three categories:

- *Civil and political rights,* or so-called 'negative rights'; these focus on what the state should not do to interfere with people's freedoms, such as freedom of speech, association and belief. These are, in effect, 'keep-out' notices; for instance, that the state should not prevent the freedom of speech or the freedom of association.

- *Social, economic and cultural rights* or 'positive rights'; these focus on what the state should do to promote people's rights. They are concerned with 'equality' of condition and treatment; for instance that the state should offer education for all or that it should guarantee the right to food.

- *Collective rights* or 'solidarity rights'; these focus more on the rights of groups of people than on individual rights. They include minority rights, the right to development, environmental rights and the rights to sovereignty and self-determination. The right to development, which has worked through the required process to be recognised as a human right (though not legally binding), includes the concept that states can make human rights claims against other states or the international community. This can be with respect to the right to pursue national development policies and an international environment conducive to development, and implies the duty to provide international development assistance.

Though human rights can be classified into categories and/or definitions as above, they are indivisible. A human being can only be treated with justice, equity and dignity, if all his or her rights are protected, promoted and fulfilled. For instance, a woman who is free to vote and to be an elected as a political candidate, but is denied her right to food and education, is not treated justly and equally.

ActionAid supports the core belief of international human rights declaration and covenants that every person has a moral claim to be treated equally and justly by others. This also means that human rights are universal and apply to all human beings; no human rights apply only to men, white people or the rich.

An important distinction needs to be made between human rights, which are defined by international instruments and which we place at the centre of our strategy, and legal rights, which are defined by states in their statutes. Human rights are derived from a moral notion that people have rights by virtue of being human; legal rights reflect the power balance between social groups and classes in a given society at a given time, and are liable to abuse.

Most rights become official and legal when they are recognised by, and denote legal entitlements created by, the state. In theory, rights can be created, given and removed from people by states at any time. A right is first developed and disputed in a society, and depending on the power relations, a state can choose

to recognise a right and create its respective legal entitlements, or can choose not to recognise it. For instance, in many countries where women have no legal rights to land, women have mobilised themselves, created public awareness about their right to land, associated their local struggle with broader human rights covenants and declarations, made alliances, influenced decision-makers, and undertaken many other actions, until a new power relation has obliged the state to legally recognise their right as they perceived it and to create its respective entitlements.

Human rights differ from legal rights in that people own their human rights by virtue of being human, not by virtue of being citizens of a particular state. In this sense, there is a permanent struggle to broaden a state's legal structure and apparatus, which reflects the balance of power within a society. By reflecting power relations, the legal structure (the set of laws and codes) tends to maintain and perpetuate the domination of the rich and powerful elite that control the state apparatus. To implement a broader concept of human rights, there is a permanent challenge to change the legal status to recognise the rights of the excluded, as well as a permanent struggle to implement and realize such rights by holding governments accountable to fulfil these rights. The most sustainable and effective way of achieving this is by changing the power relations in society.

The political philosophers and moral thinkers recognised that since powerful individuals and entities, particularly governing states, tend to oppress the less powerful and deny them their rights, a human rights framework had to be developed that could go deeper than the laws created by the powerful entities themselves, which could protect and promote all people's rights and determine how states should behave. In so doing, it would keep a check on the power of the state and protect the powerless from the powerful.

To turn human rights into reality, proponents of human rights agreed on the need for universal laws that could bind all people in all nations and which would hold all states accountable for their conduct. The first of these to be developed, the United Nation's Universal Declaration of Human Rights, reflected the shared aspirations and beliefs on human rights of all member countries. Further human rights treaties and covenants were then developed, which states had to ratify and which included specific mechanisms on how they should report on their performance with respect to human rights.

For the most part, therefore, ActionAid looks to these international human rights instruments and to national constitutions and laws, which are consistent with the international human rights framework, to frame the content of the rights we work on and which we advocate for. We also facilitate opportunities for people living in poverty or who are excluded, to elaborate on these rights, and which can be added to the existing body of human rights laws and treaties.

