Rights in Sight

Australian aid and development NGOs on human rights

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Australian Council for International Development
14 Napier Close
Deakin ACT 2600
☎ 02 6285 1816
🖷 02 6285 1720
main@acfid.asn.au
www.acfid.asn.au

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This publication was written by Sarah Winter, Human Rights Advisor at the Australian Council for International Development (ACFID). It is an ACFID publication but the analysis and/or opinion presented does/do not necessarily reflect the views of all ACFID members.

1. Introduction

The Australian international development community has long recognised the link between human rights and development. The Australian Council for Overseas Aid (ACFOA), as far back as 1966 noticed *'…the huge and widening gap between the poorer and wealthier nations of the world and between rich and poor people within nations results in deprivation of basic human rights for the more than half the world's population and constitutes a denial of natural justice and is a continuing threat to world peace.'*

In 1993, as the debate over Lee Kuan Yew's 'Asian Values' raged, and in the lead up to the Vienna World Conference on Human Rights, ACFOA joined scores of civil society groups in Bangkok in helping inform regional governments as they drafted the official *Bangkok Declaration on Human Rights*. The Declaration affirmed the right to development as a *'universal and inalienable right and an integral part of fundamental human rights.'* The Declaration, like others before it, made clear that human rights are integral to achieving sustainable and equitable development.

The intrinsic relationship between human development and recognising, protecting and promoting the human rights of people has remained, and when ACFOA became the Australian Council for International Development (ACFID) in the early 2000s, its vision asserted ACFID's purpose as being *'to promote conditions of sustainable human development in which people are able to enjoy the full range of human rights, fulfill their needs free from poverty and live in dignity.'* This emphasis is also reflected in ACFID's Code of Conduct, which aims for development organisations to *'respect and foster internationally recognised human rights, both socio-economic and civil-political.'*

The forty-year history of championing the relationship and utility between human rights and development has been successful but inconsistent. Whilst the concepts of human rights have gained influence in development policy and thinking, the practical implementation and extension of them to people on the ground has often been inconsistent. There have been important international initiatives such as the United Nations Secretary-General's 1997 exhortation that all United Nations agencies must 'mainstream' human rights across their activities. Yet concrete implementation of a human rights-based approach by donors and individual development non-government organisations (NGOs) have not fully capitalised on that potential. Amongst ACFID's own members, there is a push for greater consensus on what a human rights-based approach to development might entail.

Additionally, the implementation of a human rights-based approach to development proved challenging to implement and integrate for development practitioners. Terms and concepts are often used interchangeably: a human rights-based approach is often equated with 'empowerment' and 'participation'. But these terms are not one and the same and their meanings are contested. A lack of conceptual clarity about the terms, concepts and practices of a human rights-based approach has inhibited its widespread implementation in Australia.

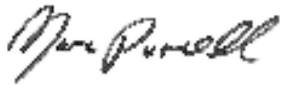
But human rights have always been in the sights of development practitioners and a renewed push from Australian aid and development NGOs has placed human rights back on the development agenda. In 2008, the Australian Agency for International Development (AusAID) formally acknowledged the positive impact of a human rights-based approach in its disability-inclusive strategy and, for the first time, directly linked Australian Government aid programming activities with a human rights convention.

Rights in Sight, is the result of a study commissioned by a group of ACFID members into Australian aid and development views and practice by NGOs with regard to human rights. The Consultation did not aim to review the extent to which an NGO's activities were human rights-based but to understand and explain NGO views on those activities. During the Consultation, some participants provided a number of examples and good programming tools and policies for implementing a human rights-based approach. Some of those examples, tools and policies are referred to in this document. ACFID maintains a catalogue of these

materials, which it will use in training sessions and in the development of a human rights-based approach toolkit.

ACFID is now working with members to further develop conceptual clarity on a human rights-based approach and in developing practical ways of implementing human rights in a development setting.

I hope you enjoy the report and it helps create understanding, debate and learning.



Marc Purcell
Executive Director
ACFID

2. What are the key findings and issues in *Rights in Sight*?

Rights in Sight outlines a number of NGO views regarding human rights and development. However, a number of key findings and issues emerged from discussions with aid and development NGOs that are discussed in this report that should be highlighted and be further considered.

Based on a majority of participant responses, key findings of ***Rights in Sight*** include:

1. Australian aid and development NGOs integrate human rights into their activities in a variety of way (see diagram overleaf)

2. Australian aid and development NGOs are seeking to be stronger human rights-based organisations (see section 6.1)

3. The key benefit of using a human rights-based approach is its framework for exposing disadvantage, structural discrimination and the need to challenge power dynamics (see section 8.1 and 8.2)

4. A key challenge of a human rights-based approach is the need for NGOs to have analytical skills, not just technical skills, and that required analytical skills may be lacking in the NGO or in the country where the NGO works (see section 9.1)

5. Measuring human rights is important for the effective implementation of a human rights-based approach but it is difficult to justify adequate funds be allocated to undertake long-term and in-depth studies that capture incremental societal change which is the focus of human rights-based activities (see section 10.1)

6. Most NGOs do not view the existence of a formal mechanism that enables aid beneficiaries and stakeholders to hold the NGO to account for its activities as an indicator of a human rights-based approach (see section 10.3)

7. Despite, NGOs listing a number of different ways NGOs can implement a human rights-based approach (both in terms of what an NGO does and how it does it), there is not complete consensus across NGOs as to the minimum essentials of a human rights-based approach (see section 12).

In addition to these findings, five key issues emerged during the consultation that require further consideration:

1. The core essential activities of a human rights-based approach (see section 13.1)

2. The definition of human rights used by aid and development NGOs (see section 13.2)

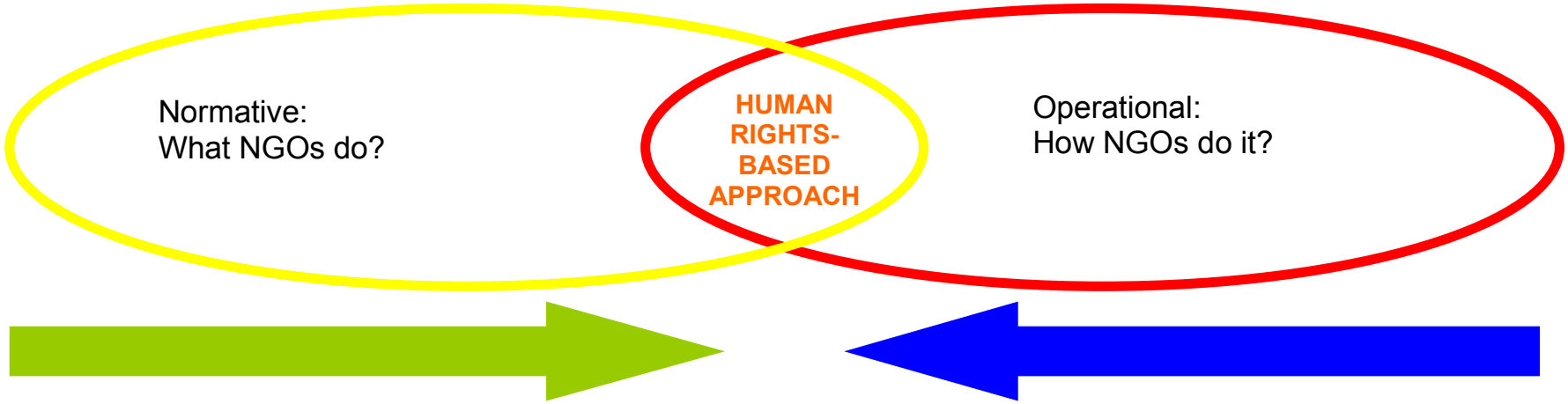
3. The differences and synergies between a human rights-based approach and empowerment (see section 13.3)

