

Applying a human rights based approach to programming: Experiences of UNICEF

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**Presentation Paper
prepared for the Workshop on Human Rights, Assets and Livelihood
Security, and Sustainable Development**

London, UK

19th - 20th June 2001

Background Information

Human rights, particularly the rights of children and women, are fundamental to the work of the United Nations Children's Fund (UNICEF). As part of the United Nations system, and guided by the UN Charter, UNICEF has a responsibility to work towards the realization of human rights, along with other UN system wide organizations, agencies and funds. Its Mission Statement, approved by its Executive Board in 1996, declares that "UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential." The Convention on the Rights of the Child (CRC), which makes specific references to UNICEF in Article 45, is the organization's frame of reference. The other important underpinning of the organization's mandate and mission is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

As an international development organization, tasked by its mandate and mission statement to advocate for the protection of children's and women's rights and to help meet their basic needs, UNICEF has worked since the 1989 adoption of the CRC to identify ways in which normative processes of international human rights law can inform and guide development work for children and women. During the 1990s, the organization moved from viewing the Convention primarily as a basis for global advocacy to exploring both its role, and the role of CEDAW, as normative frames of reference for the design and implementation of programmes of cooperation with national partners.

The Human Rights Based Approach to UNICEF Programming

In April 1998, UNICEF adopted a human rights-based approach to programming for children and women. Initial Guidance was issued to the field through Executive Directive 1998-004, "*Guidelines for Human Rights-Based Programming Approach*". Under this approach, all UNICEF Country Programmes of Cooperation are focused on the realization of the rights of children and women. Furthermore, human rights principles guide all phases of the UNICEF programme process and are applied in all programme sectors. These include the principles of universality, indivisibility, accountability and participation as well as the four foundation principles of the CRC, i.e. non-discrimination; the child's right to life, survival and development; the best interests of the child; and respect for the views of the child.

These principles and the specific standards of the Conventions provide "value added" to how UNICEF programmes: how it assesses and analyzes the situation of children and women; how it sets objectives, designs strategies, and implements and evaluates programmes; how it builds partnerships and alliances; and how it works towards the adoption of public policies, legislation and resource allocations that will help ensure the full spectrum of children's rights.

General Programme Implications of a Human Rights Based Approach

In its initial guidance to the field, UNICEF advised that the rights approach has programme implications in the following areas:

1. Strengthening the CRC as the foundation of UNICEF Work
2. Linking HR convention monitoring and reporting processes and the UNICEF programme process of situation assessment and analysis
3. Building partnerships
4. Influencing public policy and policy formulation
5. Influencing budgets and the use of resources
6. Intersectoral work

1. Strengthening the CRC as the Foundation for UNICEF's Work

Within the framework of the rights approach, the CRC provides UNICEF with the legal foundation for the ethical and moral principles that have always guided its work for children. UNICEF country programmes of cooperation and global activities specifically support the implementation of the CRC.

2. Linking HR Convention Monitoring and Reporting Processes with the UNICEF Situation Assessment and Analysis of Children, Women and Families

A key element of the UNICEF programme process is situation assessment and analysis (SITAN). The SITAN is a broad examination of how children and women fare in relation to the full ranges of rights. It identifies how law, social norms, public policy, traditional practices, and institutional responses impact children and women and the factors that create and perpetuate discrimination and social exclusion and hinder the realisation of the rights.

UNICEF seeks to identify effective ways to link its situation assessment and analysis in programming with the State's process for reporting on its treaty obligations to children and women. This means that the vision for children and women's rights that the CRC and CEDAW have established must guide UNICEF's SITAN.

3. Building Public and Private Partnerships

Cooperating partnership with governments have always been at the heart of UNICEF's programme approach. However, this cooperation becomes even more vibrant and productive when the groups and organisations of civil society that share common values join the partnership for good governance, which is an essential condition for the protection of children's and women's rights.

For this reason, alliances with civil society organisations is not an alternative to working with governments, but is a cornerstone of the effective private/public collaboration essential to CRC and CEDAW implementation. The well-being of women and children is heavily determined by what happens in the private spheres of their lives, within their families, households and communities. With regard to children, the ability of parents to provide for and to protect them is the key determinant of their survival and optimal development. A rights approach thus requires UNICEF to find effective ways to influence outcomes for children at the family and community

level, as well as through institutional and administrative arrangements of the State, at local and national levels.

4. Influencing Public Policy and Policy Formulation

The rights approach requires UNICEF to play a vital role in working with national partners to improve public policy development to realise the rights of children and women. As part of this effort, explicit attention is paid to:

- i) the links between a given policy and the realisation of rights;
- ii) the degree to which a given policy is consistent with the human rights principles, including the best interests of the child, non-discrimination, participation and survival and development;
- iii) whether the policy provides a sound basis for the "progressive realisation" of rights; and
- iv) whether the policy making process allows for effective participation of all the holders of rights, including children and women.

