

Human rights-based approach to development

BMZ, Bonn - 27 August 2007 - 11.00 to 13.00

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Outline

1. Human rights principles, standards, mechanisms
2. Rights-based programming process
3. Development agencies use and strengthen human rights system (mainly UN agencies)
4. Rights-based programme areas
Example: right to education
5. New approaches to strengthening accountability and participation
Example: children's civil rights and citizenship
6. Some general lessons

- mehr Praxis Beispiele ausführen könntest. DANach wird nämlich immer gefragt.
- Etwa wenn es um Partizipation geht, hattest Du auf Deinem Kopenhagen-Vortrag wohl Folien mit den Titeln Examples of child and youth participation, Child and youth participation rights, What can child and youth participation achieve und Meaningful participation. Deren Inhalte fänd Juliane sehr passend auch für den BMZ Vortrag. **die LEute sind, wie gesagt, an Praxisbeispielen vor dem konkreten Hintergrund REcht auf Bildung und Kinderrechte/Jugendrechte interessiert.**
- Auch die FOlie "Rights based analysis" wäre toll, wenn Du das an einem konkreten Beispiel erläutern könntest; wenn nicht, dann würde ich die aber dennoch drin lassen.
- Daher finden wir es grds. gut, dass man ihnen mal sagt, was es alles Nützliches dazu gibt und Du nimmst ja später auch nochmal Bezug auf das, was die produzieren (recommendations, concl obs und general comments), aber vielleicht kannst Du es einigermaßen straff halten?
- DAs gleiche gilt für human rights instruments, die kann sich sicher niemand merken, aber vielleicht war das ja ohnehin Dein Plan.

1. Human rights – overview

- Principles and concepts
- Standards
- Mechanisms

Fundamental principles of Human rights

Inalienable – every human being is born with rights which cannot be taken away

Universality and non-discrimination – the same rights for everyone, everywhere, all the time

Indivisible and interdependent – failure to realize some rights makes it more difficult to achieve others

Accountability – strengthen responsibility of duty bearers

Participation – support rights holders to claim their rights



**Demand
their
rights**

**Duty
bearers**



**Fulfil
their
obligations**

**Rights
holders**

Rights holder and duty bearer (relational)

Rights holder:

- has rights
- is entitled to claim his/her rights and to hold duty bearers accountable for their human rights obligations (entitlement = power to claim)
- has responsibility to respect rights of others

Every human being is a rights holder

Duty bearer: has the responsibility to fulfill, protect and respect rights

Duty bearers are also rights holders

Core human rights instruments

- 1948 *Universal Declaration of Human Rights*
- 1949 [Convention on the Elimination of all Forms of Racial Discrimination](#)
- 1966 [Covenant on Civil and Political Rights](#)
- 1966 [Covenant on Economic, Social and Cultural Rights](#)
- 1979 [Convention on the Elimination of all Forms of Discrimination Against Women](#)
- 1984 [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- 1989 [Convention on the Rights of the Child](#)
- 1990 [Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#)
- 2006 [Convention on the Rights of Persons with Disabilities](#)

Human rights mechanisms

- Treaty bodies
- Human Rights Council
- Special rapporteurs
 - Countries
 - Thematic
- Regional human rights mechanisms
 - Commissions
 - Courts
- National human rights protection systems

Human rights mechanisms

Conventional mechanisms – treaty bodies

- Monitor Implementation of Treaty
- Engage State Party in constructive dialogue
- Provide observations and recommendations
- Draft General Comments on HR Standards
- Some of them examine individual complaints

Extra conventional mechanism – Human Rights Council

- Promotes universal respect for and protection
- Addresses violations, promotes assistance
- Develops international law
- Reviews Member compliance of States
- Works to prevent abuses
- Responds to emergencies
- Serves as an international forum for dialogue

Extra conventional mechanisms – special procedures (special rapporteurs)

Countries

- Belarus
- Burundi
- Cambodia
- Cuba
- DPRK
- D.R. Congo
- Haiti
- Liberia
- Myanmar
- OPTs
- Somalia
- Sudan
- Uzbekistan

30 Thematic, including:

- Arbitrary Detention
- Sale of Children
- Right to Education
- Extreme Poverty
- Right to Food
- Freedom of Opinion
- Freedom of Religion
- IDPs
- Migrants
- Indigenous People
- Violence Against Women

Regional human rights systems

Instruments	Mechanisms
Europe: European Convention for the Protection of human Rights and fundamental freedoms	European Court of Human Rights
Americas: American Convention on Human Rights (San José Pact) San Salvador Protocol on Economic, Social and Cultural Rights	Inter-American Commission of Human Rights Inter-American Court of Human Rights
Africa: African Charter on Human and People's Rights	African Commission on Human and People's Rights African Court on Human and People's Rights
Arab States: Arab Charter on Human Rights	

National human rights protection systems

- Constitutional and Legislative frameworks
- Effective Institutions:
 - Parliament
 - Government
 - Judiciary
 - Public administration
 - Human rights institutions
- Policies, procedures and processes
- Public awareness policies
- Vibrant civil society

Human rights obligations of governments

Respecting rights means that:

- State laws, policies, programmes and practices must not violate rights
- States must avoid interfering with people's pursuit of their rights

Protecting rights means that:

- States must prevent violations by others
- Provide affordable, accessible redress

Fulfilling rights means that:

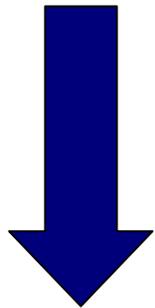
- States must take positive actions to realise rights

Progressive realization of human rights

Provide resources for the fulfillment of human rights to the maximum extent possible

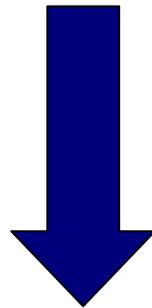
Human rights obligations

Respect



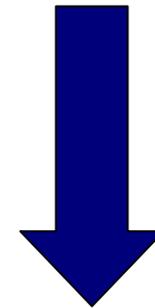
**Duty bearers
refrain from
interfering with
the enjoyment
of the right**

Protect



**Duty bearers
prevent others
from interfering
with enjoying the
right**

Fulfill



**Duty bearers
adopt appropriate
measures towards
full realization of
the right**

State responsibilities

Respecting rights means that State laws, policies, programmes and practices must not violate rights. States must avoid interfering with people's pursuit of their rights, whether through torture or arbitrary arrest, illegal forced housing evictions, or the introduction of medical fees that make health care unaffordable for poor people.

Protecting rights means that States must prevent violations by others, and must provide affordable, accessible redress, for example: ensuring that employers comply with basic labour standards, preventing monopoly ownership of the media, or preventing parents from keeping their children out of school.

Fulfilling rights means that States must take positive actions to realise rights, for example: creating legislation that enshrines equal pay for equal work or increasing budgets to the poorest regions.

Progressive realization of rights

“The obligation ‘to achieve progressively the full realisation of rights’ requires states parties to move as expeditiously as possible towards the realisation of the rights. Under no circumstances shall this be interpreted as implying for states the right to defer indefinitely efforts to ensure full realisation. On the contrary, all states parties have the obligation to begin immediately to take steps to fulfill their obligations under the covenant.”

(The Limburg Principles)

Implications of a human rights based approach

- The realization of human rights is the ultimate goal of all development programmes
- A human rights-based approach focuses particularly on discriminated and marginalized groups and the causes of their exclusion
- All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the UDHR and other international human rights instruments
- Human rights standards and principles influence the identification of strategic priorities and guide all development cooperation and programming in all sectors and phases of the programming process. Programming is informed by the recommendations of international human rights bodies and mechanisms
- Development cooperation contributes to the strengthening of the capacities of duty bearers to meet their obligations and of rights holders to claim their rights. Strengthen accountability systems and systems of redress.