4. The compatibility of faith and human rights (see section 13.4)

5. Responding to human rights violations by staff (see section 13.5).

Human rights-based activities undertaken by Australian aid and development NGOs

This diagram captures the variety of ways that Australian aid and development NGOs integrate human rights into their activities. Based on discussions with Consultation participants, it is apparent that human rights are relevant in a number of activities (see section 11). Whilst the activities closer to the middle of this diagram demonstrate a stronger human rights-based approach, it is useful to recognise all NGO-identified human rights activities as part of a human rights-based approach to assist NGOs with further integration of human rights activities.



Service delivery (without capacity building) – provision of bednets, tools, seeds etc

Project establishing self-help and savings groups

Specific human rights project – training local community groups on CEDAW

Protection work focuses on securing the 'basic' rights of refugees and internally displaced people.

Governance documents establish human rights as objectives of development and the approach is integrated into staffing, operational policies, program design, evaluation, advocacy and communications.

Mainstreaming human rights – thinking about how human rights are relevant to the work an agency undertakes (perhaps with specific regards to vulnerable or disadvantaged groups)

Specific empowerment project with aim to increase capacity of community to hold stakeholders and rights bearers to account for certain rights.

Human rights are included in mission statement or policy on human rights.

Consultation with and participation by local communities in program design.

3. What did the Human Rights Consultation aim to achieve?

In order to meet the objectives of the ACFID Human Rights Project (see Annexure A), a deep understanding and explanation of the human rights work undertaken by Australian aid and development NGOs is required. Therefore, ACFID consulted broadly and researched the current views and practices of NGOs with regard to human rights ('the Consultation' or 'the Human Rights Consultation').

The information gleaned from the Consultation will be used to further influence the Human Rights Project by:

- Raising awareness about the connection between development and human rights, including the human rights-based approach
- Strengthening the voice of the development sector in the community
- Developing practical ways of implementing human rights in a development setting.

4. What methodology was used in the Human Rights Consultation?

ACFID's Human Rights Consultation adopted a broadly qualitative methodology, although, it was possible to extract some quantitative data from the Consultation. Therefore, ***Rights in Sight*** is designed to be illustrative of views and activities rather than statistically representative. Further, ***Rights in Sight***, is careful to note when people's perceptions, rather than facts, are being described.

Between January and April 2009, letters were sent from ACFID's Executive Director to 36 NGOs inviting their participation in discussions about the human rights work undertaken by their organisation. ACFID also sought formal participation from key non-ACFID member NGOs in the Consultation. Information about the Consultation was also included in the ACFID Member Bulletin in February 2009 inviting any interested participants.

Subsequently, ACFID undertook semi-structured interviews and discussions with 69 representatives from 29 organisations. ACFID aimed to ensure that the organisations involved in the Consultation reflected the diversity of the aid and development sector and specifically sought organisational representation from faith-based and non-faith based organisations; large, medium and small organisations; generalist and specialist organisations. Although, the majority of participants from these organisations were program staff; humanitarian and emergency response staff, marketing and communication staff, advocacy and policy staff; as well as senior management, including Chief Executive Officers and Board Members, also participated. See Annexure B for a list of organisations that participated in the Consultation.

The interviews focused on discussion of 6 broad questions:

1. What types of work does your organisation undertake in the area of human rights?
2. Has your organisation adopted a human rights-based approach? Why, why not and how?
3. What are the benefits to using a human rights-based approach?
4. What are the challenges to using a human rights-based approach?
5. How do you measure the impact of your human rights work?
6. What support could ACFID provide to your organisation in further applying a human rights-based approach to your work?

During the course of the interviews, participants were encouraged to provide documentary examples of human rights activities in the following areas:

- Policies and other governance documents that outline the organisation's view of human rights

- Programming or humanitarian response examples that use a human rights-based approach
- Advocacy, policy or media work that promotes human rights
- Marketing or fundraising material that promotes human rights
- Any other relevant material.

Many organisations provided information from their international partners or affiliated organisations. For example, in some cases, NGO materials on the human rights-based approach are produced out of a central office (perhaps in Geneva, the US or UK) but are used by Australian NGOs.

In March 2009, a progress report on the Consultation outlining preliminary themes and making recommendations about the direction of the Consultation was provided to the Human Rights Taskgroup overseeing the Human Rights Project. The progress report identified what additional participants should be included in the Consultation.

5. What is the human rights-based approach to development?

The Consultation aimed to understand how the Australian aid and development sector define, view and use human rights and the human rights-based approach. Before illustrating the views of the Australian aid and development NGOs regarding a human rights-based approach, it is useful to provide some background material on a human rights-based approach.

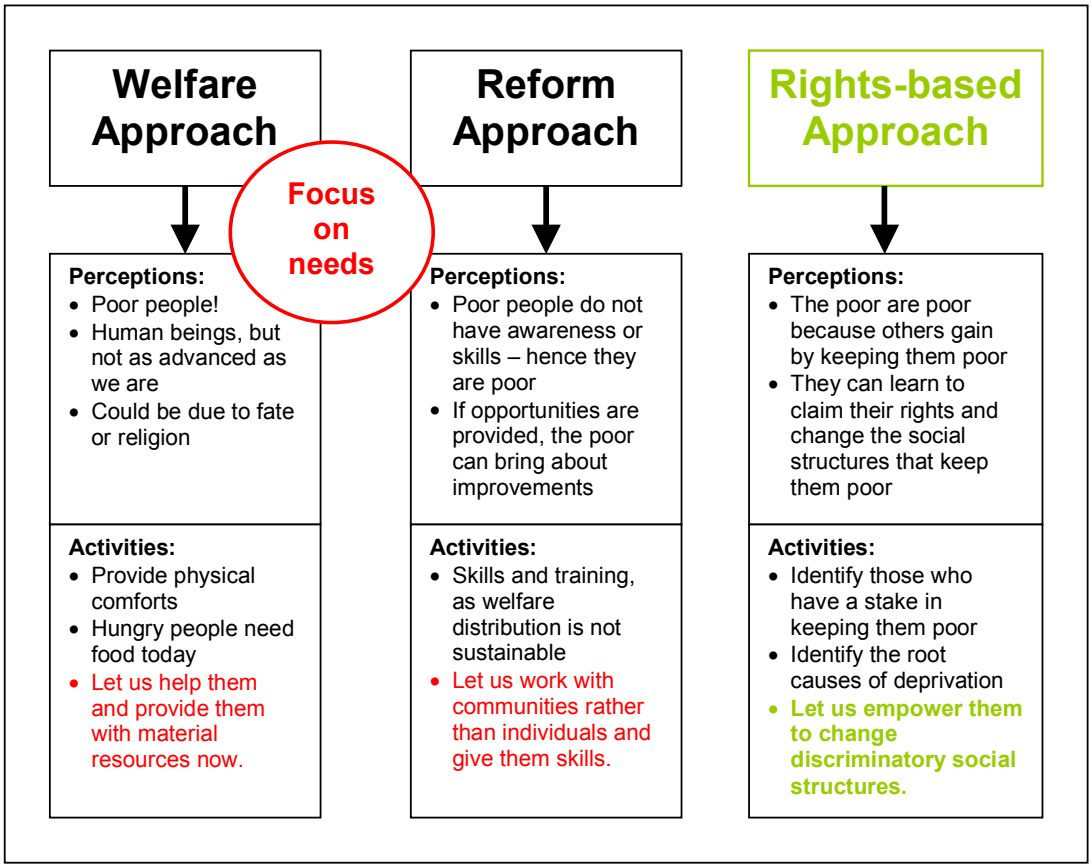
The human rights-based approach gained momentum in 1997, when the then Secretary-General of the United Nations, Kofi Annan, designated human rights as a cross-cutting issue for the United Nations and mandated that human rights were to be mainstreamed into the programmes, policies and activities of all UN specialised participants, programmes and funds.[1]