Poverty as the consequence of the denial or violation of human rights

People living in poverty are often treated as less than human, which results in a deepening cycle of poverty. Day to day, from the cradle to the grave, they are cheated and exploited and are denied the very material and philosophical basis that allows them to flourish as human beings. This is perpetrated by family members, neighbours, employers, traders, and most shamefully, the state, the very body that is ultimately entrusted with the duty to protect and promote people's human rights, dignity and well-being.

When people are treated as less than human, they often feel that they have no rights. They feel deeply humiliated and shamed, robbed of their dignity and their sense of equality with others, as well as their sense of self-worth. This further deepens their sense of powerlessness and impacts on their ability to stand up for themselves. Still worse, it strips away their core joy and value of being uniquely human: to be free to reason and imagine what they want to be, what they want to do and what they want to become. It robs them of their ability to plan according to their hopes and needs, and to be free to act on their plans by themselves or with others. And so the cycle continues.

Thus on one level, the connection between poverty and human rights is easily explained. The inter-

national human rights framework states that all people have a human right to a standard of living that is adequate for their health and well-being, to food, clothing, housing, medical care and social services, civil and political freedoms. However, many people living in poverty experience a disproportionate lack of enjoyment of their human rights. Many have no access to education, health services, food, adequate shelter, security or a voice. Furthermore, active processes of discrimination and impoverishment are at work to ensure that their rights are denied.

Poverty is thus explained as a denial or a violation of human rights, though not all violations of human rights cause poverty. The human rights-based approach to poverty eradication and development is thus best explained as having poor people fulfil their individual needs by claiming or securing their human rights.

Denial of rights as a consequence of unequal power relations

People are denied their human rights, not through mere omission, forgetfulness or lack of effort, but due to unequal power relations, with the more powerful denying the human rights of the less powerful, on both an individual and structural level. On the individual level, poor people face discrimination, violence, oppression, and exploitation in their day to day interactions with other individuals. This can be caused by any factor that blocks access to justice, equal treatment or control and access to the resources needed for livelihoods and to live a life of dignity, and can be in any public or private space such as the household, the marketplace, a school or any other place where people meet or work.

On the more complex structural level, people are denied their rights in the very way that they act, expect and accept that the world operates. It invisibly structures a set of beliefs, laws, institutions, policies and behaviours such as caste, ethnicity, race or gender, as well as broader concepts of patriarchy or deep-seated political-economic belief systems such as neo-liberalism. People experience social exclusion when their deprivation is a result of their belonging to a particular group, rather than because of their specific individual situation. The unequal position of women in society is the most widespread, deepest and most harmful of human rights violations and social exclusion practices. Most regard it as normal because it has been so carefully and deliberately structured into every level of human relations and over a long period of time.

It is the dynamics of these relationships (how, when and why they operate) and the structures through which they manifest themselves (culture, religious institutions, family, law, state, market, and public and private institutions) that determine who can claim and enjoy their human rights. Not only do the powerful make people who live in poverty feel worthless and powerless and that they have no human rights, but those who live in poverty often give in to this exploitation, discrimination and oppression because they don't have the power to resist.

ActionAid's rights-based approach, however, runs deeper than simply the 'what'. If it didn't, simply providing a school in a village or ensuring that the state provided this basic service would be sufficient for us to qualify as practicing a human rights-based approach to development. Certain totalitarian regimes would also qualify.

A human rights-based approach to poverty eradication and development needs to go an important step further and focus on how these rights are claimed, secured and enjoyed by the rights holders. Human rights are about flourishing as a human being. They involve people being free to reason and imagine what they want to be, what they want to do with their lives and what they want to become; to plan according to their own hopes and needs and to be free to act on their plans, either by themselves or with others. A human rights-based approach thus needs to ensure that rights are claimed, secured and enjoyed in ways that are empowering, strengthen peoples' ability to negotiate with the powerful, build dignity, and increase freedom and choice to imagine and pursue the lives, futures and the rights they value. Rights can not be just handed out to people as charity; active agency and the actions of the rights-holders need to be an integral part of a rights-based approach.

