

Dossier Human Rights

Applying the human rights based approach to all UNESCO programmes and activities

One may use its four-letter English acronym (HRBA) or one may prefer the current language of "mainstreaming". Either way, however, a human rights based approach to development challenges accepted ways of thinking. Henceforth, we need to consider social development in terms of the men and women without whom societies simply would not exist.

Since the human rights based approach was introduced about a decade ago as a shift from structural adjustment strategies for development, it has become central to programming and implementation within the UN system – not least in UNESCO.

At the time, it had become clear that policies for development and poverty eradication that were based merely on economic growth were not effective. In many cases, economic growth led to growing inequalities, as its benefits were "captured" by elites. This led to more exclusion, which has serious consequences for human dignity and human flourishing.

Hence the need to call upon universal principles and to put equality of rights and duties for all at the centre of development and poverty reduction policies. In practice, the objective is to incorporate human rights principles in all stages of programming, including planning and design, implementation, monitoring and evaluation. This has four key implications:

- Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.



- Assessment of the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations, leading to strategies to build such capacities.
- Monitoring and evaluation of both outcomes and processes guided by human rights standards and principles.
- Reference to the recommendations of international human rights bodies and mechanisms.

The human rights based approach thus recognizes people as key actors in their own development, rather than passive recipients of commodities and services. Specific attention is paid to marginalized, disadvantaged, and excluded groups. How did this shift in thinking come about?¶

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“ We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed. In this new millennium, the work of the United Nations must move our world closer to the day when all people have the freedom to choose the kind of lives they would like to live, the access to the resources that would make those choices meaningful and the security to ensure that they can be enjoyed in peace.”

Kofi Annan in his report,

In Larger Freedom

The key steps

1993

The **World Conference on Human Rights**, in Vienna, provided the momentum for the integration of human rights in UN development agencies. The Conference reaffirmed in the Vienna Declaration and Programme of Action that development was a right, stressing the link between human rights and development articulated in the 1986 Declaration on the Right to Development. The Conference further decided to establish the post of High Commissioner for Human Rights as the coordinator of all human rights activities within the UN system.

Subsequently, the **Human Rights Council of Australia** was among the first to explore the human rights approach to development. Its mid-1990s report *The Rights Way to Development* provided an early basis for discussion within the UN system. The report called for a de-linking of human rights from conditionality, for the priorities for assistance to be set within the human rights obligations of governments, and for an emphasis on genuine and meaningful participation.

1996

In 1996, the Executive Board of **UNICEF** declared that the **Convention on the Rights of the Child** was the frame of reference for UNICEF. It also maintained that the Convention on the Elimination of All Forms of Discrimination against Women underpinned the mandate and mission of the Organization. Since then, UNICEF has been at the forefront of integrating children's and women's rights in its development activities.

1997

In 1997, UN Secretary-General Kofi Annan presented a report to the UN General Assembly on his vision and proposals for **UN Reform**. He placed human rights, as well as sustainable development, firmly at the centre of UN reform.

1998

The following year, the **fiftieth anniversary of the Universal Declaration of Human Rights** provided the impetus for many UN agencies to develop policy statements on human rights. For example, taking its cue from UNICEF, UNDP adopted the policy document "Integrating Human Rights with Sustainable Human Development", basing its mission on the comprehensive human rights framework.

1999-2000

In 1999-2000, the Right to Development Branch of the Office of the High Commissioner for Human Rights (OHCHR) and UNDP's Management Development and Governance Division developed the **Human Rights Strengthening programme (HURIST)** to support the implementation of UNDP's new human rights policy.

In September 2000, the UN General Assembly adopted the **Millennium Declaration**. The Declaration commits governments to take action on peace and security, development and poverty eradication, protection of the environment, human rights and democracy, and protection of the most vulnerable. In order to translate the Declaration into action, the Summit formulated the eight Millennium Development Goals (MDGs), an ambitious agenda for reducing poverty and improving lives. For each of the eight goals one or more targets have been set, most for 2015.

