

ANNEX B

THE HUMAN RIGHTS-BASED APPROACH

Statement of Common Understanding

Secretary-General Kofi A. Annan has called on all agencies of the United Nations to mainstream human rights into their activities and programmes within the framework of their respective mandates. A number of them have adopted such an approach and gained experience in its implementation, and are now working on a common understanding of what this means.

Statement of Common Understanding*

1. All programmes of development cooperation, policies and technical assistance should further the realization 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, where 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 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 goals, objectives and strategies); implementation, monitoring and evaluation.

Among these human rights principles are: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law.

- Human rights are universal and inalienable. All people in the world are entitled to them. They cannot voluntarily be given up, nor can others take them away. As stated in Article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights.”
- Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every person. Consequently, they all have equal status as rights, and can not be ranked in a hierarchical order.
- Human rights are interdependent and inter-related. 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 information.
- All individuals are equal as human beings and by virtue of the inherent dignity of each 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.
- 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.
- 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. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

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 human rights-based approach, 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

The application of good programming practices does not by itself constitute a human rights-based approach, which requires additional elements.

The following elements are necessary, specific and unique to a human rights-based approach:

- a) Assessment and analysis 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 when rights are not realized.
- b) 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.
- c) Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.
- d) Programming is informed by the recommendations of international human rights bodies and mechanisms.

In addition, it is essential that

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.
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.
11. Measurable goals and targets are important in programming.
12. Strategic partnerships are developed and sustained.
13. Programmes support accountability to all stakeholders.

*Developed at the Inter-Agency Workshop on a human rights-based approach in the context of UN reform, 3 to 5 May 2003.