Human Rights Based Approach to Development Planning

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Human Rights Based Approach to Development Planning

The human rights based approach to development planning is a framework that applies human rights as the standard for the substance and means of development planning, and as a way of thinking and managing development planning.

Human rights rest on the inherent dignity of every human person. Dignity is what it means to be human; it is an affirmation of the fundamental value of every human being that entitles all human persons to respect simply because of their inalienable humanity. As dignity inheres in every human person, whether woman or man, living in wealth or in poverty, or child or adult, wherever in the world, human rights too are *universal* and belong to every human person. As dignity cannot be divided into bits and pieces, human rights are *indivisible* and must be taken as a whole: no one right is more important or less significant than the other. As dignity is the sum of all the facets of humanity, human rights are *interrelated* and *interdependent*: they interact with each other, depend upon each other and support each other to guarantee full human dignity. "One can no more lose these rights than one can stop being a human being."[1]

Human rights sees development planning not merely as the determinant of the country's future or the contextual framework for all government programs, projects and activities or the manager of the multidimensional process of change, but as a powerful transformative process that shapes the very fabric of human life in society—a process that influences every day life choices such as whether safe food is available and affordable for all; whether employment opportunities are available and where; whether roads and bridges are safe to travel along; whether homes are protected against flooding, pollution and disease vectors and where homes can be built; whether emergency, medical, fire and police services are available and accessible; whether access to sufficient clean water, sanitation and electricity is secure; whether justice can be sought and obtained; whether child-friendly schools deliver quality education, are staffed by competent teachers trained in subjects they teach, and are located in areas that are safely and easily reached; whether hospitals, health care centers, clinics and other health facilities, services and goods are affordable, of high quality, and available; whether social security schemes are in place especially for the elderly and persons with disabilities; and whether personal security is guaranteed.

Admittedly, national development planning pays considerable attention to macroeconomic, reform and structural issues relating to economic growth and stability: issues that represent hard choices between, for example, deficit or balanced financing, privatization or state enterprise, regulation or de-regulation, free trade or protected markets, domestic or foreign investment, and priority sectors for growth. However these issues are resolved, human rights demand that the choice or decision must meet human rights objectives and must recognize and reflect the

[1] Bureau of International Information Programs, US Department of State, *Human Rights in Brief*, undated.
[2] Bernards Mudho, *Report of the Independent Expert on the Effect of Economic Reform Policies and Foreign Debt on the Full Enjoyment of All Human Rights*, 2007, UN Doc. A/HRC/4/10.

interdependence and indivisibility of human rights;[2] as a general rule, no human right may be given precedence over other human rights on the ground of intrinsic merit; however, rights may be given priority at different stages of progressive realization on practical grounds.[3]

Human rights require that planning decisions and policy choices related to public finance ensure that public expenditures be oriented towards achieving human rights objectives and towards enhancing the ability of government to comply with its human rights obligations.[4]

Human rights represent a departure from the minimum basic needs approach long associated with development planning. The basic needs approach is primarily a welfare approach largely based on government discretion to identify particular areas of need and redistribute resources accordingly. This, in turn, builds a powerless citizenry dependent on government's largesse, which may be withheld or granted as government's resources diminish or grow, or priorities change. The basic needs approach is also a comparative approach: "The less fortunate are compared with the more fortunate. Measures are taken to achieve a comparatively fairer outcome. This promotes the view that there are no absolute entitlements, merely comparative entitlements."[5] But human rights are more than human needs. They are universal, legitimate and immutable claims, with absolute not comparative entitlements.

Uvin (2004) illustrates the difference between the basic needs approach and the human rights approach through the following anecdote:

> A few months into the refugee crisis in Zaire that began in the summer of 1994 after the Rwandan genocide, a colleague went to Goma for an assessment of the health and nutrition sanitation in the camps. Upon return, he told me that nutrition intakes in the camps were high, as were vaccination rates and access to health care. As a matter of fact, he added proudly, these rates were better than they had been *before* people fled their homes. As I put down the phone, I realized that my colleague had just described the basic needs and even "human development" approach as implemented by the main development actors: great attention had been paid to health care, nutrition, vaccinations, and the other so-called basic, human dimensions of development. If that is true, according to the progressive vision of development then in vogue, people in these camps were "more developed" than before. We intuitively feel that this is nonsense, of course. When people are deprived of their freedom, live in constant fear, cannot move or work as they wish, are cut off from their communities and the lands they care about, development has emphatically *not* taken place. This story tells us that there is no way to separate human rights from economic and social improvement; the terms mean nothing without each other and can only become meaningful if they are redefined in an integrated manner.[6]

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[3] United Nations Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies,* 2002.

[4] Bernards Mudho, *Report of the Independent Expert on the Effect of Economic Reform Policies and Foreign Debt on the Full Enjoyment of All Human Rights*, 2007, U N Doc. A/HRC/4/10.