2002

In 2002, the Secretary-General presented his **Agenda for Further Change** to the General Assembly. He stressed that the promotion and protection of human rights were fundamental for the realization of the UN Charter. In the Action 2 section of the document, which gave its name to the eventual *Action 2 Plan*, he proposed to strengthen the capacity of the UN to assist countries to build strong human rights institutions and to improve the operations of the treaty bodies and the special procedures.

2003

In the following year, the **Inter-Agency Workshop in Stamford** aimed at elaborating to what extent human rights were mainstreamed in the work of UN agencies, particularly within the context of the Common Country Assessment (CCA) and the UN Development Assistance Framework (UNDAF). To make the human rights based approach standard for UN agencies, the workshop drafted and agreed a **statement of Common Understanding**.

2004

The **Action 2 Programme** launched in 2004 was a direct result of the Secretary-General's plan for UN reform and was a joint initiative of the UN Development Group, the Executive Committee for Humanitarian Affairs (ECHA) and OHCHR. It aims to develop the capacity of UN Country Teams to support Member States to strengthen their human rights protection systems and to effectively integrate human rights in UN development operations. It is expected that one of the principal emphases will be on the coordination of inter-agency support to the UN Country teams.



→ In outline

The process of mainstreaming human rights in the various UN agencies thus seems to follow a fairly common pattern. It often starts with the adoption of a policy on the human rights approach at the highest level of the Organization. The implementation of such a policy may, however, take many years.

The agency with the longest experience in this area is UNICEF, which in 1996 placed the Convention on the Rights of the Child at the centre of its mission statement. UNICEF has the advantage that its activities are guided by a single human rights instrument, which moreover has the greatest number of ratifications (only Somalia and the USA are not a party to the Convention). UNICEF has developed the most extensive training programmes and exhibits the most experience in mainstreaming human rights within an organization. However, even UNICEF still faces many challenges similar to other institutions.

UNDP also has long experience in mainstreaming human rights and has achieved good results since it adopted its policy document on human rights in 1998. It has benefited from support from senior management in this process and from the collaboration established with the OHCHR. UNDP is the largest UN development agency and its role as coordinator of the UN's in-country presence gives it a critical role in ensuring that the Secretary-General's reforms are carried out. Because it is not closely associated with a specific human rights treaty, UNDP has confronted greater resistance than UNICEF among staff, including at a senior level, to the integration of human rights. However, it has played a key role in the evolution of the UN Common Understanding and has a stake in gaining its global acceptance.

What next?

Other agencies have been considering human rights mainstreaming policies for some time. The WHO has thus developed specific mainstreaming strategies and has produced a number of educational tools for young people on the nature of rights and the right to health specifically. The UN Food and Agriculture Organization has also developed policies in a similar vein, especially in relation to the right to food.

The FAO Council commissioned the formulation of voluntary guidelines to support Member States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security. Subsequently, the FAO Committee on World Food Security adopted these guidelines, which take into account a wide range of important human rights principles.[¶]