Since then, the United Nations (UN) has adopted a 'Common Understanding' on the human rights-based approach to development, which is premised on six principles (universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law).[2]

The UN Office of the High Commissioner for Human Rights, with other organisations, has prepared a variety of resources explaining the human rights-based approach.[3] These activities and the human rights mainstreaming mandate has promoted new engagement on the human rights-based approach to development.

A human rights-based approach is different to other traditional approaches to delivering aid and development (such as needs-based or welfare models) because it views poverty as a result of disempowerment and exclusion. Therefore, aid beneficiaries are not objects of charity but rights-holder that have a *right* to health, food, education etc.

Comparison of development approaches



Source: Diagram adapted from ICIMOD, Advocacy Strategies and Approaches: A Training of Trainers Manual, 2008.[4]

In general terms, the human rights-based approach specifically highlights the human rights entitlements of people and the corresponding obligations of governments. It also encourages empowerment, participation and capacity building with local communities so that vibrant civil societies can hold their governments to account. ACFID acknowledges that conceptual clarity between a human rights-based approach and other concepts such as empowerment, participation and accountability is needed.

Therefore, a human rights-based approach refers to a framework for human development that:

- Provides a vision of what development strives to achieve – freedom, well-being and dignity of all people everywhere, and
- Provides a set of tools for planning, implementing, monitoring and evaluating human development activities. [5]

A human rights-based approach is as much about *how development is done* as what *is done*.

For too long the development debate has ignored the fact that poverty tends to be characterized not only by material insufficiency but also by denial of rights. What is needed is a rights-based approach to development. Ensuring essential political, economic and social entitlements and human dignity for all people provides the rationale for policy. These are not a luxury affordable only to the rich and powerful but an indispensable component of national development efforts.

Commission for Social Development, Thirty-sixth session, 1998

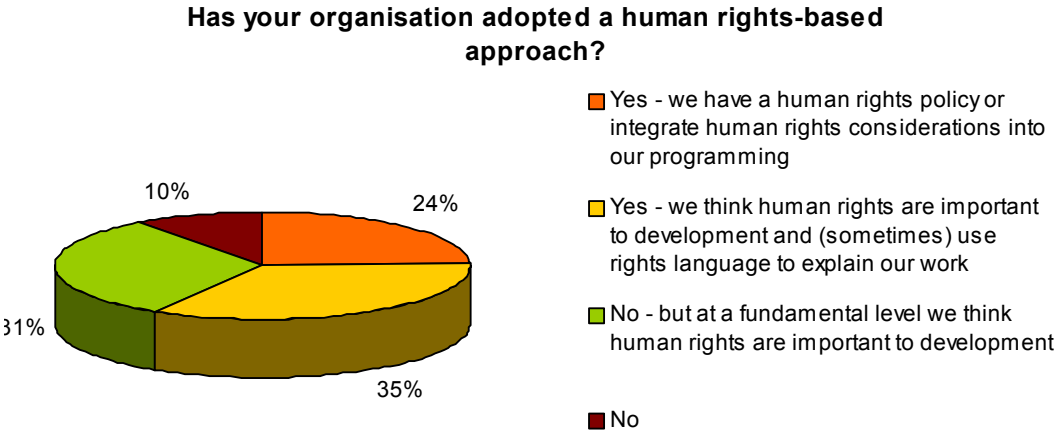
According to the United Nations Development Program, a human rights-based approach enables better development outcomes by analysing and addressing the inequalities, discriminatory practices and unjust power relations that often obstruct human development.[6] Therefore, a human rights-based approach also focuses on the most marginalised and disadvantaged in society as their human rights are most widely denied or left unfulfilled.

Although this establishes the formal understanding of a human rights-based approach by the UN, this is not necessarily indicative of how Australian aid and development NGOs define or use a human rights-based approach. In fact during the Consultation, some NGOs were unaware of the six human rights-based approach principles outlined by the UN or the nine legally biding core human rights treaties.[7]

6. Have Australian NGOs adopted a human rights-based approach to their development work?

6.1 Consultation results

All participants were asked whether their organisation had adopted a human rights-based approach. How this question was answered really depended on what the NGO thought was a human rights-based approach and what it meant to 'adopt' or 'use' a human rights-based approach. Therefore, the answers really demonstrate whether participants think they already integrate human rights, rather than what is needed and meant by the phrase human rights-based approach. The majority of participants indicated they were interested in learning more about the human rights-based approach and how to implement.

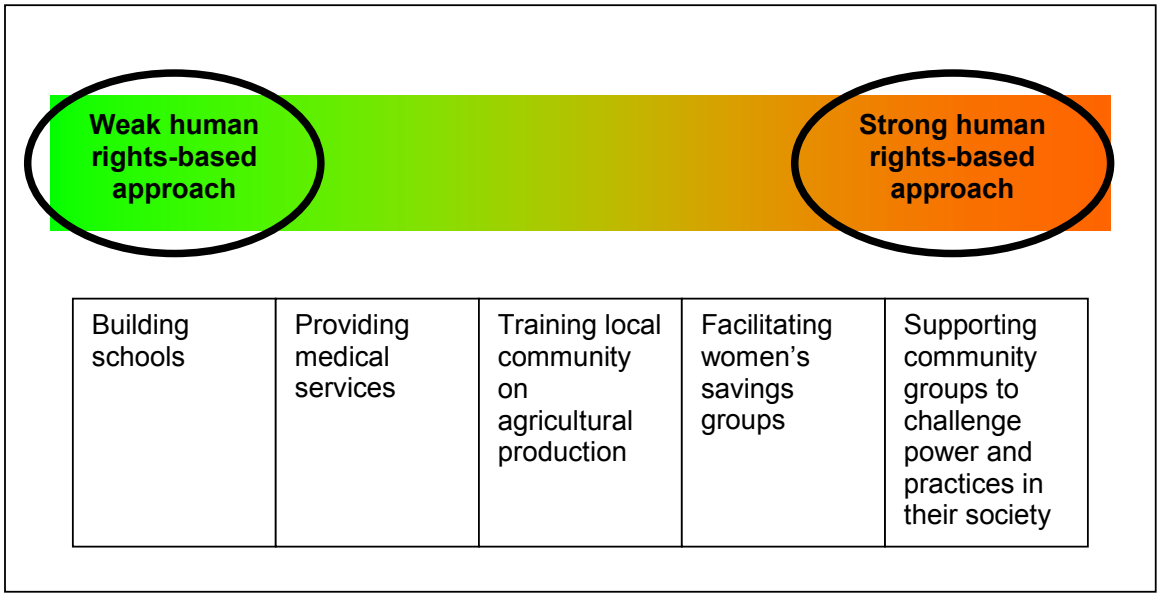


Despite this quantitative data, in the vast majority of cases, participant views on human rights is not as simple as dividing NGOs into those which respect or have adopted a human rights-based approach and those which dislike or have not adopted a human rights-based approach. Many participants highlighted that on some issues they were strongly human

rights-based (protection, trafficking, refugee issues were commonly provided as examples) but not in other areas.