[5] *Citing Michael Dodson,* Human Rights Council of Australia, Inc., The Rights Way to Development: A Human Rights Approach to Development Assistance Policy and Practice, 2001.

[6] Peter Uvin, Human Rights and Development, CT, USA: Kumarian Press, Inc., 2004, at 122-123.

Human rights are fully cognizant of the power and political dimensions of development planning, noting that it is neither apolitical nor neutral, for planning decisions are often based on political considerations. Indeed, in the Philippines, the Medium Term Philippine Development Plan for 2004-2010 and the Updated Medium Term Philippine Development Plan for 2008-2010 were based on the national development agenda set by the then newly-elected President and articulated through her Inaugural Addresses,[7] implying that the politics of electoral office influenced the development agenda.

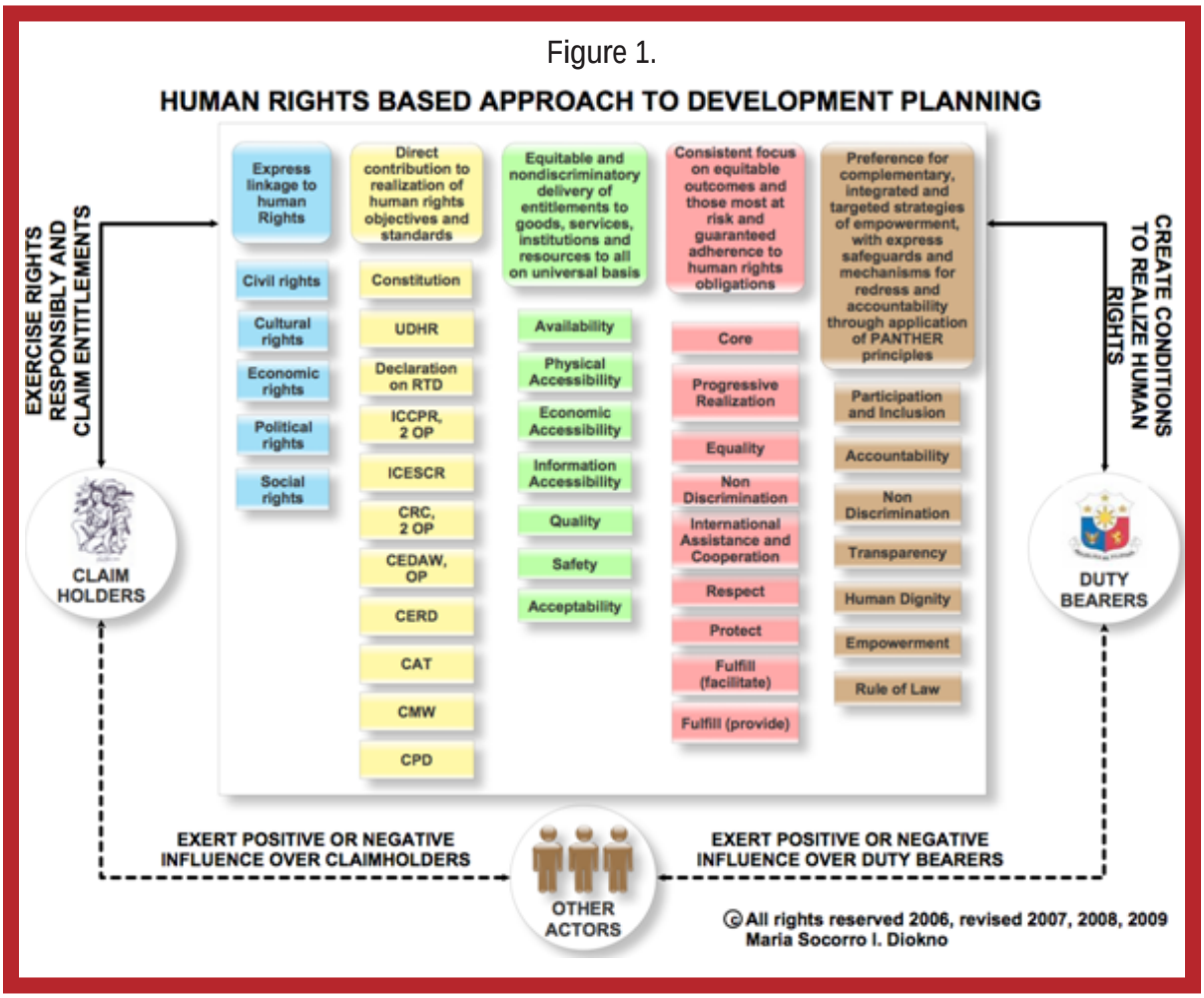
Human rights confront issues of power, equity and discrimination in development planning. These issues often manifest in what is called state capture, i.e., the interception of resources by well-placed and powerful actors, and laws, policies and regulations that are shaped to favor these powerful interests. An empirical study by Daniel Kaufmann of the World Bank Institute (2005) looked into the relationship between the status of civil and political rights and socio-economic development. The study found that suppressing liberties is likely to be inimical to socio-economic development: where civil and political rights are violated, state capture and crony bias is significantly higher, and this combination leads to weak economic growth and worsening poverty. Kaufmann found "evidence that the extent of capture and crony bias is related to the degree of civil liberties in a country. In particular, in countries exhibiting quasi-authoritarian tendencies, or 'managed' democracies, the extent of state capture by the few in the elite is significantly higher than where political and civil liberties are very high. And in turn, where state capture is high, we find that socio-economic development, including income growth and private sector development, is impaired."[8]