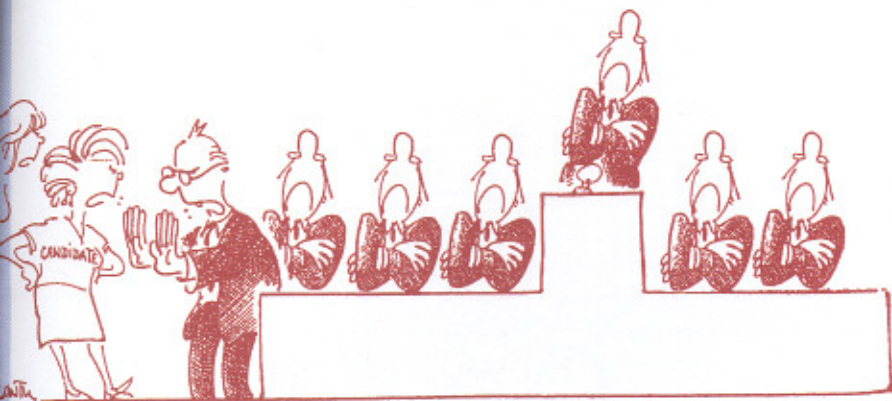
➡ The UN Common Understanding

The Common Understanding on the Human Rights-Based Approach to Development Cooperation, agreed at the Stamford Inter-Agency Workshop in October 2003, was approved by the UN Development Group (UNDG) and has now been included in the CCA/UNDAF guidelines.

The Common Understanding is based on three concepts:

- All development cooperation, general policy and technical assistance programmes should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- 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.
- Development cooperation programmes contribute to the development of the capacities of duty-bearers to meet their obligations and of rights-holders to claim their rights.

The first concept requires staff to be familiar with the international human rights framework, not only for its own sake but to be able to conduct a human rights analysis that will enable the establishment of human rights objectives, implementation of which can then be measured against human rights standards and norms. The second focuses on the basic human rights principles of equality and non-discrimination as the broad overall objective of the development effort, as well as on participation and inclusion, and accountability and the rule of law. The third concept requires strengthening the capacities of rights-holders to claim their rights and of duty bearers to meet their obligations. The last principle, therefore, requires a comprehensive rights-holder/duty-bearer analysis.[¶]



The challenges ahead

After almost a decade of integrating human rights into the programmes of the UN, most bodies and agencies have adopted or are in the process of adopting policy documents at the highest level institutionalising appropriate policies and making the human rights based framework mandatory for their work. Since human rights have been taken seriously as the fount, engine and ultimate goal of UN action, harmonization of the various agencies' approaches has been facilitated. The adoption of the UN Common Understanding is a clear indication in this respect.

Despite the important progress made, several challenges remain.

Commitment of senior management

Good implementation of the human rights based approach critically requires the strong commitment of senior management. Many evaluations and reports, however, show that such commitment does not always exist. Reasons are manifold. For example, staff may not be familiar with the approach and have limited experience in applying it. Managers may not be convinced of its added value, which may undermine the commitment of others. Furthermore, it may not fit into the strict time frame for budget spending of different agencies. Yet how can action be effective if human rights are not central to projects? Who conceives projects? Who implements them? *Cui bono?*

Partners' lack of knowledge

It is widely reported that government and non-government partners are largely ignorant of the human rights based approach to development. This is compounded by the relative lack of familiarity with the approach within the agencies themselves. In addition, the sensitivities to any discourse on human rights in many countries have put pressure on agency staff not to put at perceived risk programmes and projects that depend on collaboration with the national partner. However, it is in the mandate of all agencies to follow the UN Charter and the reform process, including the integration of human rights in their programmes and projects.

Gender mainstreaming

Despite the fact that gender mainstreaming has been on the agendas of all UN organizations for more than two decades, it still remains a challenge to many of them. Only UNIFEM and UNFPA are advanced in this regard, but this can be explained by the fact that their mandates focus on women. They have developed special expertise in the identification of gender issues, as well as ensuring that their staff pay particular attention to human rights of women.

Meaningful participation

Participation, which is one of the main principles of the human rights based approach, is a long-term process that cannot necessarily be achieved in the short-term. Therefore, a longer-term perspective with regard to participation should be incorporated in programme and project design. Participation means that people need to be involved at the level that most directly affects them. However, here lies a challenge. Many projects are delivered by NGOs and consultants at the local level, which implies that the process of participation is often removed from the control of the agency. Consequently, in order to ensure meaningful participation, implementing NGOs and consultants also need to receive training and be sensitized.

