

**Follow Up Workshop
On
Human Rights Based Approach**

December 08, 2017, Jaipur

Event Report



Background

In the year 2003 United Nations Development Group (UNDG) adopted a United Nations statement of common understanding on Human Rights Based Approaches (HRBA) to development cooperation and programming. The objective behind developing a common understanding was to ensure that UN agencies, funds and programmes apply a consistent HRBA to common programming process at global, regional and especially at country level in relation to the Country Commons Assessments (CCA) and United Nations Development Assistance Framework (UNDAF).

After such an ideological initiative by UN, it was commonly understood by the development agencies worldwide that merely charity is not enough from a human rights perspective. Under HRBA, the plans, policies and process of development are anchored in a system of rights (right-holders) and corresponding obligations (duty-bearers) established by international law. Such an approach helps to promote the sustainability of development work, empowering people themselves, especially the most marginalised to participate in policy formation and make accountable those who have a duty to act.

Overview

Swedish Society for Nature Conservation (SSNC) and Consumer Unity and Trust Society (CUTS) also understands HRBA in line with UN and both of its work is founded on a conviction that people have to organise themselves jointly in order to create the necessary force for change. Therefore, SSNC and CUTS being partner organisations actively strive to achieve Human Rights Based Approach both in organisations' own work and in collaboration. Further as HRBA focusses on discriminated and marginalised groups of the society, it is very important to include it into our future programmes.

In perusal of that SSNC initiated an assessment of CUTS in the year 2015. For the assessment, external consulting agency, 'Gender at Work' was hired. The purpose of the assessment was to map HRBA applied by CUTS in its work to strengthen all six guiding principles i.e. Participation, Linking to Human Rights, Accountability, Non-discrimination, Empowerment and Transparency for all the beneficiaries of the project. The aim was not only to assess the extent of changes produced by the project but also to identify contextual factors, opportunities for cross-linkages and enabling factors that can strengthen the integration of HRBA and Gender Equity in subsequent programmes. The assessment was concluded with a workshop on HRBA for CUTS staff and its partners on January 18, 2016. The consultants from 'Gender at Work' made recommendations to SSNC and CUTS.

Further, CUTS as part of its 'ProOrganic-II' project proposed a National Workshop on HRBA in the bridge year of 2016-2017. This National Workshop was successfully held on November 28-30, 2016 in Jaipur. These workshops were organised keeping into

consideration the challenges faced by development professionals in the realm of gender equity and empowerment.

Hence, in continuation, the workshop held on December 08, 2017 was a follow-up of earlier workshops held on Human Rights Based Approach. Since other organisations also had expressed interest in the workshop, it was decided to organise another workshop and invite other similar Civil Society Organisations (CSOs) and partner organisations to this workshop participating in the previous held National Workshop.

Objectives of the Workshop

The objective of the HRBA workshop was to promote, discuss and evaluate the idea of Human Rights in the context of the ProOrganic project undertaken by CUTS International in 2013 with the collaboration of SSNC as well as strengthen the thought of the active role of women in gaining their own human and gender rights and their contribution to National Development.

Proceedings of the Workshop

Inaugural Session

Deepak Saxena, Assistant Director, CUTS welcomed all the eminent guests and members participating in the workshop and briefed about the objectives of the 'ProOrganic' initiative implemented by CUTS since 2013 and the progress made so far. Moreover, he also presented highlights of the previous two HRBA workshops held on January 18 and November 29-30, 2016.

Saxena also briefed on the objective of the workshop that careful participation of 'The Right Holders' and 'The Duty Bearers' besides assuring that more women participation can only lead towards the fruitful outcome of the event. Further, all the members introduced themselves, the organisation they are working with, their own role in their respective organisations and their understanding on the issue of Human Rights.



Introductory Remarks

George Cheriyan, Director, CUTS threw light upon the issue of Human Rights in India and the work accomplished by CUTS in the interest of promoting the Human Rights of different sections of society, especially women.

Cheriyan also explained that human rights based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. HRBA means that individuals and communities should know their rights.