Four overlapping approaches to human rights in development

- Applying human rights principles to country analysis and development programme planning and monitoring
- Development agencies use and support human rights mechanisms
- Operationalising human rights standards and principles in sector programmes
- Operationalising accountability and participation through approaches that change power relations in society

Technical approaches to human rights

- Aid agencies are often reluctant to confront governments and to challenge human rights violations
- Development workers are often part of the elite
- Overcome resistance to human rights (among staff, partner agencies, governments) by turning rights principles into technical approaches.
Change power relations implicitly

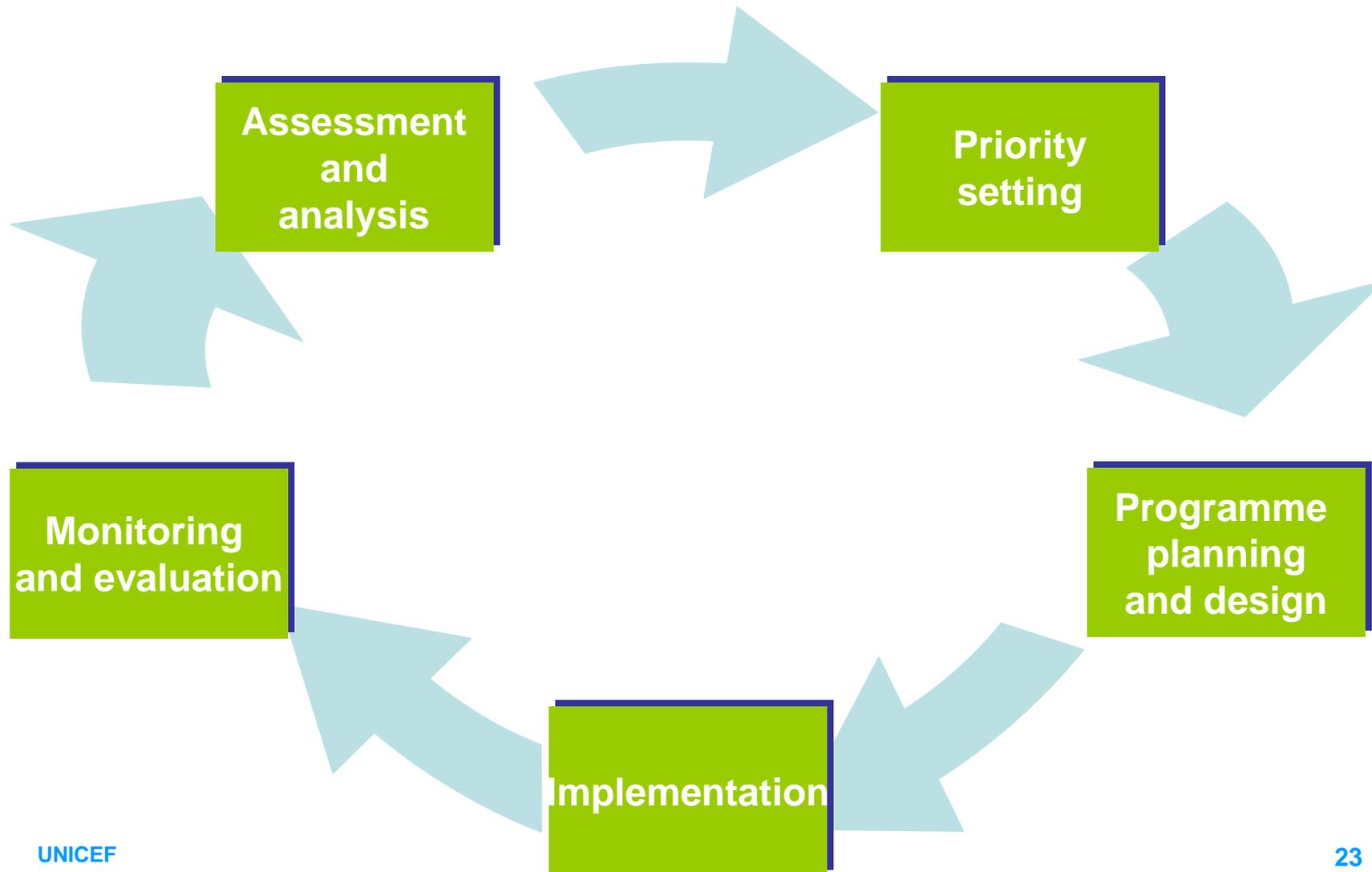
Technical approaches to HRBA

- Rights-based analysis
- Operationalize accountability
- Broader understanding of and approach to participation
- Define and operationalize human rights for specific programme areas
- Strengthen human rights instruments, standards and mechanisms through and by development agencies

Operationalize accountability

- Broadened concept of capacity: skills, information, authority, resources – human, financial, natural, organizational (Urban Jonsson)
- Access to justice linked to poverty reduction
- Using the justice system for development aims. This is only beginning to be supported by mainstream development agencies, but could hold some promise (e.g. land rights, fishing rights, etc. (see UNDP LLP pilot in Mongolia))
- Campaigning against violence against children (violence study). Define accountability of governments, parents, teachers
- Governance and anti-corruption work
- This requires a very long-term approach and cannot be fixed in two years

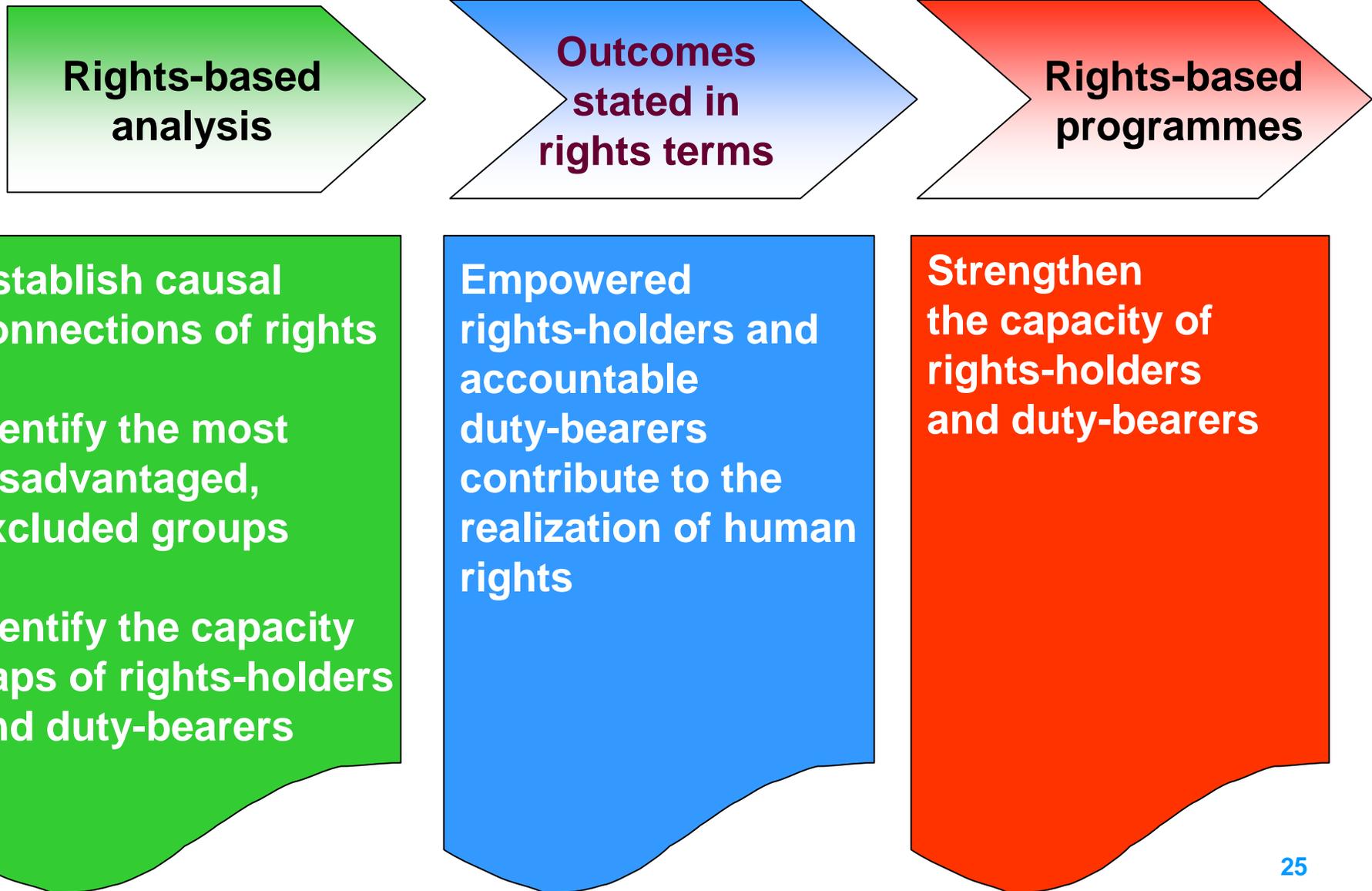
2. Integrating human rights principles and standards into all stages of the programming process