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The How: The process of securing the rights

The content of rights (the what), as mentioned above, needs to work with the process of securing these rights (the how). While our rights-based practices vary according to where and with whom we work, and what we aim to achieve with those we work, there are a few consistent principles that ensure that the process of securing rights is empowering and builds dignity. **These are:**

- **Organising and Raising Critical Consciousness**

    The first step in ActionAid's rights-based framework is to raise critical consciousness through popular education and through practical support to analyse contexts, power-relations and violation of rights and then to plan and organise actions to improve people's well-being.

    For those who have been made to believe that they have no rights, and socialised to expect to be treated without dignity or respect, the first step is to challenge and change their perceptions of themselves. This step supports people to critically assess their situation and to see it for what it is: exploitation, oppression and injustice. It is also the first step to empowerment for change– an inner realisation that there is a possibility for change and a sense that people have the power to do something about it.

    A range of methods and techniques have been developed to achieve this fundamental first step. Most of these, such as REFLECT, Stepping Stones, economic literacy, participatory budget analysis and PVA, are a part of the participatory methods ActionAid uses in its programme work. These techniques support poor and excluded people through a journey in which they discuss and realise who they are and create a collective sense of identity among themselves, as rights-holders. As such, they are crucial components of rights-based work.

    Having taken the first step, people then develop power as they organise and work together to claim their rights and pursue the goals that they have set for themselves. One of the most profound and striking changes witnessed in human rights based work is seeing this inner power grow along with peoples' dignity and hopes for the future.

    Our commitment to standing alongside people living in poverty in their struggles against injustice means taking sides with them through the long-term, particularly when challenges arise. This can mean sharing their risks and facing the displeasure of the powerful.

    An important step in creating an environment in which people's confidence can grow, and in which they can reflect upon and analyse their situation, is bringing people together into groups that share a particular experience of deprivation or denial and violation of rights, such as through Reflect circles. It requires more than simply organising people to undertake activities together, such as digging a well or drawing a transect map of their village; it involves supporting people to reason, analyse and plan for themselves, and to organise and negotiate so that they can act on their plans. This needs to be done in a critical way and within the context of rights having been violated, rather than in a context of failed lives and self-blame.

    Initially, the focus may be on building confidence and dignity by mobilising internal resources and negotiating with us or our partners as the main external actors. Confident communities can generate alternative ways of addressing basic needs, such as obtaining access to water or shelter, and can go on to promote these as models of practice which become the state's duty to provide. The analysis and plan that led to the prioritisation of the issue for collective action and ActionAid's intervention may then form the basis for linking to local, district or municipal plans, and hence become part of what the state has a duty to provide.

    Other routes to deeper engagement on rights and claims may be to tackle human rights violations directly through mobilisation and protest, or through social audits and participatory budgets. We have a wealth of experience on how rights work can grow from a service-provision entry point.

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There is no simple sequence to a right-based approach. It is also often difficult to simplify the process by which people organise to claim their rights, as every situation is unique and each demands its own analysis and strategy.

After the initial strategic action, the next step is usually to tackle the dominant and pervasive individuals, systems and structures of power. This requires more power-building strategic action by mobilising like-minded groups, networks, alliances, social movements, knowledge, resources and public opinion. It requires engaging with formal power structures (state structures and public bodies) and creating new public spaces in which the marginalised are more in control of the process, such as through social audits, participatory budgets, and people's commission and platforms. It is critical at this stage to receive support and solidarity from NGOs and the broader social movements.

Through this process of organisation and mobilisation, people develop increasing control over, and access to, the resources and relationships they need for their well-being. It is an ongoing struggle; one success, such as freedom from bondage, leads to the next , such as the struggle for land, shelter and livelihoods. People claim their rights, use their newly acquired rights and can be said to fully enjoy their human rights when they find themselves in the position of equality with others in being what they want to be, doing what they want to do and doing it with the confidence to become what they set out to become.