5. Influencing Budgets and the Use of Resources

In order to fulfil their commitments to the principles of the CRC, States need to consider how to maximize the use of available resources for children. In many countries this could involve significant shifts in the allocation of government resources. It also implies that resources beyond public finance need to be seen as potentially "available resources" for children. For example, institutional and privately held resources may need to be tapped.

In assessing the situation of children, UNICEF examines the extent to which national resources are used in a given country to advance the human development agenda. In particular, this means determining the level and effectiveness of the resources devoted to children and women, and examining on this basis whether the standard of "maximum extent of available resources" is met.

7. More Intersectoral Work

A rights perspective requires that attention be paid to the civil and political dimensions of meeting basic needs and fulfilling rights. Short-term programme objectives are situated in the context of longer-term goals that seek to fundamentally change deeply rooted conditions that perpetually undermine the full implementation of CRC and CEDAW.

Attention is given to ensuring that UNICEF programme activities contribute to greater cohesion and integration in a community or society, especially for those most affected by discrimination.

UNICEF's cooperation, therefore, aims to be situated within a broad strategy that draws on the contribution of many key parties. It should strive to help facilitate the development of such partnerships and to constantly monitor whether its work and that of others are contributing holistically to the realisation of children's rights.

Implications for Programming in Practice - the Latin American Experience

In a study conducted by Elisabeth Lewin of lessons learned in the early application of the rights approach by UNICEF in the three Latin American countries of Costa Rica, Venezuela and Brazil, a number of the implications for programming outlined above were observed in practice. A series of processes which, UNICEF helped to support, were identified that led to overall reform and improved conditions for children. These processes are listed and diagrammed below.



The overall process usually began with legal reform to bring national legislation in compliance with the CRC as a first step towards adjusting national policy frameworks to the Convention. The legal reform led to changes in important areas, such as the establishment of new frameworks for adequate policies and institutional approaches and changing attitudes towards children's rights. Changes in social policies gradually changed people's vision, and thus old paradigms gave way to – gradually - to new a child rights vision. It was further observed that legal, policy and institutional reform required massive training of personnel if sustainable desired changes were to be produced. However, not only training was required. As important were changes of values and attitudes because often the very mission of the institution may undergo profound change.

Lewin observed that these processes change pace, retrocede, come to a halt, start over again, etc. They are on-going and dynamic, responding to needs and opportunities as they arise.

Applying Human Rights Principles in Programming

As stated earlier, within the framework of the UNICEF rights based approach, human rights and child rights principles are applied in all phases of the programme process. These processes include situation assessment and analysis, programme design, implementation and management and monitoring and evaluation. What follows is an explanation of the how some key principles influence programming and examples of their application.

Accountability

When states parties ratify the CRC and CEDAW they voluntarily acknowledge and accept obligations to respect, protect, facilitate and fulfil the rights of children and women. In doing so they agree to implement these treaties and to be accountable for meeting the rights of the people within their jurisdiction. Ratification makes states legally accountable to their citizens, including

children, and the international community. This opens the way for UNICEF to discuss issues with governments when children or women's rights are not realised and to comment on progress. Ratification also requires States to align their domestic laws with treaty provision and to ensure that steps are taken to make structures in society, at national and sub-national level respond in a way consistent with the letter and intent of the law. Towards this end, UNICEF over the past decade has promoted and supported legal reform activities.

The affirmation that children and women are subjects of rights, or in other words not objects of charity, means that benevolent and charitable actions, while good, are insufficient from a human rights perspective. A rights approach is based on the premise that there are shared interests between rights holders and those working to help realise rights. It accepts that the State is normatively required to work consistently towards ending denials or violations of human rights, and that the empowerment of rights holders is in itself an important result of various processes.

UNICEF recognises a responsibility to help state parties to meet their obligations towards to children and women. At the same time, it recognises that families are primary caregivers, protectors of children's rights and guides of children. Local governments and civil society, including communities, families, parents and caregivers, all have obligations to children. Under a rights approach, UNICEF Programmes of Cooperation help communities, families, guardians, caregivers and other responsible groups and bodies to develop their capacities to meet their obligations to children and women.

Operationalizing the Principle: UNICEF's East and South Africa Region has gained significant experiences in Community Capacity Development that is one the cornerstones of their work towards operationalizing a rights based approach. Under this model, communities, as duty bearers that are close to the child, are empowered to increase their capacities to analyze and take action to solve the problems of their children.

Universality of Rights and Non-Discrimination

The universality of rights is the foundation of all human rights treaties. The principle of non-discrimination (on the basis of race, colour, gender, language, opinion, origin, disability, birth or any other characteristic) means that all children have the same right to develop their potential. For UNICEF the application of this principle necessitates the identification of issues of exclusion and injustice as central concerns in the dialogue with national partners. The disaggregation and analysis of indicators are essential for making programming decisions that are rights sensitive.