Human rights training

All evaluations in the various agencies call for increased, more consistent, repeated, and/or comprehensive training on human rights and human rights mainstreaming for senior and junior staff. Target audiences should be mixed, with an emphasis on mid-level management but with some senior staff and some less experienced staff taking part. An essential task is to determine who needs to know what in order to do their job, but consideration must be given to the minimum level of knowledge. There may be resistance to legal language but this cannot be avoided given the importance of international law in holding governments accountable. A clear message is that one-off events are inadequate and that considerable thought and preparation needs to be devoted to devising appropriate and continuing training programmes.



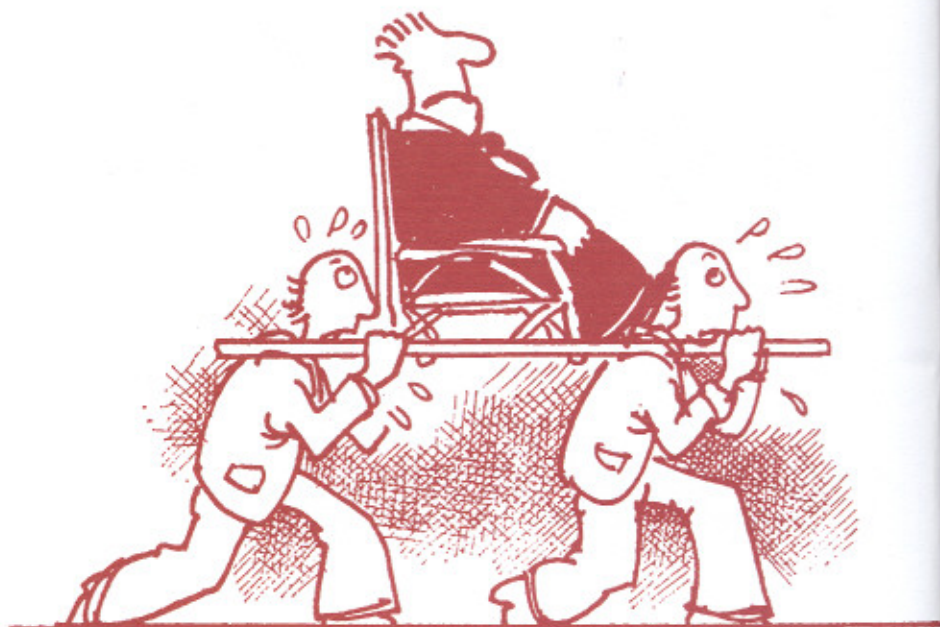
→ The integrated human rights based approach in UNESCO

UNESCO, as stated in its Constitution, should further justice, the rule of law and human rights and fundamental freedoms by promoting collaboration among nations through education, science and culture. The UNESCO Strategy on Human Rights adopted by the 32nd General Conference reaffirmed the importance of human rights as a cross-cutting theme relevant to all the fields of competence of the Organization. Recalling the Secretary-General's appeal to mainstream human rights within the system, the Strategy calls for the "development, with due consideration of the mainstreaming experience accumulated within the United Nations, of a phased plan to mainstream human rights into all of UNESCO's programmes and activities" (para 15 a). This requires UNESCO staff to be more aware of human rights issues. A central component of the mainstreaming effort is therefore "staff training in human rights at Headquarters and in the field, including staff meetings on major challenges to human rights with leading experts" (para 15 b).

Current activities

SHS has been given the responsibility for coordinating the integration of the human rights based approach within the programmes and activities of UNESCO. The Division of Human Rights has undertaken the following:

- Commissioned a study taking stock of the experiences of other UN agencies, programmes and bodies in the field of human rights mainstreaming, and in particular of "good practices", materials and lessons learned;
- Organized, with the assistance and in close cooperation with the human resources team, a series of training courses aimed at increasing awareness and knowledge of UNESCO staff of human rights standards and protection mechanisms, with particular emphasis on the rights within the mandate of the Organization, and introducing the concept of a HRBA to programming within UNESCO.



A web page has been created containing background information and the materials of the training sessions: www.unesco.org/shs/human_rights_approach.