Therefore, many participants spoke of their NGO's evolving capacity to becoming a stronger human rights-based organisation. Most participants said their organisation required additional training to makes a stronger shift to being human rights-based organisation. Many organisations had been in existence for several decades and historically provided direct services to communities rather than a broader development approach. This shift was noted by participants as creating a number of practical difficulties for NGOs, including not having the necessary skills to become a stronger advocacy organisation or to build the capacity of local communities to hold their governments and other powerful actors to account for human rights. Some participants were also concerned that the way they currently raise funds would be impacted by doing increased advocacy or empowerment work.

Human rights-based approach spectrum of Australian NGOs



6.2 Terminology of a human rights-based approach

Although some Australian aid and development NGOs are overt in their professed adoption of a human rights-based approach, most participants indicated that they had not either formally rejected or accepted a human rights-based approach. Some participants considered that they did use a human rights-based approach in practice but that they called it by another name.

> *International Women's Development Agency (IWDA) is an Australian non-profit organisation that creates positive change for women and their communities. Our practical and **rights-based** projects directly address poverty and oppression in developing countries.*
>
> IWDA Annual Report 2007-2008

Further, participants considered that a human rights-based approach is complementary to other approaches such as empowerment, people-centred, civic-driven, results-based or transformational development. Several participants explained and provided material that described these approaches. Broadly speaking, those approaches aim to empower individuals and communities to hold their governments to account to their human rights obligations (although participants often spoke in terms of needs). Empowerment is the foundation of a human rights-based approach and the links

between empowerment and human rights is expanded upon later in ***Rights in Sight*** at section 13.3.

This diversity of language reflects different organisational values and processes but the approaches are often consistent with the human rights-based approach in terms of empowerment, participation and viewing aid beneficiaries as rights-holders to whom their governments owe obligations.

World Vision's Development Approach

What differences will community based program management make to our work?

A shift from:		
Beneficiary	>>>	Citizen
Project	>>>	Policy
Consultation	>>>	Decision-making
Appraisal	>>>	Implementation
Micro	>>>	Macro

Internal publication provided by World Vision during the Consultation

Participants identified that it was crucial for the development sector to debate and define relevant terms including human rights, human rights-based approach and protection. This suggests that while general statements about NGO views and practices concerning a human rights-based approach and human rights can be made, several NGOs felt that more consensus was required in the Australian aid and development sector about what a human rights-based approach is and what it means in practice.

Plan Australia's Development Approach

Child centred community development is the term we use to describe how we aim to do our development work. It's ***a rights-based approach to development*** *where we support communities to develop the structures and skills they need to provide a safe and healthy environment in which children are able to realise their full potential.*

It is our belief, based on many years of experience, that this can be achieved only if children's best interests are at the heart of everything we do and if children themselves actively participate in the process.

Website, Plan Australia

7. What reasons did NGOs provide for not adopting a human rights-based approach?

Participants highlighted a number of reasons why their organisation had not adopted a human rights-based approach or was hindered in becoming a stronger human rights-based organisation.

Overwhelmingly, the majority of responses from those who had not adopted a human rights-based approach cited concern about how a human rights-based approach was practically implemented in a development setting. Additionally, a number of participants who identified that they had 'adopted' a human rights-based approach also noted that they required more information on the approach.

One NGO noted that before they adopt a human rights-based approach, they want to ensure that they have the organisational credibility to make that statement. In particular, ensuring their organisation was an accessible place to work for people with disabilities was an important prerequisite.

Many faith-based organisations were also concerned that their donors would not relate to human rights, despite several of those organisations believing human rights were consistent with principles of faith. This is perhaps why several faith-based NGOs had not formally adopted a human rights-based approach or did not publicise their approach as human rights-based but implemented many practices (such as empowerment, participation and advocacy) that are consistent with a human rights-based approach. Similarly, some faith-based NGOs noted that they used faith-based principles to inform their work as this more closely aligned with the values of the organisation and its donor base.

For some specialist NGOs, there was a need to really understand what adopting a human rights-based would mean for their area of specialty, for example, how international human rights treaties impacted on a conservation agenda were not always clear to some NGOs. Additionally, some NGOs did not consider human rights directly relevant to their work.

8. What are the benefits to using a human rights-based approach?

When asked about the benefits of a human rights-based approach, participants articulated a number of benefits in relation to aid beneficiaries, the effectiveness and sustainability of programs, the AusAID accreditation process, and adding impact to advocacy.

> *You can't have sustainable development without empowerment, and you can't have empowerment without recognising human rights.*
>
> Consultation participant

8.1 Empowering aid beneficiaries

Several participants noted that a human rights-based approach empowers communities and individuals by focusing on rights and entitlements. In particular, participants noted that a human rights focus exposed disadvantage, inequality and structural discrimination, which compounds poverty and enables human rights violations to occur. The experience of women and people with disabilities were specifically mentioned as benefiting from a human rights-based approach.

Participants said that by highlighting human rights, NGOs confirm to aid beneficiaries that assistance is not a 'charitable act' from donor to recipient but rather an act of support so that individuals can exercise their human rights and that duty bearers are held responsible for ensuring their human rights.

8.2 Increasing effectiveness and sustainability of programs

Many participants noted that a human rights-based approach is considered good development practice. However, most of these indicated that they would appreciate further research demonstrating the effectiveness of a human rights-based approach. Some participants identified a human rights-based approach as being more sustainable as local ownership by communities is promoted and supported, and that duty bearers could be held to account after NGOs left. Some participants articulated these benefits of a human rights-based approach as a shift from service delivery to advocacy.

WaterAid explained that a human rights-based approach enables their organisation to explain the difference between availability of water and access to water. Referring to a picture of abundantly green golf course situated near a Nairobi slum where access to clean water was limited, a human rights-based approach exposes the inherently political nature of resources and that poverty or the inability to exercise human rights is not a due to unavailability but a

lack of political will. Advocacy, therefore, not service delivery becomes the most effective and appropriate way to deal with such a situation.

Several participants commented that a human rights-based approach is not a 'silver-bullet' that is applied in the same way in different contexts. Rather, these NGOs recognised that a human rights-based approach was unique in enabling critical debate about the outcomes and objectives of development work within organisations and therefore led to better development.