While the well-being of all children is of importance to UNICEF, under a rights approach the organisation gives priority to the most disadvantaged children in the countries in greatest need. Issues of disparity and injustice are central concerns and programmes work towards ensuring that the marginalized, remote or excluded have equal access to their rights.

Operationalizing the Principle: "Reaching the unreached" is a strategy of UNICEF programming. Within the context of a rights approach, the ability to reach the unreached has become increasingly important to UNICEF. Currently the organization is conducting a global review of experiences in programming for the marginalized and excluded populations with the aim of identifying good practices and lessons learned.

Indivisibility

Human rights law recognizes the indivisibility and interdependence of rights. As the Committee on the Rights of the Child has pointed out, "All rights are indivisible and interrelated, each and all of them being inherent to the human dignity of the child. The implementation of each right set forth in the Convention should therefore take into account the implementation of and respect for many other rights of the child."

The indivisibility and interdependence of rights means that all rights have equal status as rights and it is necessary to look holistically at the full range of human needs: physical, psychological, developmental, and spiritual. Partnerships and alliances are thus critical when programming within in a rights framework.

Operationalizing the Principle: Programmes that are built on the premise that there is an indivisibility and unity to the rights of children hold the greatest promise for children's' health and well being and for that of their families and communities. The Early Child Development (ECD) approach is actively promoted by UNICEF. ECD refers to a comprehensive approach to policies and services for children from birth to 8 years of age, their parents and caregivers. Community based services that meet the needs of infants and young children are vital to ECD and include attention to health, nutrition, education, water and environmental sanitation in homes and communities. A CD approach contributes to the fulfillment of the child's rights to develop his or her full cognitive, emotional, social and physical potential.

Participation

A human rights approach requires UNICEF to demonstrate that its programmes of cooperation contribute, in observable ways, to making the participation of women and children possible, especially in family and community activities that directly influence their well being. From a human rights perspective, broad participation is both a means and an end. The CRC and CEDAW stress participation rights in particular, since traditionally women and children are those most marginalized and excluded from the processes of mainstream society.

Rights are not realised in the things "we do for others. " For UNICEF, this concept entails a shift away from an emphasis on social mobilisation, away from creating a demand for goods, services and even rights to be granted or provided by "others." It requires instead the engagement of communities and individuals in discussing what those services will include, how they will be organised and the role of the State and/or others in service delivery and follow-up.

From a human rights perspective, poor people must be recognised as the key actors in their own development rather than as the beneficiaries of commodities and services provided by others. This is the essence of empowerment and for this reason, empowerment is not a "strategy" per se, but a necessary aspect of all strategies. The challenge is include communities and local associations as full actors in their own development rather than as participants in projects that are planned and managed outside their sphere of influence.

Operationalizing the Principle: The UNICEF and the Government of Nepal are supporting the Decentralized Planning for the Child Programme (DPCP). The programme systematically promotes the participation of families and communities that have traditionally been excluded from planning and decision-making processes directly related to some of the complex issues that impact the survival and development of their children.

Respect for the Voice of the Child

UNICEF's human rights approach to programming also recognises and facilitates the right of children to participate and have their voice heard, according to their evolving capacities. Children's participation includes their involvement in the social, cultural, political spheres of life.

Operationalizing the Principle: In Brazil children's movements have come to play a key role in social mobilization for child rights and to represent significant pressure groups. The country's children's movement played a role in the drafting of the new constitution and new child legislation. In Venezuela, the children's movement is a well organized nationwide movement. The formation of child leaders in various parts of the country has contributed to the weight of the movement. Indigenous children and youth played an active role in pressuring the Government to have the new child law passed, and have also made demands for solutions to the particular problems faced by indigenous children.

Human Rights Based Programming and Good Programming

The UNICEF Regional Office for Eastern and Southern Africa, which has done pioneer work the application of the rights based programming approach, has contributed this observation: a human rights approach calls for a number of well-known good programming practices as a starting point, but also improves on them. This is demonstrated in the following table developed by the region.