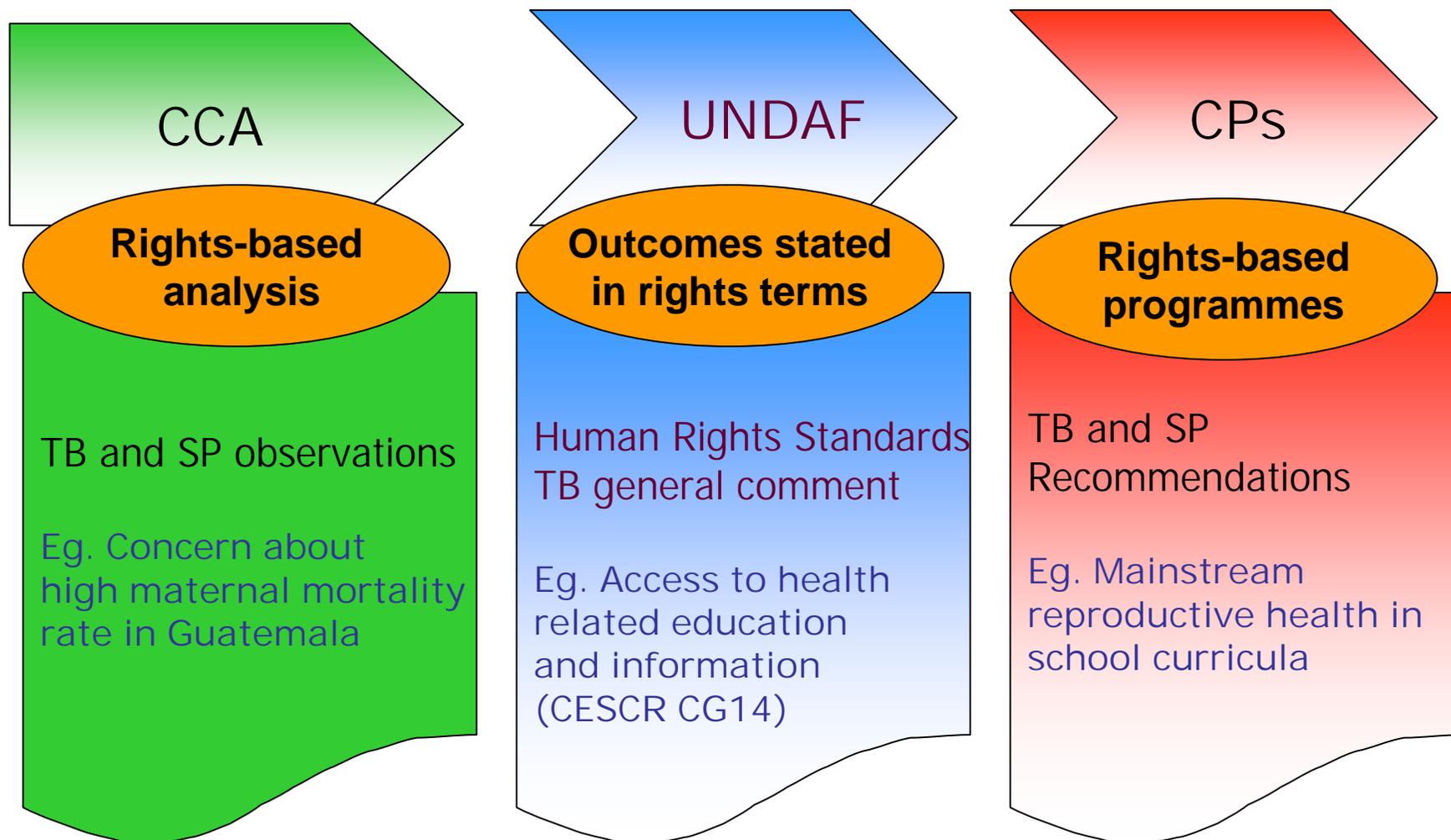
Seven steps of HRBAP analysis and planning (UN)

1. Situation Assessment
2. Causality analysis – **what are the causes?**
3. Assessment of claim/duty relationships – **who is responsible?**
4. Analysis of capacity gaps – **what capacities do rights holders and duty bearers need?**
5. Proposed actions
6. Partnership Analysis
7. Programme of cooperation

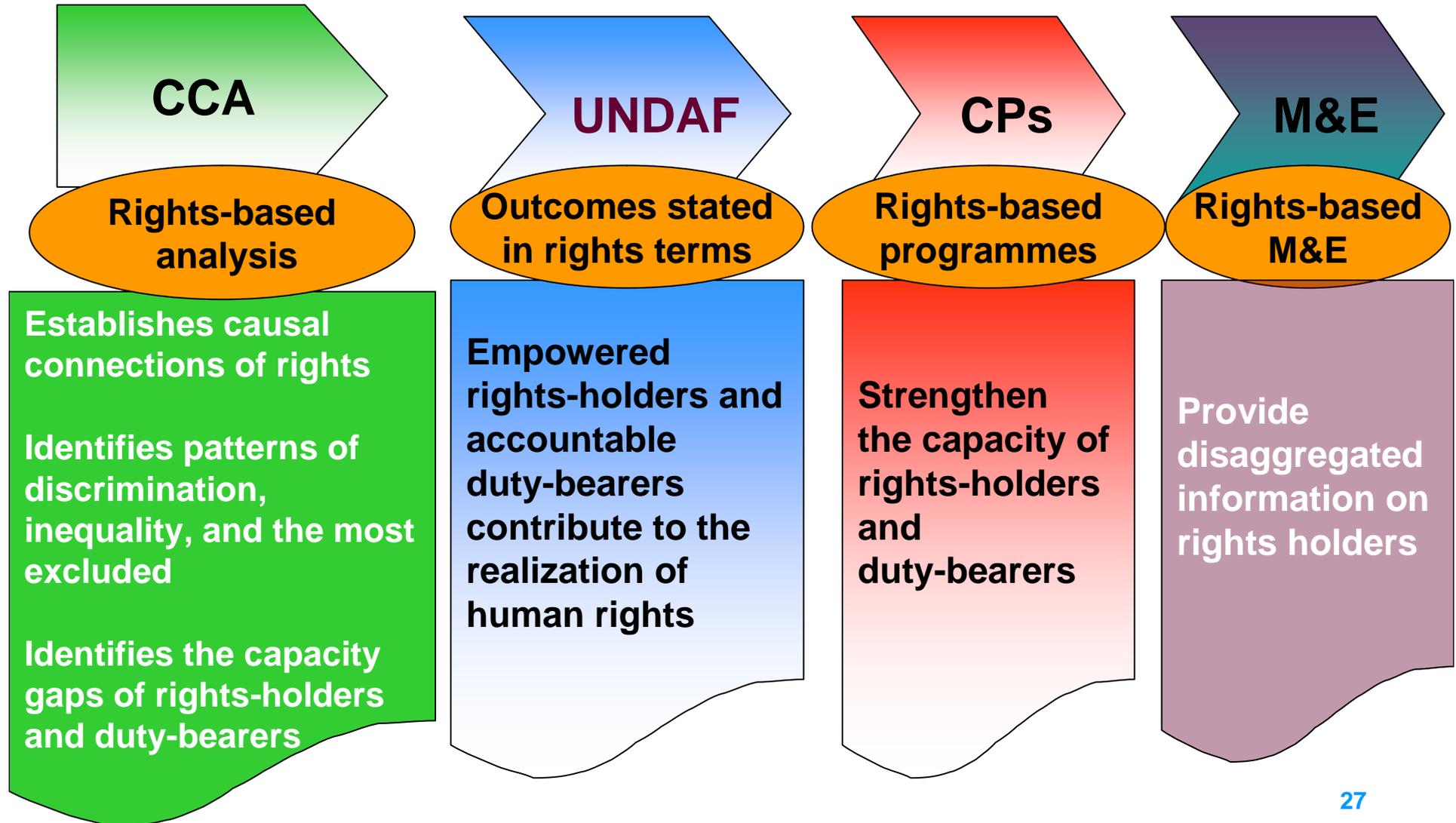
Integrating human rights in UN Country Programmes