8.3 AusAID accreditation process

A few participants said that human rights enables them to explain to AusAID how the work it undertakes is community development work for the purposes of AusAID accreditation. The AusAID accreditation process requires that NGOs demonstrate their activities are not 'welfare', 'evangelism' or 'partisan politics'.[8] A few NGOs specifically said that by referring to relevant human rights enabled them to demonstrate during the accreditation process that their activities are a legitimate development activity and not just service delivery.

One participant also equated the AusAID accreditation process and the requirement to be an ACFID Code of Conduct signatory as ensuring that participants adopt a human rights-based approach. In the view of this ACFID member, the 'no-strings attached' policy that prohibits proselytising meant that the NGO needed to demonstrate its 'non-proselytising' mandate by being a human rights-based organisation.

8.4 Adding impact to advocacy

Several participants listed several benefits of a human rights-based approach to an organisation's advocacy efforts. In particular, a human rights-based approach was said to highlight the causes of poverty and open a space for increased advocacy by an NGO, to complement their work in treating symptoms of poverty.

Advocacy was said to be enhanced by referring to the substantial body of precedent around human rights, especially the 'uncontested' human rights. The universality of human rights was said to provide an internationally agreed upon language that is understood in most countries and therefore considered helpful in discussing required change and in advocacy efforts.

9. What are the challenges to using a human rights-based approach?

When asked about the challenges in using a human rights-based approach, participants identified inadequate knowledge, implementation dilemmas and difficult terminology.

9.1 Inadequate knowledge

Participants highlighted that there is a lack of understanding about rights – within their organisation, within their donor base and the public more generally. Participants said that human rights language needs to be accompanied by case studies to make it real and relevant.

Although a number of NGOs spoke of human rights being universally agreed principles, it was clear that NGOs prioritised certain human rights over others and that perhaps there were very few truly 'uncontested' human rights. Based on the Consultation and specifically noted by some participants, there is a need to the Australian aid and development sector to really consider what it means by the phrase human rights.

One participant said that their NGO has had internal conflict over defining what constitutes a human rights-

> *It sounds more complicated than it needs to be. It needs to be kept simple.*
>
> Consultation participant

based approach and how this differs from good development practice.

In addition, a human rights-based approach requires staff to have analytical rather than technical skills. These skills may not be present in the existing partner organisation and may take several years to foster within the country.

9.2 Implementation dilemmas

Participants listed several challenges in practically implementing a human rights-based approach.

A few participants said that they lose control of implementation because they work through partners. Participants said that they require partners to be strong on human rights and to implement a human rights-based approach. Some participants reported having partners who were very strong and capable on human rights; other were committed to long-term partnerships and developing the capacity of partners who may need additional training and persuasion on human rights; others said they had little influence in persuading their partners to adopt a more human rights-based approach. Some participants were also concerned that some partners' traditional practices may contradict with human rights principles. Some participants said they would not work with local people who did not abide by accepted human rights standards (for example, child marriage); others said that accepting the view of local people, not imposing standards and working with them was part of the human rights-based approach.

A few participants said that human rights training could actually increase conflict and cause a backlash from groups who are not the beneficiaries of human rights training or empowerment programs (men were specifically mentioned). These participants were asked to provide reference to reports detailing these problems but these were not provided in publishing this report.

Some NGO participants also noted that they thought that to implement a human rights-based approach would mean that they needed to increase their advocacy efforts. This causes concern for those NGOs as they felt they did not have the financial resources or expertise to undertake this work and that fundraising for advocacy was limited. Other participants suggested that focusing on rights-based approach meant money is only available for advocacy and training when basic service delivery, might be what is really needed. Several participants spoke about the real tension within NGOs about the best way to proceed - treating a symptom by building a school versus systemic change and working with government, which is inevitably slower.

Finally, participants said that a human rights-based approach can only be overtly used in countries where is it appropriate, culturally relevant and will not draw opposition from the government or place programs and individuals in jeopardy. Smaller NGOs mentioned that they did not have the strength to 'take on' the government and felt that they had no choice but to abide by the government's requirements.

9.3 Difficult terminology

Participants also highlighted that the language of human rights creates some challenges in that local partners do not always relate to the terminology of human rights but relate to the principles behind it – empowerment, participation, accountability etc. Some participants thought human rights language was too legalistic and needed to tell a story to be effective.

A few participants noted that rights could be seen as confrontational and anti-relational, which poses challenges for development work that is about long-term relationships and communities.

9.4 Weaknesses in the human rights-based approach

In addition to these challenges, a few participants articulated weaknesses in the human rights-based approach. One participant considered that human rights is important but that it could not be the sole approach to development because it is not broad enough to cover emotional and spiritual development which are also vital for an individuals sense of dignity and worth. The largely individualistic nature of the human rights legal framework was also seen as a weakness and not necessarily appropriate for long-term development processes.

A few participants also commented that human rights in themselves do not change anything and that focusing on human rights can stop participants from listening to the immediate needs of communities. For example, telling a woman that she has a right to demand certain services from the government can be futile and disempowering if there is no foreseeable prospect of change by the woman's government and if what she really needs from the NGO is the provision of services. Similarly, local or implementing partners can be disempowered when a human rights-based approach is imposed from on top to a previously service-delivery oriented organisation.

10. How can a human rights-based approach be measured?

Participants were asked to comment on how they measure their human rights-based approach or how they measured 'empowerment'.

10.1 Challenges in measuring human rights

Most participants acknowledged that it is very difficult to capture the impact of human rights work, particularly human rights work that is about the operations or processes of an NGO or attitudinal change. For example, it might be possible to assess the right to education by measuring the number of schools, teachers or materials delivered but it is more difficult to measure the level of a child's participation in education.

> *You might not be able to measure attitude but you can measure behaviour.*
>
> Consultation participant

Participants noted that because a human rights-based approach asks participants to focus on the process not just the outcome provides a challenge for a sector that is 'output' focused. The Consultation highlighted that the development sector needs to be persuaded of the effectiveness of participatory human rights-based processes and provided with concrete ways to measure improvements in terms of process or operational issues.

Many participants lamented that it was difficult to justify adequate funds be allocated to undertake long-term and in-depth studies that might capture incremental societal change.

10.2 How NGOs currently measure human rights

Most participants said that they do not measure human rights or the impact of their empowerment projects but that they would be interested in learning from other participants how to effectively capture and measure human rights and the human rights-based approach.

Some participants were able to provide clear examples for measuring human rights in a quantitative sense. For example, participants spoke of measuring empowerment by taking notice of women's participation, chairing of meetings, or taking notes, as well as the changing demographics of meetings or trainings. Empowerment could also be measured by recognising and measuring shifts in how NGO partners operate.

However, most participants referred to anecdotal evidence as measurements of success in terms of empowerment or human rights. A few NGO participants referred to their periodic program reports as providing opportunities for qualitative evaluation. In one NGO's report, a weakness identified by the local partner was that duty bearers (i.e. government officials) were not aware of their responsibilities and that more training directed at government officials was needed.

> *Most of our monitoring is on outputs not on how our partners view us.*
>
> Consultation participant

10.3 Accountability of NGOs

A few participants also mentioned that ensuring that all stakeholder voices are heard (not just in evaluations, but consistently through the program cycle) captures important information about empowerment and accountability. A few participants also provided formal mechanisms by which aid beneficiaries could hold participants to account.