Good Programming	Human Rights-based Programming
People cannot be developed; They must develop themselves. People, including people who are poor, should be recognized as key actors in their own development, rather than as passive beneficiaries or transfers of commodities and services	In a human rights perspective, people, including people who are poor, are subjects of rights. It is therefore logical to recognize people who are poor as key actors in their development by empowering them to claim their rights.
Participation is crucial, both as an end and a means. Participation, however, should not be seen as 'they' participate in 'our' programme or project but rather 'we' behave in such a way that 'we' are allowed and invited to participate in 'their' development efforts.	Participation, including children and women's participation is a human right enshrined in many conventions; a right often violated. In a human rights perspective, participation is both a necessary outcome and a necessary aspect of the process.
Empowerment is important, but it is not a strategy. 'Empowerment' and 'dis-empowerment' are aspects of any strategy. Such as advocacy, capacity building or service delivery.	Human rights imply dignity and respect for the individual. This means self-esteem and equality. Circumstance and chance should not dominate one's life. A HRAP implies a people centred approach to development, in which outside support should be catalytic and supportive to people's own efforts.
Role of stakeholder analysis is very useful for social mobilisation, programme development and evaluation because it identifies clear accountabilities in community and society.	Most stakeholders, although not all, are duty-bearers. An important step in a HRAP is the identification of key relations between the child as a claim-holder ⁵ and all duty-bearers. Such an analysis is similar to, but is more than, a stakeholder analysis.
Pure top-down approaches should be rejected	A HRAP requires respect for knowledge and

because they deny the principle of 'people as actors'. Pure bottom-up approaches should be rejected because they are utopian. It is not either/or; it is both. It is the synergism between appropriate top-down and bottom-up approaches that should be promoted.	dignity of people. It implies a people-centred approach to development in which outside support is only catalytic and supportive to people's own efforts. On the other hand, in many communities, hr values need to be promoted 'from above' because they are not yet internalized.
Programmes should be developed on the basis of a situation analysis that identifies priority problems and their immediate, underlying and basic causes. Immediate, underlying and basic causes should be addressed either simultaneously or in sequence.	A HRAP requires an understanding of the causes at all levels - immediate, underlying and basic. The internalization of human rights values makes it inescapable that the basis or structural causes are addressed. The indivisibility of human rights also emphasizes the simultaneous attention to causes, at all levels, including the basic level.
Goal setting is important. The necessity for scaling up needs to be considered at the planning stage. Efforts should promote that positive changes are sustainable and sustained.	The realisation of the human rights requires both the achievement of desirable outcomes and a good process through which the outcome is achieved reflecting human rights values. In that sense a HRAP implies goals. But 'the end does not justify the means.' This is why there must be simultaneous attention to both outcome (goal) and process.
All possible partnerships should be explored with strategic allies including donors and NGOs/CBOs. Also through the linkages to other development efforts, it is often possible to leverage additional resources.	A country's human rights realisation must come from within, and be supported from outside. UNICEF is just one partners in such an endeavour. It is, however, important to appreciate that all of the United Nations has an obligation to promote human rights. The UN Reform emphasizes this challenge and UN-Cooperation with UNDAF is therefore of particular importance.

Source: Urban Jonsson 'AN APPROACH TO HUMAN RIGHTS BASED PROGRAMMING IN UNICEF (EASTERN AND SOUTHERN AFRICA)' Presented at the 'Second International Encounter on the Right to Food in Development', Geneva, 21-22 August 2000.

Next steps

Over the past three years UNICEF has gained a wide range of experience in the human rights based approach to programming. A process has been initiated for the systematic documentation, assessment and monitoring of these experiences in order to:

- a) enable UNICEF to analyze what is learned as human rights principles are more widely and explicitly reflected in country programmes of cooperation;
- b) apply lessons more systematically in cooperation with partners;
- c) ensure the usefulness and effectiveness of global policies and regional initiatives in supporting country-level staff in their work with partners;
- d) update and revise programming guidelines, methodologies and training materials; and
- e) facilitate stronger ties between countries that share common problems and possibilities for action, both within and across regions.

Experiences in the application of the rights approach have brought to the forefront a number of issues that are currently being studied, i.e.

- how to address those rights that are politically sensitive and hence controversial;
- the need for better rights based indicators that monitor both outcome and process;
- balancing a rights approach with donor demand for a results approach; and

EXAMPLE: Immunizing the Poor - Resolving the Rights-based/results-based issue - Reaching the most marginalized groups require greater effort and resources to reach with immunization services than do the better-off populations. Immunization programmes compute the cost per immunization provided. This needs to be replaced by the alternative approach of examining the cost per life saved or per illness episode prevented through immunizations, in order to correct an inaccurate impression about the costs and benefits of immunization programs oriented toward poor and underserved groups. If one thinks only in terms of cost per immunization delivered, a programme oriented toward such groups may be quite unattractive, since the cost of providing a given number of immunizations is likely to rise – a consideration that invites concern about the affordability of “pro-poor” programmes. However, the cost per immunization is only part of the story. Equally important is the number of deaths prevented (or number of healthy years gained) per immunization. This is almost certain to be considerably higher among the poor than among the better-off, because of the higher prevalence of disease among the former group. This is an offsetting consideration that will lower – and, in some situations, possibly reverse – whatever poor-rich difference might exist in terms of immunization costs.

- the challenge of reaching a common understanding with our partners about what is a human rights based approach to development programming

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