It also means that they should be fully supported to participate in the development of policy and practices which affect their lives and to claim rights where necessary. He also elaborated the key elements of HRBA, such as: Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law, are core enablers.

He further broadened the perspective and the scope of the workshop by explaining how various human rights should be enacted and enforced to strengthen the position of a citizen. Building up on this, he said that, a human rights-based approach identifies rights-holders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations. Moreover, he recommended that human rights should be exercised by each and every individual irrespective of their caste, gender or religion.

Self-Analysis Exercise

(Questionnaire to the Participants)

Pooja Singh of the **Centre for Dalit Rights**, who was also a key facilitator of the workshop, asked some questions related to the context of human rights to all the participants. These questions contained inquiries about their own perspective of Human Rights and their attitude and reaction to any encounters, they might have had related to

the infringement of human rights. The participants were asked to pen down their responses related to their understanding on human rights in general, their own perspective towards human rights and the incidences, each one has ever experienced or witnessed related to violation of human rights.

Background of Human Rights

Chandalal Bairwa of **Centre for Dalit Rights** further introduced and defined Human Rights as per the definition given by the Universal Declaration of Human Rights (UNDHR) at the United Nations in 1948. He explained that any person who is alive deserves to be treated according to his rights as a human.



Notably, he emphasised about the fact that even an offence against the body of a person after death (improper last rites) is considered as a violation of human rights. Till the time, the body is not totally obliterated; the person is still a human in the eyes of the law.

Bairwa further stated that the scope of human rights has changed a lot since the UNDHR almost 70 years ago. As the time has progressed, the feasible scope and area of the ideal adherence to Human Rights has increased manifold.

Citing the example of Ancient European despotism and the rule of the fascist Nazis during the World War II, **Chandalal** supported his point of power corrupting a ruler's mind and the need to keep that power in check through various agreements and treaties.

He said that the world cannot bank on their ruler's attitude to remain positive towards Human Rights, which is actually a pre-requisite to an ideal Human Rights-oriented society to live prosperously and with freedom. Bairwa also explained that since the 'Magna Carta Libertatum' was signed by King John of England on June 15, 1215, the HRBA of a society economically, politically, socially and culturally had come a long way.

Coming to the most important part of his discourse, he explained the various types of Human Rights – a person is entitled to acquire from his birth to death.

These rights are as following:

- Economic Rights
- Social Rights

- Cultural Rights
- Political Rights
- Citizen Rights

Building up on his definition of the last field of Citizen Rights, he also named the United Nations Convention on Rights of Children (UNCRC), which was commenced in 1990 by the UN; the agreements of which are applicable to all the 196 independent countries in the world except the United States, which has still not ratified the convention.

International Human Rights Mechanism

Satish Kumar of Centre for Dalit Rights presented his views on International Human Rights Mechanism, its evolution, development by the time and its relevance in the present scenario. He informed that International Human Rights Mechanism is a codified law.



Further, **Kumar** briefed all the participants about International Covenant on Civil and Political Rights (1966), Convention on the elimination of all kind of discrimination against women (1979) and the convention on the rights of the children (1990).

National Human Rights Mechanism

In the last phase of the inaugural session, **Grijesh Dinker** explained how the Indian Legal System protects human rights through various methods of deterrence, such as the Indian Penal Code (IPC), the Criminal Procedure Code (CRPC) and various other Articles,



such as the Fundamental Rights. She went into the important sections of the IPC, which protects women, such as:

1. Sections 372: Selling minor for purposes of prostitution
2. 373: Buying minor for purposes of prostitution
3. 376: Punishment for rape
4. 376 (A): Punishment for causing death or resulting in persistent vegetative state of victim – the famous case of Aruna Shanbaug vs. Union of India (2011) 4 SCC 454 was cited here
5. 376 (B): Punishment for sexual intercourse by husband upon his wife during separation
6. 376 (C): Punishment for sexual intercourse by a person in authority
7. 376 (D): Punishment for gang rape
8. 376 (E): Punishment for repeat offenders

Further, she informed that according to the Vishakha Guidelines (Stipulated by The Supreme Court of India in Vishakha and others vs. State of Rajasthan 1997, regarding sexual harassment at work place), it is obligatory for the employer to set up an internal complaints committee at each office/branch having more than 10 employees of any gender.