11. What human rights-based activities are undertaken by Australian aid and development NGOs?

11.1 General overview

All Consultation participants were asked about the human rights work undertaken by their organisation. Australian aid and development NGOs are incredibly diverse in terms of size and activity. Despite this diversity, or perhaps because of it, all participant NGOs were able to identify undertaking some form of human rights work.

When discussing the human rights work undertaken by participants several NGOs spoke about the specific human rights *activities* they undertake as well as the way they *operate*. Examples provided by participants suggest that there is significant overlap between activities undertaken by NGOs and the way the NGO operates. Some participants did not automatically see that they way they operate could be seen as promoting human rights. After an initial explanation of the UN's principles of a human rights-based approach, participants were able to talk with more confidence about their approach to development in terms of process, empowerment and participation, and make links between that work and human rights.

11.2 Definition of human rights

Asking participant NGOs about their human rights work, stimulated discussion about what was meant by the term 'human rights'. Most participants linked human rights with the rights articulated in the *Universal Declaration of Human Rights* and various UN treaties but many participants preferred to use less legal definitions of rights and ascribe meaning to fundamental human needs as rights. For example, some participants prefer talking about the right to food, rather than specifically referring to article 25(1) of the *Universal Declaration of Human Rights* or Article 11 of the *International Covenant on Economic, Social and Cultural Rights*, or the 1999 explanatory statement issued by the Committee on Economic, Social and Cultural Rights on the right to food.

In addition, some participants linked the concept of human rights to a broader set of legal rights beyond international human rights treaties such as rights consistent with other bodies of international law (international humanitarian law, international refugee law) or under national laws (land rights).

11.3 Human rights activities

Consultation participants identified human rights activities in five main areas; specific human rights programs, protection, fundraising, advocacy and communications. Several participants

also noted that they considered all their work could be seen in terms of promoting and protecting human rights generally, especially in terms of the right to education, right to health, right to participation etc.

These examples provided by participants are only intended to capture one part of a NGOs entire work in protecting and promoting human rights.

Participants tended to speak in general terms about these activities, although some NGOs provided case studies or evaluations on these activities.

Human rights programs	Some participants specifically referred to their human rights training or empowerment projects as examples of human rights work. Training on children's rights and women's rights were commonly mentioned. These activities were sometimes whole projects in themselves but the majority of these identified projects were part of a broader development strategy for each particular community. For example, The Fred Hollows Foundation sponsors a Pakistani student to investigate how human rights sensitivities (especially around gender) are incorporated into the formulation of eye health policy in Pakistan. A few participants referred to human rights training programs in refugee camps. Participants also referred to peace building activities as examples of human rights programs.
Protection	Several participants discussed how they adopted a human rights-based approach through their 'protection' work. Although some participants noted that protection was a term that was debated, several claimed that it was understood that protection was about the protection of human rights especially the basic rights such as freedom from violence, food, water, shelter, usually in an emergency, conflict or humanitarian crises. Some participants referred to the International Committee of the Red Cross definition of protection, which makes a link with rights. After discussing protection work with a number of NGOs, it was clear that 'rights' were understood in these contexts as being broader than international human rights law, incorporating rights under international humanitarian law and refugee law. ActionAid have recently prepared a protection manual that aims to be a field guide for integrating community-based protection into humanitarian programs. The manual contains useful information and tools consistent with the importance of, and ways to implement, a human rights-based approach. Tools include establishing meaningful participatory process and conducting human rights analyses of countries.
Advocacy	A few participants referred to their campaigns or lobbying efforts as human rights activities. Examples identified were both domestic (such as fair trade procurement by government) and international (raising awareness about UN Security Council resolution about violence against women) in focus. During the Consultation many participants raised the issue of whether a human rights-based approach required a shift towards or an increase in advocacy by NGOs. This issue is discussed later in more detail at section 13.
Fundraising	Most NGOs do not explicitly use human rights as a fundraising tool.

	Some participants reported that they had campaigns where 'human rights training' items could be purchased for communities. Participants noted that human rights items were usually unsuccessful in marketing terms unless paired with other more tangible items. The key message was that a goat sells better than a 'right'. Many participants who were non-marketing staff believed that marketing and communications teams needed more information on how a human rights-based approach would impact on their appeals and publications. In particular, participants noted that ensuring the integrity of the aims of the development project, explaining the community not individual focus of the project and demonstrating the empowerment of beneficiaries was very important.
Communications	Many NGOs prepare information on human rights issues, which aim to educate Australian audiences about human rights and development. Information is often in the form of research, media released and educational materials and explicitly used human rights language. World Vision provided an example of trafficking information, which begins with a technical legal definition of trafficking and explained what a 'rights-based approach to trafficking is'. Viewing people who are trafficked as victims of human rights abuses rather than criminals is a key part of the rights-based approach to trafficking. Act for Peace prepares and distributes Education Kits on Refugees and Migrants, which specifically discuss international law and human rights.

11.4 Supporting human rights operationally

Consultation participants identified a number of thematic areas to explain how they support human rights in the way that they operate; establishing development priorities, the aim of development, activities undertaken, program design, working with partners and communicating the work of the NGO.

Development priorities	***Aid and development NGOs often assert that their programs will address the most marginalised in a community –*** Consultation participants said that by focusing on human rights, the needs of the marginalised are recognised as entitlements rather than seen as 'too difficult'. For example, viewing education as a right enables a child with a disability to request that disability-inclusive education is provided. Instead of seeing such request as optional or preferable when possible, a human rights framework emphasises the government's obligations and makes this request mandatory and legitimate. Participants identified their work's focus on children and women as addressing the most marginalised in a community. Several participants also discussed that they had recently begun to address disability as a focus of their programs. Oxfam Australia demonstrates its human rights-based approach by prioritising its activities on the 'poorest of the poor' in order to ensure that their development is focused on the most marginalised in a community. ***Quality research to identify most disadvantaged and marginalised -*** In addition, some participants highlighted that

	quality research was required to ensure programs are delivered in the areas of greatest need and in a sustainable way.
Development aims	***Empowerment*** – several participants saw empowering communities to have a say in determining their future as a key development objective. Habitat for Humanity referred to its slum upgrade work in Cambodia where the NGO worked with communities and governments to have living spaces upgraded (rather than relocate communities elsewhere) as communities wished to remain in the slum location because of proximity to work opportunities and/or services. ***Participation*** – several participants take a 'community-led' approach to program or project implementation and monitoring. Many participants highlighted that youth engagement is a key part of their programs. Plan Australia, for example, has an open defecation project in which children are the community leaders in changing behaviour around sanitation. Consultation participants used the concept of participation broadly to include participation in determining the goals of service delivery in a humanitarian emergency or implementation or monitoring of a project. In addition, a project's specific aim might be participation. Many consultation participations spoke about the concept of participation in a way that suggested that participation often leads to empowerment and that empowerment can be seen as participation that aims to be sustainable in the longer term and not require input from NGOs.
Development activities	***The role of advocacy*** – some participants also discussed their work in advocating on behalf of local communities in Australia, in other countries or internationally, as a key human rights activity. Based on participant views, it was clear that many NGOs viewed human rights as political and service delivery as apolitical. According to participants, human rights was seen as political because it dealt with power imbalance, structural inequality and resource distribution. Therefore, NGOs who viewed human rights in this way believed that a human rights-based approach required an organisation to engage with the political process by lobbying and advocacy activities. An advocacy example provided during the Consultation from Baptist World Aid Australia encourages lobbying from Australian supporters. Baptist World Aid links advocacy and accountability issues to 'Jesus and the prophets calling the wealthy and rulers to repentance for the ways they had oppressed or neglected the poor.' Accountability is a key concept of the human rights-based approach and demands that governments, duty bearers and other powerful actors are held to account for human rights. This is a good example of where faith-based principles promote activities consistent with a human rights-based approach. Several smaller NGOs explained that they mainly were involved in direct service or program delivery but that advocacy was performed elsewhere in their international network.
Program design	***Integrating human rights analytical tools into the program cycle*** - many participants noted that during the program cycle, especially at the pre-program and planning phase, their NGO

