

**National Level Workshop on
Human Rights Based Approach
(Organized by CUTS in partnership with SSNC)
November 28-30, 2016, Jaipur, India**



National Workshop on Human Rights Based Approach (HRBA)

November 29-30th, 2016 Hotel Royal Orchid, Jaipur

Background

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A two day workshop was organized by CUTS international in partnership with Swedish Society for Nature Conservation, Sweden to discuss and develop a common understanding of the human rights based approaches. For elucidation, the workshop was divided in different sessions based on the principles of HRBA to development programming. Keeping into consideration the challenges faced by development professionals in the realm of gender equity and empowerment, a dedicated session would be held on the same. As part of incorporating Human rights Based Approach into CUTS management and programmes, SSNC has initiated an assessment of CUTS in the year 2015. For the assessment, external consulting agency, Gender at Work was hired wherein the consultants from Gender At Work made certain recommendations to SSNC and CUTS. Hence in continuation, CUTS as part of its ProOrganic Project (Extension Phase) has proposed a Follow-up Workshop on HRBA to development programming in the bridge year of 2016-2017. Since other organisations also had expressed interest in the workshop, it was decided to open up the workshop and invite other SSNC partners in India and other like-minded CSOs to the workshop.



Proceedings

Day 1

Opening Session



George Cheriyan welcomed on dais, Victor Åström and Sara Nilsson delegates from SSNC, Sweden and Adv. Albertina Almeida, an eminent human rights activist and a Practicing lawyer from Goa, Resource Person to facilitate the two days' workshop. He extended welcome to all the participants from all around the country representing Civil Societies working in areas of development sector. Introducing the concept, Cheriyan said, that HRBA is a conceptual framework for the

process of human development that is based on international human rights standards and directed towards promoting and protecting human rights.



Victor Åström, from SSNC, Stockholm gave a brief introductory presentation on SSNC and gave insights into map of ecological footprint of countries per capita. He apprised that SSNC since 2009 has grown its network with 270 branches around the world, while the 1% of Sweden's GDP is given to for development work.

He briefed the audience on the Green Action Week conducted globally on theme (for year 2013-2016), Organic Food and Farming for All.

Sara Nisson, from SSNC, Stockholm in her opening address said, the goal of HRBA is to have a strong global movement with tools to contribute towards concrete changes for sustainable development. The approach centres around six facets called PLANET, i.e., Participation, Linkages, Accountability, Non-discrimination, Empowerment, Transparency.



Albertina Almedia, succinctly stated that HRBA is as an effective way to reconcile conflict of development and human rights. It identifies the players of power structure that determine the priority of sectors in development vis-à-vis human rights and environment, and it provides a way forward to safeguard Human rights.

Session I- Understanding Cause and Locating Context, Mapping the Players, Mapping Concerns

The objectives of Session as discussed by **Albertina** were to share and learn from each-others experiences of people's concerns (right holders') and understand various spheres social, political, economic, religious and gender that affect rights of right holders and identifying the duty bearers. Reflecting on the need to understand these concerns and experiences of different Right holders, she said that historically, realities and experiences of class, caste, race, ethnicity, religion, culture, age, education, work, physical abilities, skills, capacity and resources, gender are differently experienced by people depending on their position on axis of vulnerability. Citing Human rights issue of right to survival and right to food, she stated that it is an everyday issue and HRBA is a people centric approach that identifies and reconciles conflicting claims and obligations.

Human rights are inherent by virtue of being born as humans and are not "given", but guaranteed by the government. They cannot be taken away from us, unless in certain special circumstances. As much as human rights are individual, they are also connected to the power structures affecting decisions on social as well individual level, she said. Human rights cannot be ranked in order of importance, they intersect each other and we need to strike a balance in them, she pondered, citing issue of livelihood with environment. Sustainable environment and of people directly affected by it, need to be protected equally. In HRBA, it is important to identify rights that are affected and understand the peer group- who is privileged and who is disadvantaged. It is critical to understand the differential impact on different identities, she added.

She elucidated on the guiding principles of human rights, which are: Universality and inalienability, Indivisibility, interdependence and inter relatedness, equality and non-discrimination, participation and inclusion and accountability and role of law.

For achieving Human rights, there should be mechanism in place, and resources to meet the requirements to operate that mechanism, she said emphasizing on the need of budgetary allocation for implementation. States as primary duty bearers have obligation to respect, protect, promote and fulfil Human rights. Applying HRBA in planning and implementation activities, CSOs can analyse where there are mechanisms to address the problems, and if there are not, then can identify the duty bearers to make them accountable.