● Addressing people's needs as rights they can claim

We have a moral duty to work with poor and excluded people to respond to the distress and suffering they experience as a result of having had their rights denied and having been deprived of fulfilling their basic needs. At times, we provide practical solidarity by providing short-term services and relief to address these immediate basic needs, simply because people need them to survive or to support them in claiming their rights. This can take the form of housing, food, information or training in times of emergencies. However, we are also concerned to see that people meet these basic needs in the long-term by ensuring that they claim them from the state as their human rights and entitlements. We ensure that we use the provision of short-term basic services as an entry point and as a means to an end, to work with people to secure their rights from the state in the long-term. **Some of our key lessons in this area are:**

○ Service delivery (practical solidarity),in terms of provision of money, materials, information or training etc., is an integral part of our rights-based approach.

○ The notion of providing service must go beyond simply providing buildings and materials to include the sharing of information and knowledge, and bridging and linking to others, through training etc.

○ We should deliver services to rights-holders when they need them and demand them, but only as a means or as an enabling strategy, not as an end in itself. Even in emergency situations, where we see humanitarian relief as a human right, services should be delivered through empowering and enabling strategies that both address and go beyond the immediate conditions of poverty.

○ We should only deliver services when the state is incapable of providing them and we should never provide them in such a way that the state is allowed to shirk its responsibilities as a duty holder or divert its resources away from fulfilling the rights of people or community we work with. In other words, we should never duplicate, displace or replace the state, but supplement it, when necessary.

○ Services should always be defined and managed by rights-holders themselves.

○ Rights-holder are the starting point in our planning and programming. We originally used an

'area-based' approach to programming, in which we examined the gaps in an area and then focused on the people who lived in poverty within it. Our rights-based approach introduces a different hierarchy of planning, placing the rights-holders - the people who live in poverty - before the geography they live in or the area of concern - such as lack of access to food, health or education.

● **Ensuring participation and actions of poor and excluded people**

The human rights-based approach requires that rights-holders living in poverty are fully involved and take action in determining their needs and the responses that will be provided to answer them. This is in stark contrast to a top-down, service-led approach where such decisions are made externally and where poor people do not participate in the processes that affect, simply because they are wrongly considered to be mere beneficiaries or recipients. This approach undermines peoples' dignity and their confidence to think, plan, and negotiate. Though providing people with new schools, wells and boats can serve them on one level, leaving them with less dignity and power to negotiate with others is a failure on another level.

Engaging with communities through the provision of services – as a strategic means rather than as an end in itself, does not mean that the service-focused work is of any less importance. It demands the highest level of quality in terms of participatory analysis and community organising and planning, of technical knowledge and best models of practice, and in identification and empowerment of, and work with, the most excluded and marginalised. In short, rights-based approaches should be applied from the start and throughout our work.

● **Paying attention to issues of power**

Central to our rights-based approach is the analysis of power relations and strengthening the power of poor and excluded people. In practice, the fulfilment of human rights is determined by cultural practices, behaviours, institutions and people that either embody or hold power. However, it is not always in the interests of the powerful to protect and promote equal rights. Since a rights-based approach seeks to secure equal rights for all people, it inevitably means confronting, or critically engaging with, the powerful; it means resisting oppression, making claims, persuading and negotiating with the powerful and influencing public policy and building necessary public opinions through advocacy and campaigning methods.

Policy changes and public opinion-building must go hand in hand with societal changes to transform the structures, attitudes, and values that are at the root of societal inequities and injustice. We thus require a more people-centred approach focused on social transformation. For instance, while we might work at changing an educational policy to increase girls' access to education, a number of other societal changes need to take place, such as reducing the amount of housework girls need to perform, or eliminating the violence they experience in schools.

● **Deepening democracy at every level**

A people-centred advocacy can only succeed if political systems and cultures are open to contest and are responsive to citizens. They need to be open in their decision-making, ready to change and accountable and responsive to pressure from citizens. The primary purpose of establishing political authority is to improve the protection of these rights; people own their human rights and should never need to beg for them to be provided or respected. States need to recognise their duty to protect and promote people's human rights the human rights-based approach remind them of it.