	considered human rights implications. How deeply human rights were considered varied from NGO to NGO. The different ways that human rights analysis is integrated into the program cycle is detailed at section 12.4. For example, Plan Australia shared a tool, which mapped how rights, responsibilities, interventions and trends in the area of rights can be captured to assist with prioritization of activities.
Partners	***Staffing and partnership arrangements*** – participants explained that whom they choose to work with is a key part of their human rights approach. For example, many participants work in partnership with other organisations where local people are employed to implement development projects. Australian Volunteers International (AVI) completed an internal review about how well AVI was able to accommodate people with disabilities within their organisation, which led to a review of certain policies.
Communications	***Images used in communications material*** – some participants indicated that the images they use of children are central to their child rights-based approach. For example, in order to preserve the dignity of children and to promote the reality of development projects, participants spoke of wanting to use images children engaged in development activities (such as going to school or drawing water from a well) as opposed to images of sick or malnourished children. Participants indicated that this has required a shift in marketing teams and an ongoing challenge. Participants noted that preserving the dignity of people through images is important to ensure that the participation of people in those images supports their human rights and is not misleading. This concept is also explicitly recognised in the ACFID Code of Conduct.

12. How do Australian NGOs implement a human rights-based approach into their work?

All participants that identified their NGO as having adopted a human rights-based approach were asked how they implement a human rights-based approach.

The full potential of the human rights-based approach can be significantly weakened if NGOs simply interpret a human rights-based approach in a way that repackages their existing approach, values and expertise. Therefore, all participants were asked to provide evidence of 'putting principles into practice' so that adopting a human rights-based approach is given real meaning in practical terms and is not simply a rhetorical exercise.

Rights in Sight has already described the responses provided by participants in relation to the general ways that those organisations support human rights through their operations at section 11. It should be noted that most participants appeared more comfortable in identifying activities that were 'related to human rights' rather than activities that 'implemented a human rights-based approach'. Therefore, a larger list of activities is found at section 11, which is a summary of human rights-based activities, rather than in section 12, which summarises participant responses to specific activities that might implement a human rights-based approach. This is possibly due to NGO participants being keen to link human rights generally with their specific activities and most NGOs not having intentionally considered how human rights might inform the entire approach of the organisation.

Despite not all NGO participants having firm views of what actually was required to implement a human rights-based approach, participants provided a variety of responses relating to how they implement a human rights-based approach. The responses included issues of governance, undertaking specific human rights activities, mainstreaming human rights across programs, using human rights in the programming cycle, issues related to human resources and learning, conduct in emergencies and protection work, advocacy, communications and marketing. The variety of responses demonstrates NGO views are broad and in some cases diverge on what it means to actually 'implement' a development approach.

12.1 Governance policy and practice

Issues of governance policy and practice were identified by NGOs as a key way they implemented their human rights-based approach. Some form of human rights policy was the most commonly identified way that NGOs implemented their human rights-based approach. Several participants recognised that there were difficulties in implementing those policies in practical ways.

Most participants reported that their NGO undertook somewhat regular general human rights awareness raising activities in line with those policies but that human rights was not specifically implemented into programs and monitoring the effectiveness of empowered communities was not comprehensively captured.

Besides a human rights policy, NGOs noted mission, vision and values statements, policies, communications mechanism, referral processes, and reporting processes as ways human rights were implemented into their activities. The following table captures some of the examples provided by Consultation participants.

Mission, vision and values statements	Mission statements are written statements of the purpose of an organisation; setting out its goals and guiding the actions and decisions of the organisation. A vision statement is a written picture of the future that the organisation wants to create. Values statements define how organisation will go about meeting their mission and vision and how its actions will be an example for the changes that it wishes to see. A review of 43 of ACFID's members revealed that 12 NGOs specifically referred to rights or human rights in their mission/vision statement. However, many more NGO mission/vision statements noted empowerment and active participation by communities.
Policies	Policies are written statements that detail how an NGO will make decisions and take account. Policies are written documents, usually longer than mission or values statements, and should aim to establish processes to enact those commitments. Several NGO participants provided copies of their human rights policy. These varied from one paragraph to several pages. In addition, the policies ranged from the organisations' beliefs about the links between human rights and development to how human rights would be operationalised by the NGO. Whilst several NGOs had human rights policies, many NGOs mentioned empowerment policies, sustainability policies or policies targeting marginalised or vulnerable groups, which they considered at the foundation of the human rights-based approach.
Communications mechanisms	A communications mechanism is a meaningful process by which aid beneficiaries are able to provide comments, suggestions and complaints to the donor NGO.

	When specifically asked how partners or communities could hold NGOs to account, most participants did not have a formal process but believed the regular communication channels would provide a mechanism for this to occur. However, a few organisations had established processes for enabling beneficiaries to feed back complaints to the NGO.
Human rights referral process	A few participants spoke of informal processes by which NGOs were able to assist human rights advocacy organisations and the UN in bringing human rights violators to justice. Many NGOs spoke of the complementarity of actors and that development organisations could play an important role in linking the realities of grass-roots situations with other organisations that might be able to raise the profile of human rights abuses.
Reporting	No participants reported as having a formal process by which they were required to report to their board on human rights issues. However, one participant's annual report included a very useful template for tracking human rights during the annual governance audit of an organisation's activities. The organisation is yet to fully embrace using this template in line with a human rights-based approach.

12.2 Specific human rights activities

Many NGOs identified that they implemented a human rights-based approach by ensuring that they supported specific human rights activities. The most commonly identified activities were women's rights training programs, children's rights training programs and peace building activities.

See section 11 for a summary of activities that Consultation participants noted as integrating human rights.

12.3 Mainstreaming human rights

To mainstream human rights, human rights could be seen as a cross-cutting issue that required all sectors (education, health etc) to consider human rights. One participant explained that the treatment of HIV should not simply be seen as a technical issue for health professionals but must address the discrimination experienced by people living with HIV that will not be solved by a solely medical response. Therefore, mainstreaming human rights aims for human rights to be considered in all development activities.

Whilst several organisations referred to the concept of mainstreaming human rights or having human rights as a cross-cutting issue – it was clear NGOs were not sure how to move beyond simply considering how human rights might be relevant to more intentional human rights activities or objectives.

Mainstreaming human rights might also require the organisation to consider how their non-program related activities, such as governance documents or policies, would impact on human rights.