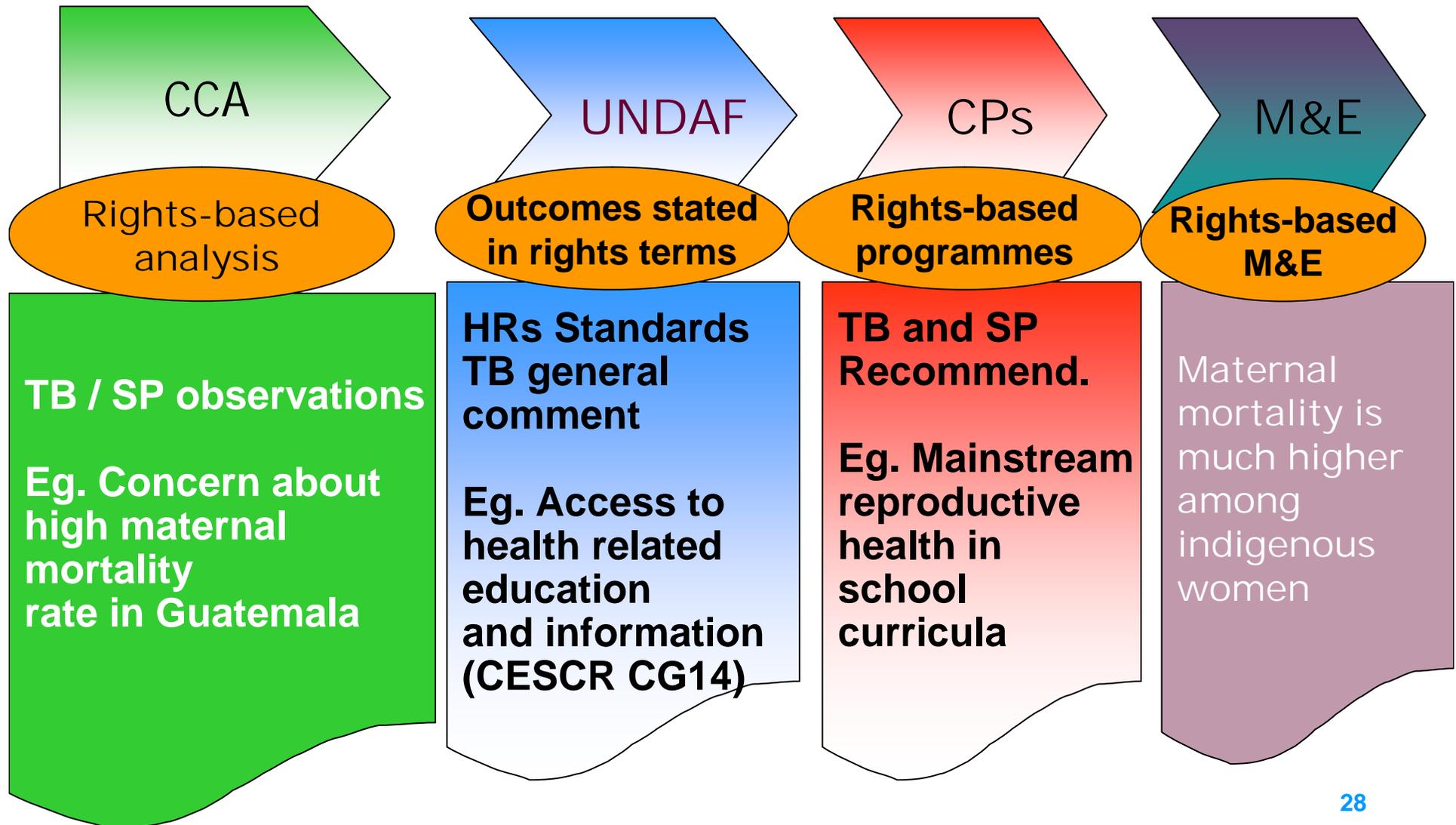
Example: use of human rights tools



HRBA in UN Programming



HRBA in UN Programming



Rights-based analysis identifies:

- Root causes for non-realization of rights (**causal analysis**)
- Legal, institutional and policy frameworks (**causal analysis**)
- Rights-holders and duty-bearers (**role/pattern analysis**)
- The most disadvantaged or excluded peoples in a development process (**vulnerability analysis**)
- Capacities of rights holders and duty bearers (**capacity gap analysis**)

Steps of rights-based analysis

Causality analysis

What are the problems and unfulfilled rights?

WHY is this so? Why is it happening?

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Responsibility analysis

WHO is supposed to do something about it?

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Capacity analysis

WHAT capacities are lacking for doing something about the problem and for demanding action?

Rights-based analysis

- Express development challenges as human rights issues or violations
- Analyse fundamental and underlying causes for non-realization of human rights
- Reframe the problems that need to be addressed (e.g. nation building and governance in PNG)
- Refer to human rights obligations and analyse entitlements and responsibilities
- Analyse budget structure and allocations of public resources
- Create stronger links between programme areas
- Integrate HRBA with results-based programming