Session II - Intersection of Gender and other Identities in Human rights Violations

The session began with an activity involving the participants in a game to understand as to how various characteristics of vulnerability decide the bargaining position of an individual or a group society in given circumstances, or problem. Participants observed that the positions on axis of vulnerability and marginalisation have a huge bearing on the claims of Human rights

violation. Some intersections in India- inequalities and discrimination, feminisation of poverty, violence against women, oppression, internal war and conflict have differential effect on women than men. Understanding of intersectionality helps to better understand the situation of women, more particularly marginalised women, and it helps sharpen action strategy. Elaborating on intersectionality, Albertina added that it is about- the convergence of different identities in one person, different identities playing themselves out in any one situation, an outcome resulting from the intersections, an intersection of a privileged identity with a source of oppression, an identity may be privileged in one situation, but not in another.

Session III- International Human rights standards

Human rights are enshrined under various international treaties and covenants, and are non-negotiable. Albertina identified core Human rights treaties, viz., Universal Declaration of Human rights, International Covenant for Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all form of Discrimination of Women, and Convention on the Rights of the Child. The issues of Human rights are intrinsically linked to equity and justice, she said. The discussion in this session was centred around equality v/s substantive equality- equality on level of formal, protectionist and corrective. Substantive equality is recognising that different individuals or groups have a separate reference point and therefore may need affirmative or corrective measures, which may be differentiated but are not discriminatory.



Day 2

Session IV- Reflections of Human rights standards in the Indian Constitution

Participants identified key features of the Constitution of India which are State, Fundamental Rights and Duties, Directive Principles, Division of Power, Supreme Court, Legislature, Executive, Judiciary, Subject lists and understood the interplay of rights, duties and state obligations. Albertina opined that, the Indian Constitution is so beautifully worded to include and to expand the meaning of the Fundamental Rights and encompass all Human rights within the periphery of Fundamental Rights. State obligations, however not enforceable are nevertheless fundamental if a law has been made on it. Sometimes there is no specific law to address the issues which are faced by people. Sometimes there is a law but it is not implemented. So we have to see how the framework of the constitution and the

international covenants for Human rights can be interpreted together to form a case to seek redressal of an issue. It is important to draw from standards that are already there. We can draw from various sources, and argue that the indicators which are expressed in international covenants are applicable to everyone. There could be some declarations, etc.

Adding to HRBA discussion, Albertina said, as Human rights violation is not a local issue, capacity building is an important aspect. To address the issues of development programmes the participants were advised to make representations or writs/PIL before the state actors and courts, respectively. The Performa on the NHRC website can be used to seek attention of the Commission on Human rights violation, a participant contributed.



Representations before the Parliament are an effective way to plea for advocating for a new law, amendments in law, or for pressing implementation, another participant added.

For effective use of HRBA approach the participants were advised to determine the scope of work and decide upon what and how much can be under a project. The implementation can be done by creating a strong evidence base for a particular issue, or using the evidence base to start to develop strategies for advocating the cause. The step under the HRBA were described and discussed as follows: - identifying the rights that are affected, locating issues at hand, international covenants etc. to look for parallels. A literature review of International covenants, domestic laws, case laws, can provide legal structure to the issues, Albertina emphasized on the need to contextualise the issue and then connecting it to location/subject specific data and experiences. In certain cases it might not be necessary to go to court. Representation before the Parliament may be sufficient in certain cases. The key challenge here is to anticipate the responses and prepare responses. Albertina appreciated CUTS for its innovative “PARFORE” platform. Speaking on importance of media attention, she said, CSO can provide media with backup information which will help create an environment which is pro-rights. The access to players in issue is very important, as law does not in isolation with the society, in order to get required momentum for the issue.

The key challenges that emerged out of the discussion were lack of political will and lack of dedicated man force. The session dealt with the third guiding principles of the workshop, “Participation in Development”. In HRBA the matter/ evidence forms a normative base for the CSOs, which need to be updated with the participatory contribution of people about its issue and implications. Delivering on the question of how to induct HRBA in developing sector activities, Albertina said, factoring the HRBA first we need to identify the concerns, and then use the legal framework to map the claims of people and make recommendations in this regard. The activism does not stop when a law is passed, being vigilant about enforcement, implementation and awareness, is more effective.



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Session V Acquainting with Sustainable Development Goals and the Indicator Developing Process

The session focused on articulation of claims in manner to translate into Human rights and focused on achieving Sustainable Development goals. Albertina apprised the participants about SDGs that there are 17 SDGs, there are 169 indicators, and 15 years of timeframe by 2030, in which SDGs are to be achieved. She further explained about identifying issues under the goals and then developing national and regional indicators to help characterise the issue in Human rights and find ways to develop issues, areas on detailed indicators under SDGs. Albertina suggested for doing a shadow report as a check on glossed reports by States and submit it to UN monitoring agencies. Citing example of goal to ensure healthy lives and promote wellbeing for all at all ages, she identified Target 1 under which States are committed to reduce the global maternal mortality ratio to less than 70 per 100000 live births by 2030, as indicated indicated by indicator 1.1. Consensus emerged among participants that these are very good guidelines and that we can develop further indicators and lobby for those to be included and worked on.