Moreover, the government is in turn required to set up local complaints committees at the district level to investigate complaints regarding sexual harassment from establishments where the Internal Complaint Committee has not been constituted on account of the establishment having less than 10 employees, or if the complaint is against the employer. **Grijesh** explained the sections including: the Prohibition of Child Marriage Act 2006, POCSO Act 2012; Right to Education Act 2010; and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

Interactive Session and Group Activity

A group activity was held in the interactive session where the participants were divided into five groups. Each group consisted of five to seven members. Since the workshop was a part of the 'ProOrganic' Initiative by CUTS, the topic was organic farming and the groups' feedback on workshop was taken as well as the takeaways of it.



Many people in different groups were practicing organic farming on small and bigger scale as well. The activity mainly revolved around four aspects regarding 'ProOrganic. These are as following:

- **Why participants are promoting organic farming?**

Most of the participants commonly concluded with the idea of securing the purpose of 'Safe and Sustainable Food and Healthy Environment for All' on this point.

- **Which Human Rights are protected through this initiative?**

All the participants commonly agreed that, The Right to Equality, Right to Life and Liberty, Right to Dignity and Right to Healthy Environment are mainly protected through this initiative.

- **What changes, participants may feel after attending this workshop?**

Participants of all the groups came up to consensus that they have developed a better understanding of Human Rights and this will ensure a more efficient implementation of the programme resulting in the increased participation of women, safer food for all and providing better & sustainable lifestyle to all with assured protection of their rights as consumers at a time.

- **How the active participation of women can be increased?**

Forming SHGs, development of more kitchen gardens, and promotion of organic farming through cultural events can be effective tools to increase active participation of women.

The general opinion and decisions were to promote and upgrade the level of organic farming. With this, the members also vouched for the promotion of women's involvement in various roles to be played in agriculture and about ascension of their education in the process of Organic farming.



Vote of Thanks

Cheriyann briefly concluded the workshop with the hope that the learnings of the workshop should be religiously adopted and implemented at the ground level, where the participants have been working on various social issues including organic consumption and its awareness. He also introduced **P L Memroth**, the **Chief Executive Officer** of Centre for Dalit Rights, who had come to the workshop specifically for concluding the session.



Memroth in his speech, reminded the principle of 'One's personal freedom ends where the freedom of another person starts' to all the participants. He also urged the participants to further impart the learnings to other groups, societies and masses at large. He also showed keen interest in further working with CUTS on similar issues at various forums.



Nimisha Gaur, Programme Associate, CUTS International, rendered vote of thanks to all the eminent guests and the participants for attending the workshop and making it a success. She also mentioned that the partners will continue to meet the farmers for motivating them to adopt organic agriculture. Eventually, this would enable CUTS in taking its initiative forward to promote organic farming and thereby helping in nurturing the 'ProOrganic' project.



Highlights

- More interactive sessions assured active participation of all the participants and made the workshop a success.
- Better understanding on the international/national human rights framework and enhanced research mechanism in development organisations.
- More gender-balanced participation assured incorporation of a gender-equity approach in the development organisations.
- A shift from right based approach to HRBA was felt as a need of the hour to identify, fix and monitor the obligatory role of duty bearers.