The human rights based approach to development planning seeks the constant improvement of the wellbeing of the entire population and of all individuals, based on their active, free and meaningful participation in development and in the fair distribution of the resulting benefits. It supports an economy that guarantees full, equal and universal enjoyment of all human rights; it promotes a political environment that guarantees inclusion and respect for human rights; it values a society that welcomes diversity with tolerance yet is socially cohesive; and it strengthens a people able to responsibly exercise and claim their human rights and enjoy a sustained quality of life consistent with human dignity.

[7] National Economic and Development Authority, *Planning Guidelines on the Formulation of the Medium Term Philippine Development Plan and the Accompanying Medium Term Public Investment Program Based on the National Development/10 Point Agenda*, Memorandum dated 26 July 2004; National Economic and Development Authority, *Guidelines for the Formulation of the Updated Medium-Term Philippine Development Plan, 2008-2010*, undated.

[8] Daniel Kaufmann, *Human Rights and Governance: The Empirical Challenge*, in Alston and Robinson (eds.), Human Rights and Development, NY, USA: Oxford University Press, 2005.

The human rights based approach to development planning is a framework that applies human rights norms, principles and standards to the parameters and processes of development planning. (*Figure 1*)

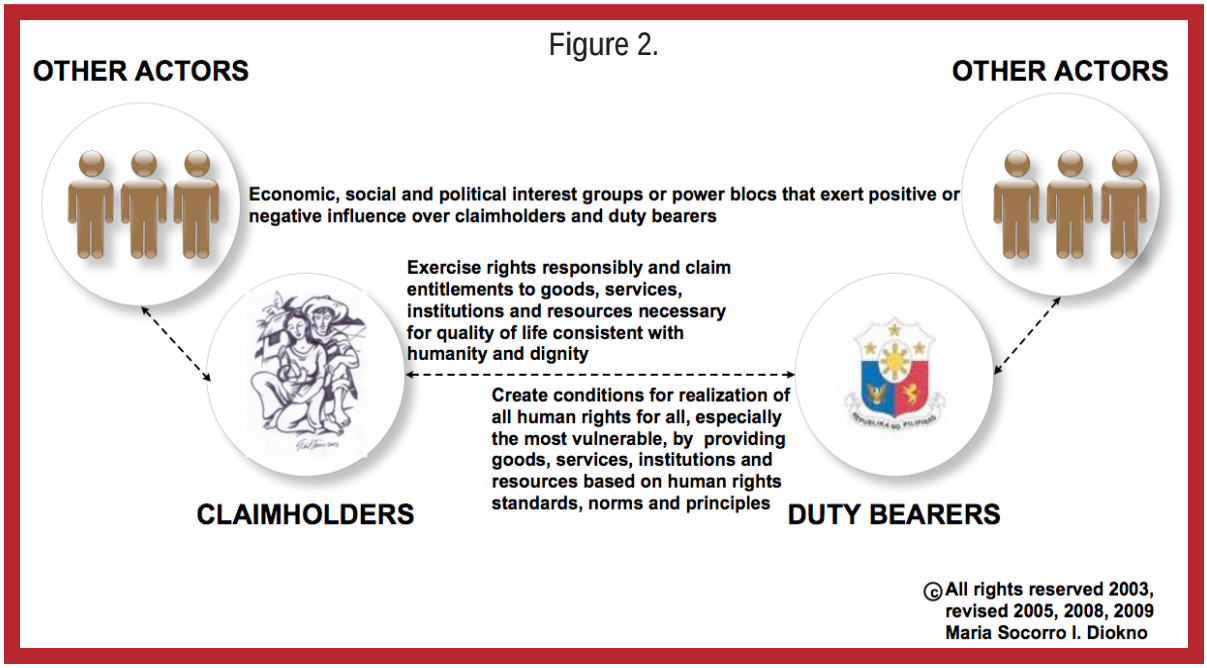


The human rights based approach to development planning prescribes human rights parameters to influence the objectives and goals of development planning; to support the equitable and nondiscriminatory delivery of entitlements to all on a universal basis; to consistently focus on equitable outcomes and those most at risk by guaranteeing adherence to human rights obligations; and to formulate complementary, integrated and targeted strategies of inclusion, equality and empowerment, with express safeguards and mechanisms for redress and accountability (*see* Human Rights Parameters of Development Planning).