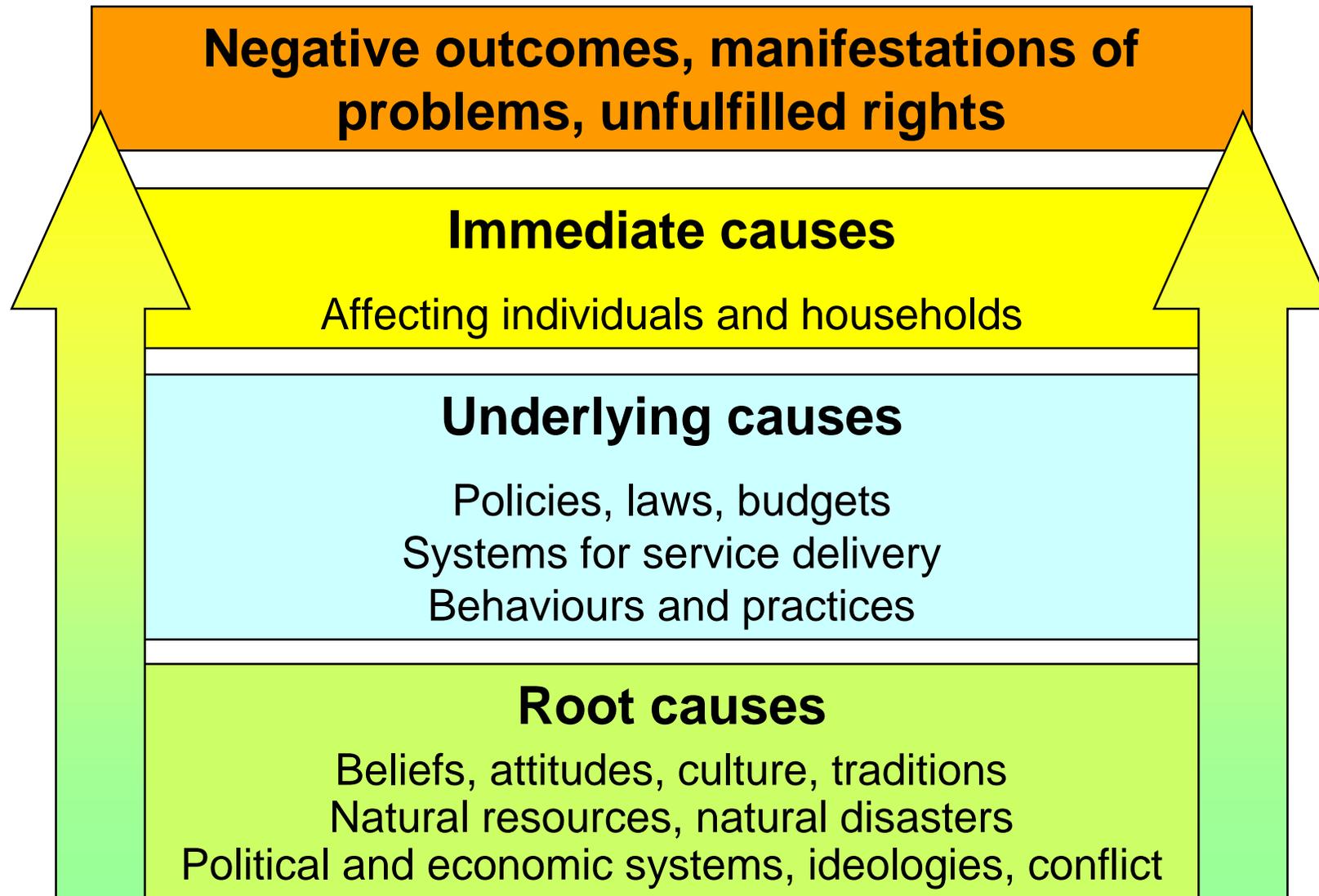
Some best practices

- Refer to HR obligations
- Frame development challenges as HR issues
- Identify real causes for non- realization of HR - lack of political will or cultural prejudices,
- Linking participation with the right to information
- Build advocacy skills by civil society
- Analyse budget structure and allocation, encouraging social auditing

a) Causality Analysis

- Standard element of good development programming
- Integral element of the HRBAP
- Identifies underlying and root causes and priorities for programme response
- Basis for results-based programme planning
- Need to address root causes, not just immediate and underlying to bring about fundamental change in society

Causality analysis: “why?”



Causality chain

Manifestation of a problem

Why?

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Immediate causes

Why?

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Underlying causes

Why?

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Root causes

Causal Analysis - An Example

Outcome

Primary school drop-outs, especially girls

Immediate Causes

School fees, discriminatory classroom practices, low learning achievement, domestic chores, early marriage, personal insecurity...

Underlying Causes

Education policies favour better-off, discriminatory attitudes towards girls and poor people, little attention to child stimulation in early years, education not seen as valuable...

Root Causes

Gender values, ethnically based discrimination, weak organisation of civil service, inadequate budget allocations

HIV/AIDS

Limited

HIV SERVICES

PMTCT SERVICES

HIV VCT & STI

TREATMENT ART/STI/PEP

PAEDIATRIC HIV/AIDS

IEC & CONDOM

COMMUNITY CARE & SUPPORT

YOUTH FRIENDLY SERVICES

MINIMUM STANDARD OF HEALTH CARE FOR PLWA IN HEALTH FACILITIES

LIMITED: ACCESSIBILITY AVAILABILITY ACCEPTABILITY (CIVIC PRINCIPLES; CULTURE; STIGMA) [FOR ALL SERVICES]

LACK OF RESOURCES

LACK OF EDUCATION

LACK OF INFRASTRUCTURE

LACK OF CAPACITY - TRAINED MANPOWER TO DELIVER SERVICES

POVERTY

STIGMA & DISCRIMINATION

LACK OF CAPACITY → COMMUNITY LEVEL

LACK OF ^{COORDINATE} RESOURCE ALLOCATION

INADEQUATE LACK OF APPROPRIATE SECTORAL POLICIES

LACK OF COMMUNITY MOBILIZATION & PARTICIPATION.

PARENTAL CONTROL, DISCIPLINE

OPPORTUNITIES FOR PREVENTION

SEXUAL EXPLOITATION OF YOUTHS - VULNERABLE POSITIONS (MIGRANT CLUBS)

Causal Analysis - An Example

PROBLEM

High infant mortality

Immediate Causes

Birth trauma, tetanus, diarrhoea, malaria, measles, ARI...

Underlying Causes

Closely spaced births, births not attended by skilled personnel, pregnant mothers not vaccinated, malaria during pregnancy, short duration breastfeeding, low use of health care, poor hygiene practices, poor complementary feeding practices...

Root Causes

Distance/cost of health care, distance/shortage of clean water, poor quality of education, malarial environment, lack of communication for social change, lack of allocation of resources for health care

Topics for causality analysis in PNG

1. Governance
2. Gender
3. Sustainable livelihoods
4. HIV/AIDS
5. Population and reproductive health
6. Service delivery (joined by 'poverty of opportunity' group)

Note: 'spatial disparity' is dispersed to highlight issue in each group

Cross-cutting issues to be addressed in every group (PNG)

Gender

Youth

Spatial disparities

Vulnerability, conflict, emergencies

Service delivery:

- Accessible, available, acceptable, quality
- Sector-wide approaches
- Planning based on age and gender-specific projections
- Monitoring, evaluation, supervision and other accountability mechanisms
- Participation (children, youth, women, men, rural...)

Link with Results Based Management

- In the RBM approach we have a hierarchy of results – outputs, outcomes and impacts
- Outputs relate to closing the capacity gaps of claim holders and duty bearers;
- Outcomes - changes in behavior of individual or institution – implies improving performance of duty bearers and claim holders in fulfilling their roles
- Impact means that duty bearers are meeting their obligations and claim holders are claiming their rights

b) Responsibility analysis

- Identify duty bearers and their responsibilities for respecting, protecting and fulfilling rights
- Identify patterns of relationships between different levels
 - duty bearer may also be a rights holder against the next level
- Identify rights holders
- Mapping roles is only a step towards understanding relations between duty bearers and rights holders
 - Often claims remain unfulfilled since roles of duty bearers remain unspecified
 - Rights holders have more than one right and duty bearers have multiple roles to fulfill different rights
 - Rights of duty bearers themselves may also not be fulfilled

Patterns of roles and responsibilities

	Responsibilities of duty bearers	Roles of duty bearers	Rights holders
Household	<i>Duty bearers:</i>		
Village/LLG	<i>Duty bearers:</i>		
District	<i>Duty bearers:</i>		
Province	<i>Duty bearers:</i>		
Central government	<i>Duty bearers:</i>		
International (agencies)	<i>Duty bearers:</i>		

Example for patterns of rights-duty relationships in society

Children have a right to education

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Parents have a duty to provide education for their children

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Parents may fail to meet their duties to provide education, because they lack the resources.

Their rights to land or a job are unfulfilled

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Their rights may be violated because the state or the community are not fulfilling their duties

c) Capacity gap analysis

- Duty bearers need capacities to fulfill their obligations
- Rights holders need capacities to claim their rights
- Identify capacity gaps among rights holders and duty bearers
- Strengthen capacity of **duty bearers** to fulfill their obligations and of **rights holders** to claim what they are entitled to
- Expanded concept of capacity
 - Motivation
 - Authority
 - Human resources and skills
 - Financial resources
 - Organizational resources

Motivation

- Is the duty bearer aware of his/her obligation
- Does he/she feel an obligation to perform the role – if not why not?
- Is the duty bearer willing to take responsibility and provide leadership in ensuring the right is fulfilled

Authority

- Does the duty bearer have the authority to perform the role implied by the obligation – if not, who does?
- Is the structure of accountability adequately defined and implemented to ensure that duties are performed in accordance with obligations

Resources

Human Resources

- Does the duty bearer have the necessary human resources to meet his /her obligation – if not, what is missing?
- Human resources includes numbers, time, skills and knowledge

Financial Resources

- Does the duty bearer have adequate financial resources to meet his/her obligation – if not, what is missing?