Three training sessions have so far been organized. In April 2005 a "pilot" session was organized for SHS staff. In May 2005, following a workshop on UN common country programming processes, a session was organized for Directors of UNESCO Field Offices, as well as senior staff at Headquarters. Finally, in June 2005, a session was organized for a group of volunteers from each Programme Sector in order to promote mainstreaming in their respective division/section. Each session was adapted to the specific needs of the persons involved.

Participants clearly stated that it is crucial to involve senior management in the mainstreaming efforts. This was also one of the recommendations in the study on experience in other UN agencies. Therefore, two workshops targeting senior management in UNESCO are envisaged before the end of 2005 in an effort to seek their support and assistance in pursuing the mainstreaming of human rights throughout UNESCO.

The results and beyond

The main results of the human rights based approach as applied to UNESCO

- programming process are:
 - Identification of the experiences, good practices and lessons learned in the mainstreaming efforts of other UN bodies, programmes, and specialized agencies. UNESCO activities have benefited from
 - the experiences of other agencies.
- More than 100 staff members from Headquarters and Field Offices have already received human rights training. Their knowledge on human rights norms, standards and procedures has increased and they have been acquainted with the principles of Human rights based programming.

The training was very positively evaluated. Participants were satisfied with its content, which they considered relevant and closely linked to their work. It was generally agreed that an integrated human rights based approach is important for the planning and implementation of UNESCO programmes, which they no longer see in quite the same light. ¶

➔ Key human rights principles

Universality and inalienability: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere can neither voluntarily give them up nor be deprived of them by others.

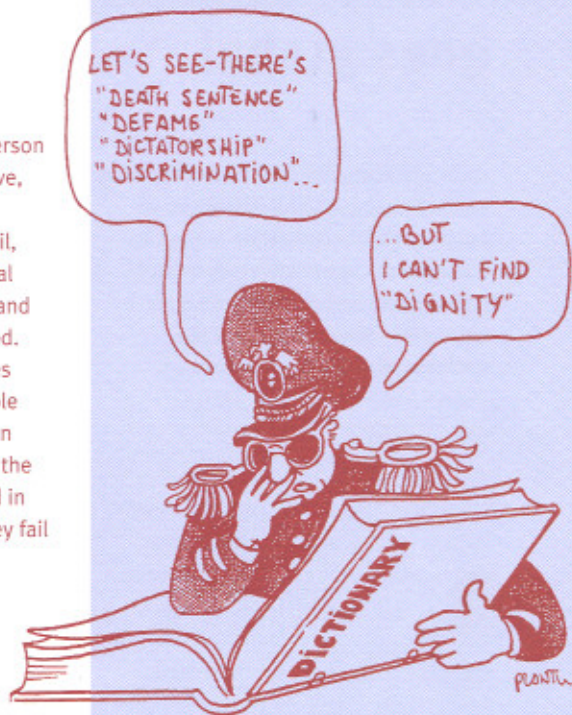
Indivisibility: Human rights are indivisible. Civil, cultural, economic, political and social rights are all inherent to the dignity of every human person. Consequently, they all have equal status.

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

Equality and non-discrimination: All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status.

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

Accountability and rule of law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they should 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.¶



The drawings by Plantu that illustrate this dossier are taken from *Human Rights: Questions and Answers* by Leah Levin, first published by UNESCO in 1981, the fourth revised edition of which has recently been published in French and in English. www.unesco.org/publishing



➔ Memorandum of Understanding between UNESCO and OHCHR

In February 2003, Koïchiro Matsuura, Director-General of UNESCO, and the late Sergio Vieira de Mello, then High Commissioner for Human Rights, signed a Memorandum of Understanding between UNESCO and OHCHR. The aim of this Memorandum is to consult regularly and cooperate closely in order to avoid duplication of work and to mutually strengthen efforts to advance human rights. The OHCHR is closely involved in mainstreaming human rights throughout UNESCO's programmes and activities.¶

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