The human rights based approach to development planning infuses development processes with standards, norms, tools and methodologies to enable deeper analysis of development problems and challenges, the identification of goals, objectives, targets and indicators consistent with human rights, the formulation of human rights compliant strategies, and the conduct of monitoring and evaluation in the context of human rights (*see* Human Rights Processes in Development Planning).

Actors in the Human Rights Based Approach to Development Planning

Three sets of actors interact in the human rights based approach to development planning: *claimholders*, *duty bearers* and *other actors*. (*Figure 2*)



Claimholders

Claimholders are the central subjects, active participants, owners, directors and beneficiaries of development planning. Claimholders are any individual and/or groups of individuals who may directly or indirectly, positively or negatively, affect or be affected by the processes and outcomes of development planning, and whose rights should be taken into account when assessing, analyzing and addressing specific development challenges.

Women and men are claimholders with equal rights, yet "women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. … Gender affects the equal right of men and women to the enjoyment of their rights. Gender refers to cultural expectations and assumptions about the behavior, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women. Gender-based assumptions and expectations generally place women at a disadvantage…"[9] Yet women are active agents of development, whose contributions are largely marginalized and ignored. The human rights based approach to development planning is founded on the principle of equality; it creates the necessary conditions to realize women's human rights; it addresses gender issues such as economic marginalization, political subordination, gender stereotyping, multiple burdens, and violence against women;[10] and it ensures the full, active and equal participation of women.

[9] Paragraph 5 in relation to Paragraph 14, General Comment No. 16, "The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (art. 3 of the Covenant)," adopted by the United Nations Committee on Economic, Social and Cultural Rights at its thirty-fourth session, 2005, U N Doc. E/C.12/2005/4.

[10] National Commission on the Role of Filipino Women, A Guidebook on Gender Mainsteaming, Book 1, 2001.

Children are claimholders too, with rights, freedoms and entitlements. Children are individuals who possess their own ideas and perspectives, which may differ from those of adults. Children shape their own environments and are active members of and contributors to society. Yet children are particularly susceptible to abuse, neglect and exploitation. It is important to note that even as family and community situations improve, children may not necessarily automatically benefit from such advances. Human rights thus require that development planning be oriented towards realizing children's human rights, ensuring a stable policy and programmatic environment that protects children from abuse, neglect and exploitation, and incorporates mechanisms for active child participation.

The human rights based approach to development planning pays special attention to the promotion and protection of the human rights of those most vulnerable among claimholders. It recognizes that those most at risk of human rights deprivations, without adequate protection and extremely susceptible to abuse—those living in poverty, women, children, indigenous peoples, the elderly, persons with HIV/AIDs, persons with disabilities—need special measures and protection to overcome their vulnerability. The human rights based approach to development planning thus requires the consideration of the impact of public plans, policies, programs and actions on those most vulnerable and most affected, identification of potential risks arising from public plans, policies, programs and actions, inclusion of risk management to prevent further deprivations, and the integration of mitigation strategies and safeguards.

Duty Bearers

Duty bearers are primarily state actors and institutions at various levels of government, and non-state actors who are in a position to influence the enjoyment or non-enjoyment of the human rights of claimholders. Duty bearers engaged in the process of development planning are responsible for creating conditions necessary to realize the human rights of claimholders.

The human rights based approach to development planning stresses adherence to state obligations and recognizes that certain factors and variables that impact on the realization of human rights are subject to state control and disposition.

Other Actors

Other actors are economic, social and political interest groups or power blocs who exert their economic, political and social interests and demands, and whose actions often impact on the enjoyment or non-enjoyment of claimholders' rights and the compliance or derogation of duty bearer obligations. Other actors may include the media, non-governmental organizations, citizens' groups, faith based groups, community-based organizations, women's groups, professional associations, business chambers, trade unions, social movements, advocacy groups, transnational entities, multinational companies, political parties, private businesses, international financial institutions, foreign governments, and foreign donors.

The human rights based approach to development planning addresses power relations in society, recognizing the crucial roles played by non-state actors in development. Human rights recognize that power—any asymmetry in relations—when abused or misused by state and other actors may cause serious deprivations of human rights.

EXECUTIVE SUMMARY

The first part (**Human Rights Based Approach to Development Planning**) describes the distinguishing features of, and actors in, the human rights based approach to development planning. Part I presents Human Rights Figures 1 (*Human Rights Based Approach to Development Planning*) and 2 (*Actors in the Human Rights Based Approach to Development Planning*).