Organizational Resources

- Does the duty bearer have adequate organizational resources to meet his/her obligations – if not what is missing
- Organizational resources include opportunities for networking, infrastructure, support systems etc

3. Development agencies use and support human rights mechanisms

- Human rights training and awareness raising
- CRC and CEDAW reporting – link with development indicators
- Use of *concluding observations* for programme prioritisation
- Develop human rights guidance for governments, e.g. General Comment on children's right to participation
- National Plans of Action for children
- Assess the implementation of the CRC (CRC Implementation Handbook)
- Ombudsperson and other oversight and complaints mechanisms
- Need more human right specialists in development agencies

Programming informed by human rights mechanisms

Treaty Bodies and Special Procedures

Observations: Analysis of development issues from a human rights perspective (e.g. CESCR concern about high maternal mortality rate in Guatemala)

Recommendations: Are tools for UN programming to address problems identified (e.g. include reproductive health in school curricula)

General comments: Identifies the precise content of development objectives by clarifying the meaning of rights (e.g. access to health-related education and information, including on sexual and reproductive health is part of right to health)

4. Operationalising human rights standards and principles in sector programmes

Human rights-based approach to education

- Free primary education for all
- Compulsory education for all
- Education must meet four sets of criteria:
 - Availability
 - Accessibility
 - Acceptability
 - Adaptability

(Special Rapporteur on the Right to Education, UNESCO, UNICEF)

Availability of education

- Obligation to ensure compulsory and free education for all children in the country within a determined age range, up to at least the minimum age of employment
 - Fiscal allocations matching human rights obligations
 - Schools matching school-aged children (number, diversity)
 - Teachers: training, recruitment, labour rights, trade union freedoms
- Obligation to respect parental freedom to choose education for their children, observing the principle of the best interests of the child

Accessibility of education

- Obligation to eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability).
- Obligation to eliminate gender and racial discrimination by ensuring equal enjoyment of all human rights in practice, rather than only formally prohibiting discrimination.
- Eliminate:
 - legal and administrative barriers
 - financial obstacles (school fees)
 - discriminatory denials of access
 - obstacles to compulsory schooling: distance, schedule

Acceptability of education

- Obligation to improve the quality of education by ensuring that the education system conforms to all human rights.
- Obligation to set and enforce minimum standards for education:
 - Language of instruction
 - Contents and methods of teaching
 - Quality, safety, environmental health
 - Parental choice of education for their children
 - Freedom from censorship
 - Recognition of children as subjects of rights

Adaptability of education

- Obligation to adapt education to the best interests of each child and to design and implement education for children precluded from formal schooling:
 - Refugee, IDP, indigenous, working, migrant children, children with disabilities, children deprived of their liberty
- Obligation to apply indivisibility of human rights to enhance all human rights through education:
 - concordance of age-determined rights
 - elimination of child marriage
 - elimination of child labour
 - prevention of child soldiering

Availability

- fiscal allocations matching human rights obligations
- schools matching school-aged children (number, diversity)
- teachers (education & training, recruitment, labour rights, trade union freedoms)

Accessibility

- elimination of legal and administrative barriers
- elimination of financial obstacles
- identification and elimination of discriminatory denials of access
- elimination of obstacles to compulsory schooling (fees, distance, schedule)

Acceptability

- parental choice of education for their children (with human rights correctives)
- enforcement of minimal standards (quality, safety, environmental health)
- language of instruction
- freedom from censorship
- recognition of children as subjects of rights

Adaptability

- minority children
- indigenous children
- working children
- children with disabilities
- child migrants, travelers
- concordance of age-determined rights
- elimination of child marriage
- elimination of child labour
- prevention of child soldiering

- Everyone has the right to education... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (Article 26, Universal Declaration of Human Rights)
- UNESCO Bangkok is working closely with [UNESCO's Headquarters](#) to mainstream a human rights-based approach into programmes and activities aimed at achieving education for all in the Asia-Pacific region.
- The [United Nations Millennium Development Goals](#) recognise the importance of promoting education for all, and aims to ensure that, by 2015, all children will be able to complete primary schooling. [The Dakar World Declaration on Education For All](#) affirmed that the international human right to education is the foundation by which to secure education for all.
- In taking a human rights-based approach to education, UNESCO Bangkok utilises [relevant standards contained in international human rights law](#) to assist duty-bearers in meeting their obligations and to increase the capacity of rights-holders to claim their right to education.
- In 2004, UNESCO Bangkok, in collaboration with the UN Special Rapporteur on the Right to Education, Ms Katarina Tomasevski, published a [Manual on Rights-Based Education](#). The Manual translates the globally accepted human rights standards relevant to the education sector into guidelines for national education strategies. It aims to facilitate human rights mainstreaming in the education sector by listing and describing relevant standards contained in international human rights law and suggesting how they could best be translated into practice. It does so by utilising the “4-A approach” first outlined by the Committee on Economic, Social and Cultural Rights in its [General Comment No. 13 on the Right to Education](#). That is, it describes government obligations to protect, respect and fulfil the right to education in terms of making education available, accessible, acceptable and adaptable.

Right to education

Right to education	Availability	<ul style="list-style-type: none"> • fiscal allocations matching human rights obligations • schools matching school-aged children (number, diversity) • teachers (education & training, recruitment, labour rights, trade union freedoms)
	Accessibility	<ul style="list-style-type: none"> • elimination of legal and administrative barriers • elimination of financial obstacles • identification and elimination of discriminatory denials of access • elimination of obstacles to compulsory schooling (fees, distance, schedule)
Rights in education	Acceptability	<ul style="list-style-type: none"> • parental choice of education for their children (with human rights correctives) • enforcement of minimal standards (quality, safety, environmental health) • language of instruction • freedom from censorship • recognition of children as subjects of rights
	Adaptability	<ul style="list-style-type: none"> • minority children • indigenous children • working children • children with disabilities • child migrants, travelers • concordance of age-determined rights • elimination of child marriage • elimination of child labour • prevention of child soldiering
Rights through education UNICEF		

Availability, accessibility, acceptability, quality

Example: Health care

Availability. Functioning health facilities, goods and services have to be available in sufficient quantity:

- safe drinking water and adequate sanitation facilities
- hospitals, clinics and other health-related buildings
- trained medical personnel receiving competitive salaries
- essential drugs

Accessibility. Health facilities, goods and services have to be accessible to everyone without discrimination (physical, economic and information accessibility)

Acceptability. Culturally appropriate, respectful of medical ethics

Quality. Scientifically and medically appropriate and of good quality

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Welcome! Velkommen! ¡Bienvenidos! Dobrodošli! Bienvenue! Добродошли!

Human Rights Obligations in Education The 4-A Scheme by Katarina Tomasevski

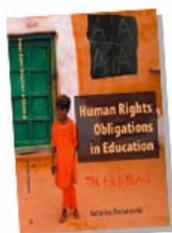


The Right to Education Project (RTE) is a public access human rights resource, the only such site in the world devoted solely to the right to education. It was started by Katarina Tomasevski, the first ever Special Rapporteur on the Right to Education of the United Nations Commission on Human Rights, after her appointment in 1998.

RTE defends the right to education and human rights in education, and promotes enhancement of all human rights through education. As a specialized applied research project, we carry out assessments of the global realization of the right to education, provide input for education strategies, and facilitate exposing and opposing human rights violations.



- Table 1: [Countries without free public primary education available to all school age children by region](#)
- Table 2: [The law and practice in Sub-Saharan Africa](#)
- Table 3: [Primary education in Eastern Europe and Central Asia: Legally free, really un-free](#)
- Table 4: [Guarantees of free education: The law and practice in Asia](#)
- Table 5: [Free education in the law and practice in Middle East and North Africa](#)
- Table 6: [The law and policy on free education in Latin America](#)
- Table 7: [Constitutional guarantees of free and for-fee education in the Caribbean](#)



Has the Right to Education a Future Within the United Nations? A Behind-the-Scenes Account by the Special Rapporteur on the Right to Education 1998–2004

The United Nations Commission on Human Rights is dead! What it should have done to strengthen the right to education and what it did instead is described in this article.

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Why would the global educational landscape amaze a visiting Martian?

"Not education for all, only for those who can pay:
The World Bank's model for financing primary

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EDUCATION Right to Education

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MANDATE

- UNESCO
- Historical context
- Early years activities
- UNESCO's constitution

STANDARD-SETTING

- Normative action
- Fundamental principles
- UNESCO Instruments
- UN Instruments

DIMENSIONS

- Legal foundations
- International recognition
- National legal systems

OBLIGATIONS

- Obligation of states
- UNESCO instruments
- UN Instruments
- Responsibility of states

MONITORING

- UNESCO instruments
- UN instruments

COOPERATION

- UN System
- National Commissions
- Intellectual Community
- Regional frameworks



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"[...] I have personally committed myself to making it a priority, for education is a fundamental human right, set forth in the Universal Declaration of Human Rights and the International Human Rights Covenants, which have force of international law. To pursue the aim of education for all is therefore an obligation for States." (Koichiro Matsuura, Director General of UNESCO, "Education for All: the Unfulfilled Promise", 21st Century Talks session on education for all). [Continue](#) ...