Programme Schedule

Time	Duration	Topic	Person Responsible
9.30-9.50	Registration and Tea		
9.50-10.00	10 Min	Welcome address	Deepak Saxena, Assistant Director & Deputy Head, CUTS International
10.00-10.10	10 Min	Introductory Session	All Participants
10.10-10.20	10 Min	Opening Remarks	George Cheriyan, Director, CUTS International
10.20-10.30	10 Min	Gathering the baseline information from the activists (filling the forms by the participants)	Pooja Singh, Centre for Dalit Rights
10.30-11.00	30 Min	What is Human Right? Background of human rights. Universal declaration of Human Rights.	Chanda Lal, Centre for Dalit Rights
11.00-11.15	15 Min	Group work (case stories to chalk out the human rights violated)	Pooja Singh, Centre for Dalit Rights
11.15-11.45	30 Min (5-7 Min Each)	Presentation by the Groups	All Participants
11.45-12.15	30 Min	International Human Rights Mechanism	Satish Kumar Centre for Dalit Rights
12.15-12.45	30 Min	National Human Rights Mechanism	Grijesh Dinker, Centre for Dalit Rights
12.45-1.30	Lunch		
1.30-2.00	30 Min	Group Work (How to approach the human right mechanism to safeguard the human rights)	Pooja Singh, Centre for Dalit Rights
2.00-3.00	1 Hour	Activity to figure out the HR based approached in the work of the participant	All Participants
3.00-3.15	15 Min	Way Forward	P L Memroth, Centre for Dalit Rights
3.15-3.30	15 Min	Concluding Remarks	George Cheriyan, Director, CUTS International
3.30-3.40	10 Min	Vote of Thanks and Way Forward	Nimisha Gaur, Programme Associate, CUTS International
3.40-4.00	Evening Tea & Departure		
4.00-5.00	Discussion on the project activities with the project partners		

List of Participants

S.N.	Name	Address
1.	Kalpana Swami	Swajan Samiti
2.	Hansa Gurjar	Sangrash Sansthan, Vil.- Dhandholi, Teh.- Dudu, Jaipur
3.	Dinesh Kumar	RUDSOVOT, 82, Bagda House, Adarsh Nagar (A), Sawai Madhopur
4.	Nathu Ram Choudhary	Samajik Vikas Sansthan, Jhalawar
5.	Ashok Kumar	Aadhar Pariar Seva Sanstha
6.	Om Prakash Pareek	Hanuman Gramin Vikas Samiti, Dausa
7.	Jora Ram Khoja	Jagrati Sansthan, Jodhpur
8.	Mohan Dangi	Prayatna Samiti, Udaipur
9.	Gopal Singh	Lok Sambhagi Sansthan, Virat Nagar
10.	Santosh Saini	Sahhyog Samaj Sevi Sansthan, Jaipur
11.	Prakash Mali	Sahhyog Samaj Sevi Sansthan, Jaipur
12.	Yudhishtir Chansi	Ram Krishna Shikshan Sansthan, Kota
13.	Dinesh Kumar	Ram Krishna Shikshan Sansthan, Kota
14.	A.R. Sharma	Awareness Training and Motivation for Action (ATMA), Jagmalpura, P- Jorpura, Via- Jobner, Jaipur
15.	George Cheriyan	CUTS International, Jaipur
16.	Deepak Saxena	CUTS International, Jaipur
17.	Nimisha Gaur	CUTS International, Jaipur
18.	Rajdeep Pareek	CUTS International, Jaipur
19.	Dharmendra Chaturvedi	CUTS International, Jaipur
20.	Jeetali Agnani	CUTS International, Jaipur
21.	Madhu Sudan Sharma	CUTS International, Jaipur
22.	Amar Deep Singh	CUTS International, Jaipur
23.	Satya Pal Singh	CUTS International, Jaipur
24.	Aakansha Choudhary	CUTS International, Jaipur
25.	Kunwar Dheer Singh	CUTS International, Jaipur
26.	Parth Sharma	CUTS International, Jaipur
27.	Madan lal Keer	CUTS, CHD, Chittorgarh

S.N.	Name	Address
28.	Mukesh Kumar Kumawat	CUTS, CHD, Pratapgarh
29.	Gaurav Chaturvedi	CUTS CHD, Bhilwara
30.	Yogesh	Centre for Dalit Rights, Jaipur
31.	Chanda Lal	Centre for Dalit Rights, Jaipur
32.	Satish Singh	Centre for Dalit Rights, Jaipur
33.	Grijesh Dinkar	Centre for Dalit Rights, Jaipur
34.	Pooja Singh	Centre for Dalit Rights, Jaipur
35.	PL Memtoth	Centre for Dalit Rights, Jaipur