ActionAid's rights-based approaches put significant emphasis on making democracy 'popular', that is, deepening inclusive processes and cultures of democracy. Representative democracy - the periodic right to vote for your political representation- is a necessary but insufficient condition to promote

human rights. True democracy is inclusive, participative and representative. In their daily struggle to claim their human rights, people need freedom of information and participation, action and decision-making. Their participation is more meaningful if processes of democracy are deeper than the formal mechanisms of elections and local government structures and processes. Since formal spaces can often be unfamiliar and hostile to poor and excluded people, democratic forums, such as participatory budgets, social audits, people's commissions, citizen's juries, social forums, and community-based participatory plans need to make people feel comfortable, confident in their knowledge and analysis, and worthy of respect.

People need an opportunity to create and experiment with their own democratic spaces and systems of governance if they wish to transform the structures and systems that cause the violation of their rights. Besides being a mechanism to mobilise and achieve specific purposes, social movements are also important spaces in which people can debate and become inspired by the possibility of a different social experience.

- **Holding state (and non-state actor) accountable**

  The human rights framework and our human rights-based approach are premised on the firm belief that the state is the primary duty bearer and is responsible for respecting, promoting, protecting and fulfilling the human rights of its citizens. **This requires the state:**

  ○ To recognise the human rights of its citizen in its constitution, laws and regulations

  ○ To provide legal and regulatory mechanisms and to monitor that neither state institutions nor non-state institutions, such as profit-making corporation or any other institutions or individual, denies any one from claiming and enjoying their human rights or violates them.

  ○ To provide the necessary factors – whether in the form of protection, political space, money, materials, information, capacity, etc. – to fulfil the rights of its citizens.

  These are fundamental state responsibilities, irrespective of whether the country is rich or poor. Indeed, poorer countries will be able to provide a lot more for its citizen if they are supported by the international community in terms of financial and material assistance as well as by enabling international or cross-border economic, trade, transport, migration and other useful facilities. As such, working with the state (executive government, legislative parliament, and judiciary) is an integral part of our rights-based approach.

  The initial steps in holding a state accountable involve working with rights-holders and others to understand the existing constitutional, legal and regulatory framework. This helps to establish which rights are recognised and provided for, and where there are gaps , either in absolute terms or in relation to the international human rights declaration, conventions and treaties. **This process potentially opens up two streams of work:**

  ○ to demand the important rights for poor and excluded people that are not yet recognised in the constitution or laws and another, such as rights to work in certain countries

  ○ to further analyse, understand and gather evidence on which rights that are already provided for in the constitution, laws and regulations are not being fulfilled or are being violated by the state or non-state actors (corporations as well as citizens and society itself) and are not enjoyed by the poor and excluded-rights holders.

  This is an essential process in claiming rights in our human rights-based approach. The evidence can be used to

  ○ inform or open discussions with the state to develop positive action to secure people's rights in the communities we work in,

- hold states accountable through litigation and court processes or through international mechanisms such as shadow reports to the United Nations.

Not only is research and exposure of evidence important for our interactions with the states, governments and domestic institutions in areas where we work, but it is also increasingly important in helping us monitor and expose the direct or indirect denial and violation of rights of poor and excluded people and communities by corporations, foreign governments or international institutions.

Conclusion

The practice of our human rights approach to poverty eradication work has evolved over the past six to seven years, and will continue to do so through our practical experience of working in different countries and situations.

Our experience has shown that that while the broad approach outlined above is valid and can be implemented in all our work in almost all situations, the specific methods, tools and work itself vary considerably according to the political context in different countries, the localities within those countries and the periods of time. Local flexibility, adaptation and translation of the human rights-based approach into specific agenda, methods, tools and techniques to suit the context are essential.

Though it is already our nature to work in networks, alliances, coalition and partnership with civil society organisations at local to national to international levels, what has become far more important in working with the rights-based approach, is working with and supporting poor and excluded people's communities, organisations and social movements in setting the agenda and taking the lead.

In conclusion, we have learned that embracing a human rights approach to eradicating poverty requires a corresponding strengthening of capacity in a number of areas. We need to develop the current discourse on human rights, particularly economic, social and cultural rights where most of our work is focused. We also need to develop our human rights instruments and institutions at national and international level, enhance our ability to research and report on evidence and exposure of human rights violations, and finally, we need to build our capacity to work with and support social mobilisation and social movements.

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