News

Mobilizing for Global Action Week

10-04-2007 (UNESCO) - "Education as a Human Right" is the theme of the 2007 Global Action Week (23- 29 April). UNESCO is once again mobilizing education ministers and stakeholders worldwide for this annual campaign in favour of Education for All. - [More](#)



New UN report on right to education

02-04-2007 (UNESCO) - A new UN report on the right to education for persons with disabilities calls for intensified efforts in inclusive education.



The report contains numerous inputs from UNESCO and addresses the normative framework, monitoring and various challenges to implementation. It ends with a forward-looking set of recommendations. - [More](#)

Education in danger in Iraq and Lebanon

29-01-2007 (UNESCO) - At least seven Iraqi schoolchildren died in their schools on 28 January in a day of sustained violence, while in Lebanon on 25 January three university students were killed. - [More](#)



AT REGIONAL LEVEL

Reflecting international values



Africa | Arab States | Asia & the Pacific | Europe & North America | Latin America & the Caribbean

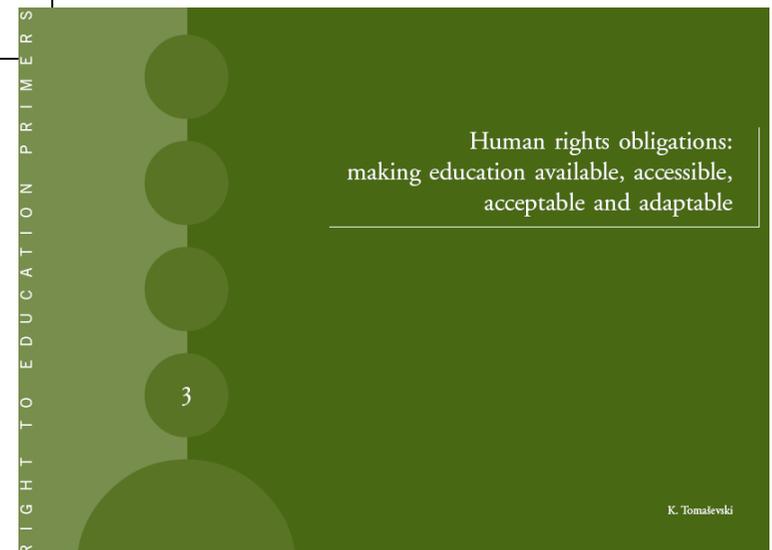
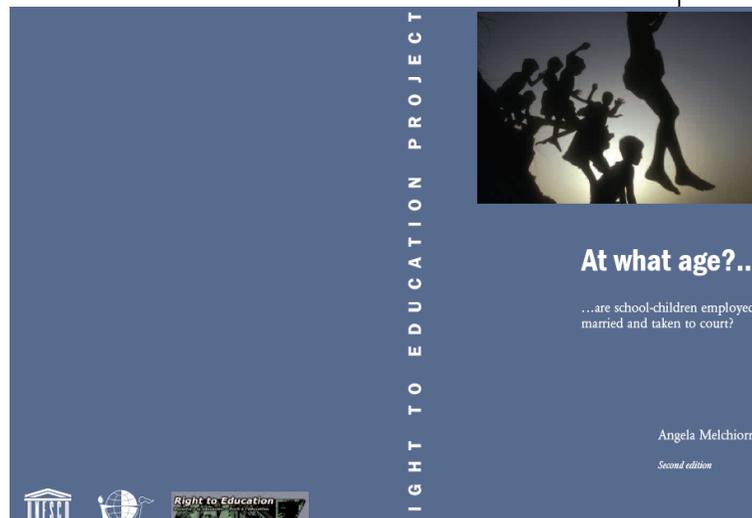
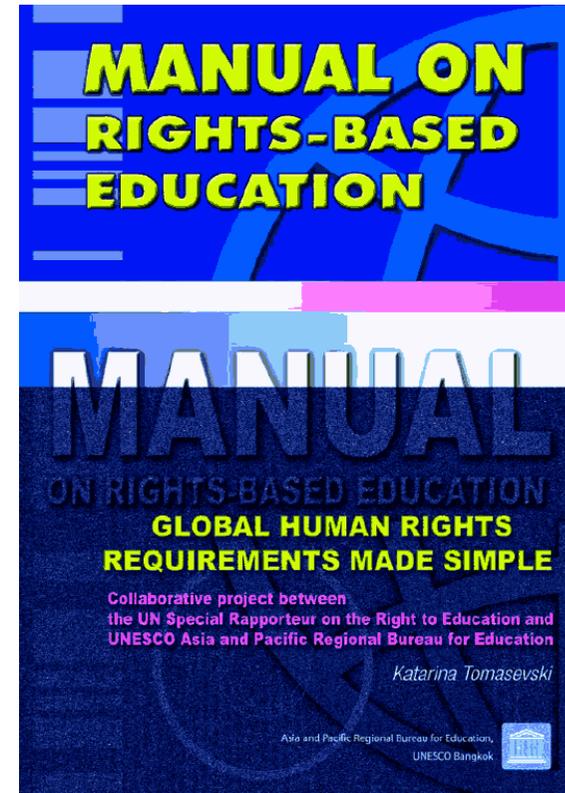
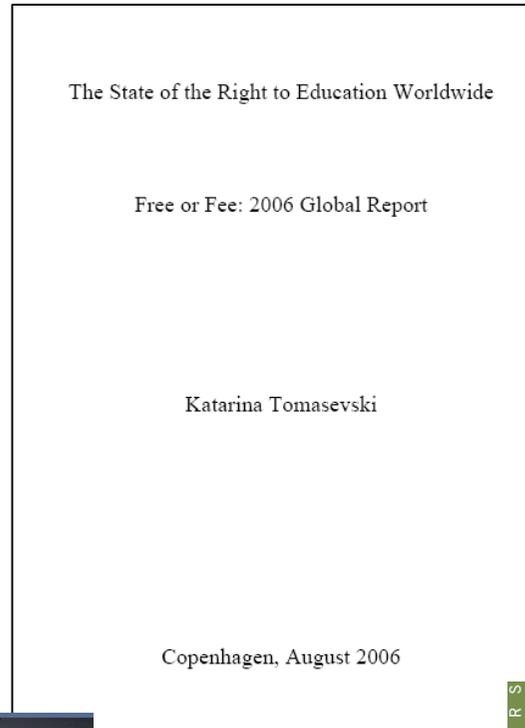
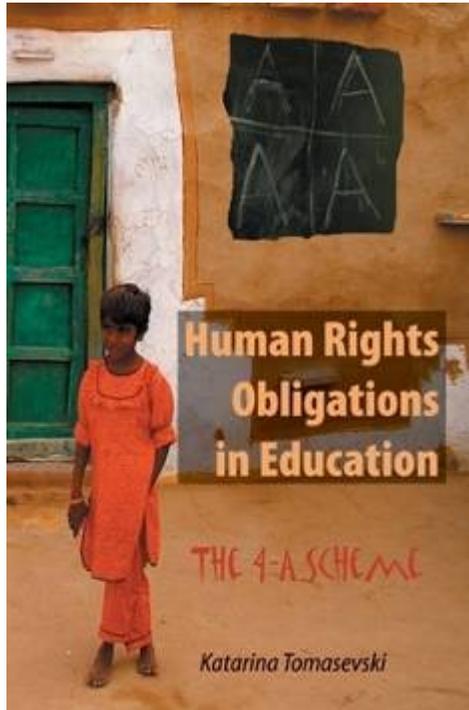
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World Development Vol. 32, No. 3, pp. 465–477, 2004

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Printed in Great Britain

0305-750X/\$ - see front matter

doi:10.1016/j.worlddev.2003.07.009

Social Rights and Economics: Claims to Health Care and Education in Developing Countries

VARUN GAURI *

The World Bank, Washington, DC, USA

Summary. — The paper analyzes rights-based and economic approaches to the provision of health care and education in developing countries. It assesses the foundations and uses of social rights in development, outlines the economic approach to health care and education, highlights differences and similarities, and assesses the hard questions that the economic critique poses for rights. The paper argues that the policy consequences of the approaches overlap considerably. Differences include the consequences of long-term deprivation, metrics for tradeoffs, and the behavioral distortions of subsidies. But the differences are not irreconcilable, and advocates of the approaches need not regard each other as antagonists.