Session VI Knowing/Developing HR based indicators for reaching certain targets in specific SDGs identified

SDGs are the current International document under which the claims of marginalised groups can be identified. In furtherance of which, an interesting group exercise was done by participants to identify an issue, identify goals, targets, and indicators in SDGs, and identify stakeholders, and especially government bodies, additional indicators for the specific issues. This exercise was fruitful and helped participants to engage actively and share their experiences and learning with other participants.

The outcomes of the exercise were discussed through oral presentations from each group and their analysis and study of SDGs which equips them with knowledge to use HRBA as tools used for research, capacity building and will help strengthen the issue base. It was opined by Albertina that campaigning on the issues from Human rights perspective can build help background strength and indicate the level of achievement of SDGs. The CSOs can analyse the part of responsibility of State as duty bearers and also through measurable of “target” and “time period” can map their level of achievement and challenge in achieving the SDGs. Answering to a question, Albertina responded that measurable under SDGs/HR are both quantitative and qualitative. Questionnaire and representative samples may help organisations to get a base line for assessment, she added.

The Session was followed by a discussion on how to integrate HRBA in development sector, and divergent opinion emerged out of the discussion, however a consensus was drawn that HRBA is a useful in very functioning of CSO activities from documentation, identifying accountability of duty bearers to monitoring of their obligations and further to have enhanced participation of community before State agencies.

Session VII: Developing Strategic Interventions- Action Plan

In the final session of the workshop, feedback was taken from every participant individually. The participants found the workshop informative and relevant for their work. The endeavours of the dedicated session were to make the participants grasp their work as a part "Human rights" as opposed to simply being projects on education, health services, children, women, so on and so forth. Victor, from SSNC remarked that HRBA is a mind-set to switch to, which goes right based approach confined to Rights Holders only, but HRBA fills the gap between the Rights Holders and Duty Bearers. Sara, thanked all the participants and Albertina. She appreciated CUTS was organising the workshop. Albertina thanked the participants and found the HRBA an equal learning experience for herself.



George Cheriyan, summarising the Workshop said that the workshop broadened perspective of the participants and all have to put a serious thought to bring positive transformation within the players of development sector and extended a vote of thanks to SSNC partners, Albertina and all the participants for an active participation.

The Workshop concluded with distribution of certificate to each of the Participants, including to Albertina, Sara and Victor for their benign presence and contribution to the Workshop.

Highlights:

- A shift from Right Based Approach to HRBA as a need of the hour was felt by all participants, to identify, fix and monitor the obligatory role of duty bearers.
- Better understanding on the international//national Human rights framework and enhanced research mechanism in the development organisations
- Learning of how to strategies and advocate an issue streamlined with Human rights and SDGs was a major highlight
- Interactive participation from all the Participants in discussions, activities and sharing experiences made the Workshop a success
- Quick Energisers between the sessions made the workshop a fun-learning platform



Lowlights:

- Technical, theoretical and lengthy sessions
- Less exercises involving Participants which made certain sessions boring.

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Programme Schedule

<i>Monday, 28.11.2016</i>	
Afternoon/ Evening	Arrival
7.00 pm onwards	Welcome Dinner <i>(All participants are invited and expected to attend)</i>
<i>Tuesday, 29.11.2016 Day-01</i>	
Opening Session 9.30 – 10.30 am	Self-introduction, Opening remarks and an introduction to Human Rights Based Approach: CUTS/SSNC George Cheriyan, Sara Nilsson & Victor Åström
10.30 -11.00am	Tea-Break
Session I 11.00 am-1.30 pm	Understanding Causes and Locating Context, Mapping the Players, Mapping Concerns Albertina Almeida
1.30-2.30 pm	Lunch Break
Session II 2.30-4.00 pm	Intersection of Gender and other Identities in Human Rights Violations Albertina Almeida
4.00 – 4.30 pm	Tea Break
Session III 4.30-5.30 pm	International Human Rights Standards Albertina Almeida
6.00 pm onwards	Visit to <i>Choukhi Dhani</i> (Ethnic Village Resort) & Dinner <i>(Only for out station participants, who are staying at the hotel)</i>
<i>Wednesday, 30.11.2016 Day 02</i>	
Session IV 9.30-11.00 am	Reflection of human rights standards in the Constitution of India Albertina Almeida
11.00 - 11.30am	Tea-Break
Session V 11.30am-1.30 pm	Acquainting with Sustainable Development Goals and the Indicator Developing Process Albertina Almeida
1.30 - 2.30 pm	Lunch Break
Session VI 2.30 – 4.00 pm	Knowing/Developing HR based indicators for reaching certain targets in specific SDGs identified Albertina Almeida
4.00 - 4.30 pm	Tea-Break
Session VII 4.30-5.30 pm	Developing Strategic Interventions- Action Plan: Albertina Almeida Reelections, Wrap-up: SSNC/CUTS: Sara Nilsson, Victor Åström & George Cheriyan
<i>Thursday, 01.12.2016</i>	
Morning	Departure

National Workshop on HRBA

Nov 29-30, 2016

List of Participants

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