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Key words — human rights, social rights, economics, health care, education, development

5. Operationalising accountability and participation through approaches that change power relations in society

Access to justice – Justice for the Poor

Access to justice for poor women, children and men is essential for poverty reduction (UNDP and World Bank)

1. Legal protection
2. Legal awareness
3. Legal aid and counsel
4. Adjudication
5. Enforcement
6. Civil society and parliamentary oversight

Justiciability of development aims

Using the justice system for development aims:

- Ethnic minority rights: language, land, culture, education, citizenship
- Rights of persons with disabilities
- Mining: land use, pollution (Mongolia)
- Dams, land use (India, Indonesia)
- Land ownership, housing rights
- Rights of migrants
- Fishing rights
- Rights to AIDS drugs (South Africa)
- Rights of sexually-abused women and children

Aid agencies are only beginning to explore this approach

Citizen participation

Fundamental change will only happen if many people demand it (Oxfam Poverty Report, 1998)

Support people and develop their capacities

- To demand what they are entitled to
- To hold governments and other duty bearers to account
- To reduce opportunities for abuse of power and impunity

Examples

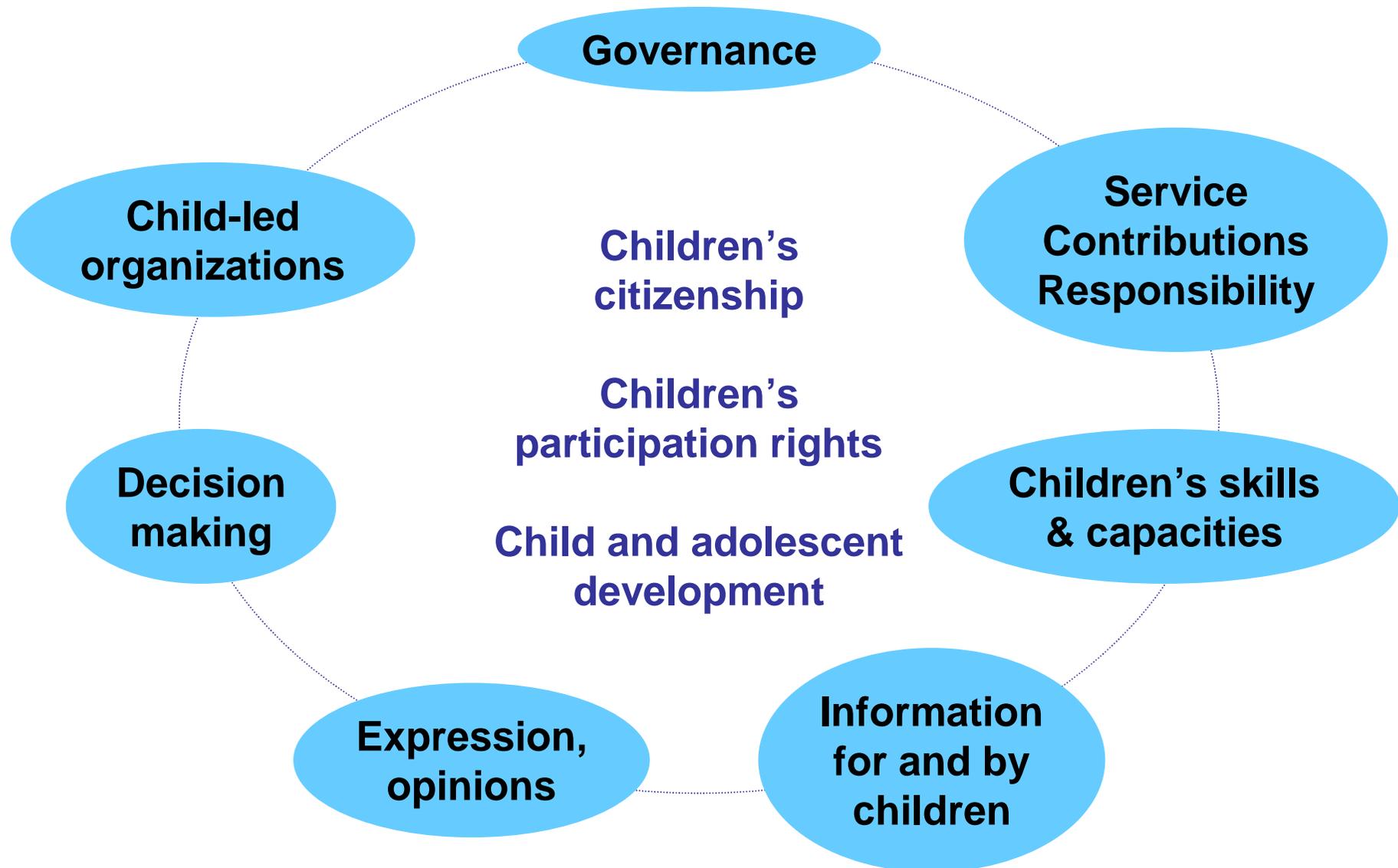
- Right to Information (India)
- Participatory budgeting (Brazil)
- Social auditing and citizen report cards
- Children's participation: right to information, expression, decision making

Participation rights

Civil and political rights

- Right to information
- Right to expression
- Right to vote (except for children)
- Right to own opinion and thought
- Right to decision making
- Right to form and join associations
- Right to identity and nationality
- Right to privacy
- ...

Child and youth participation



Participation is a right

- The right of every rights holder (including children) to demand their entitlements from duty bearers
- A fundamental human right
- A core element of a human rights-based approach
- A foundation principle of the Convention on the Rights of the Child

Children's civil rights and citizenship

Operationalising children's civil rights

- **Birth and civil registration**
- Children are able to **express their opinions, influence decisions in daily life**
- Children have access to **information** to develop, survive and be protected
- **Complaints mechanisms** for children: in schools, institutions, help lines, communities, camps, etc.
- **Justice for children**
- **Economic citizenship** and access to resources

Developing and practicing active citizenship

- Citizenship competencies and **civic engagement**
- Children as active citizens in the **media**
- Children **influencing public decisions**
- Children-led **associations**

Children's participation rights and education

Children's participation in education: respect and fulfill children's participation rights in schools and in education

Children's participation through education: education builds the knowledge, skills and capacities that children need in order to participate in society

Examples:

- Access to information and knowledge through education
- Student-centred teaching methods that encourage children to express their views and think for themselves
- Student councils and student involvement in school management
- Effective complaints mechanisms for students
- Student associations and clubs

Children's participation and power

Children are legally, politically, socially, economically disempowered

Their lack of power:

- Makes children vulnerable to abuse and exploitation
- Limits their education and livelihood opportunities
- Forms the basis of gender inequality and discrimination

Children's participation rights

- **Child participation is essential for realising children's rights to survival, development and protection**
- *'Participation rights'* are the tools that enable and empower children to demand their rights and to contribute to their own survival, protection, development and participation

6. What has not worked?

Repeating the mistakes of gender mainstreaming:

- Human rights checklists don't transform societies
- Human rights cannot be 'rolled-out' through generic HRBA packages, guides and toolkits
- Limitations of HRBA capacity building:
 - One-off introductory HRBA training courses
 - Too few development practitioners and managers have a thorough understanding of human rights
 - Too little practical experience with HRBA

What has limited impact?

- Cherry-picking the easier aspects of human rights and avoiding the tough issues. Example: non-discrimination, focus on excluded population groups, disaggregating data by sex and ethnicity
- Need to move out of our comfort zone and confront power and politics - the heart of human rights. Need to change the relationship between rights holders and duty bearers

Diffusion of accountabilities

- Decentralisation, privatisation, democratisation and globalization make decision making processes more complex → diffusion of accountabilities (forest of accountabilities)
- Allows those responsible to hide behind competing accountabilities. Example: British Rail broken up into 100 separate companies – many accidents, nobody responsible