12.4 Programming cycle

Some NGOs identified ways that they implemented their human rights-based approach in their programming cycle. Participants were asked to share template, guides and reports as examples of how these tools had been used in particular contexts. ACFID is compiling a catalogue of resources to assist NGOs in further integrating human rights into their activities.

During discussion of integrating human rights into the programming cycle, some participants noted that the advancing capacity of the community impacted on the type of human rights-based program. For example, a program may start as a 'service delivery-style' program then move towards the support of literacy, livelihoods or self-help groups and then move to a stage where communities are in position to challenge power in their communities and hold their governments to account. Participants noted that this is an ongoing process, estimated at 10 years depending on the context. According to several participants a human rights-based approach must take account of the development cycle, the evolving capacities of the community and political context. Therefore, some participants thought that human rights-based activities would change over time and that any human rights programming tools must be regularly revisited.

The main human rights programming tools noted by Consultation participants are summarised below and include, human rights situation analysis, human rights objectives, human rights reporting, community participation and establishing joint-understanding with communities.

Human rights situation analysis	A human rights situation analysis will consider the level of commitment to international human rights, the legislative and administrative framework as well as analyse other impacts on the ability for individuals to exercise their human rights. By analysing a community's or individual's access to human rights, donors and NGOs can collaborate to provide activities and establish development priorities. Participants regarded conducting human rights analyses as useful because a NGO's priorities would be focused on core minimum standards for human development that had been universally agreed. It was clear NGOs appreciated the external validation of their work that a human rights analysis provided by referring to agreed human rights laws. Participants also noted that a human rights situation analysis would also focus activities on challenging power and encouraging governments to account for their obligations, which would lead to better and more sustainable development. It is worth noting that the ACFID NGO Effectiveness Framework observes that human rights analysis has been endorsed by Australian NGOs.
Human rights objective for proposals/programs	A few participants required partners seeking support for projects to highlight how the program supported human rights objectives, or alternatively, an organisation would appraise how the proposed program would meet human rights objectives. The examples provided tended to talk about human rights in a very general sense without reference to a broader human rights situation analysis or legislative/administrative processes of local government.
Human rights reporting	Some participants said that during the periodic reporting by the NGO, the partner organisation or implementing organisation, human rights impacts of the program could be captured. Again, examples provided referred to human rights or empowerment generally. Some participants noted that whether or not human rights were captured depended on the strength of the local partner in terms of human rights.
Participation in	Many NGOs said that local communities, local partners and

program design and delivery	implementing organisations participated in the design and delivery of programs. In particular, NGOs spoke about the importance of participatory processes and consultations throughout the life of the program. It was not clear from the Consultation discussion if there is a sector-wide appreciation of what a meaningful participatory process looks like.
MOUs	Memorandums of Understanding (MOUs) are contracts often used by NGOs to set out an agreement with a local NGO to implement a development project. The local NGO, as well as other local civil society organisations, should be an equal participant in negotiating the terms, objectives and direction of the project so that the MOU reflects a genuine statement of the community's wants and needs. It was difficult to ascertain from the Consultation whether this operates at the rhetorical level only. It was unclear whether NGOs have additional processes in place to ensure that the MOU does genuinely support equality and how NGOs address the clear power imbalance between donor and beneficiary in this process.

12.5 Human resources and learning

NGOs also identified issues related to staffing and learning as important to implementing a human rights-based approach.

Staff induction	Several NGOs said that their staff were trained on the links between human rights and developments. Some NGOs shared examples of induction materials. The length, detail and focus of human rights induction programs varied. Some materials simply explained viewing aid beneficiaries as rights holders, as opposed to objects of charity; whilst others sought to train staff in international and domestic legal systems of human rights. One NGO with a very comprehensive human rights induction program queried how well this information was really understood by staff, especially since most development staff did not have a legal background and may find the legal framework and basis of human rights impenetrable, irrelevant, limiting or uninteresting.
Human rights learning	Ongoing but somewhat ad hoc opportunities for human rights learning were commonly identified as a way of integrating human rights into the activities of development organisations. Some examples provided were human rights workshops, speeches by human rights advocates as well as annual retreats having sessions specifically reserved for human rights topics. Several NGOs noted that these human rights learning opportunities were not reserved for Australian staff but were regularly organised by and for local partners. Some NGO participants noted that the effectiveness of training local partners depended on the existing capacities of local staff.
Human rights research	A few participants noted that their organisation specifically commissioned research or sought to capture research on particular human rights issues. The examples provided tended to be specific and targeted rather than general. For example, in March 2009, Caritas Australia released a paper on

	the right to food and the impact of the food crises on food security.
Local staff strategy	Several NGOs referred to their strategy of employing local staff as a key way they implement a human rights-based approach. Participants spoke favourably about employing local staff, however, many participants also referred to several challenges in building the capacities of local offices and retaining staff.

12.6 Emergencies and protection work

Most NGOs regarded their 'protection' work as adopting a human rights-based approach because those activities were directed toward the protection of people's human rights. However, a few NGOs noted that human rights-based approach to protection work also requires the *promotion* of human rights, not just the *protection* of human rights, in the way that work is undertaken.

A few NGOs identified two main ways that human rights can be promoted in emergencies and protection work.

Consultation	One of the most commonly identified examples of acting with a human rights-based approach in an emergency or conflict was consultation with the displaced population in the establishment of priorities for camps, facilities and services. Some NGOs also referred to ensuring that the community is also able to participate in running the camp and providing facilities and services.
Marginalised and vulnerable needs	A few participants highlighted that NGOs must be sure to ensure that the needs of the marginalised and vulnerable are met in the design and delivery of programs in these contexts. In particular, NGOs identified that consultation with women and people with disabilities in establishing the camp and its priorities was required.

12.7 Advocacy

NGOs identified a variety of ways that they implemented their human rights-based approach through their advocacy work.

The examples provided by participants identified advocacy undertaken or supported in Australia, at regional and international forums as well as the advocacy undertaken in country either by local communities, NGO partners or their local office.

Advocacy efforts ranged from urging local governments to provide certain services or to restrain from human rights violations to reminding governments to abide by their human rights obligations at the regional level to encouraging the development of human rights laws.

It was difficult to ascertain from the Consultation whether the advocacy efforts spoke about by participants referred to NGOs carrying out advocacy on behalf of communities or communities undertook that advocacy themselves. Most of the examples provided during the Consultation, tended to be NGO advocacy on behalf of communities, however, this is possibly because Consultation participants were located in Australia not local staff or community representatives.

Some NGOs specifically supported Australian diaspora groups or other Australian advocacy groups to undertake this advocacy locally, regionally and internationally.

12.8 Communication and marketing

Only a few Consultation participants were communication or marketing staff. In answering how a human rights-based approach might be implemented by communication and marketing teams, the discussion centred on how human rights language was used in marketing and communication materials and that personal stories portrayed aid beneficiaries as empowered and dignified. See section 11.4 for other ways participants identified communication and marketing as relevant to human rights.

13. What key issues did the Consultation raise?

13.1 Service delivery vs. advocacy

Development NGOs seem genuinely concerned about the best way to approach development in terms of service delivery or advocacy/empowerment. The human rights-based approach was considered to play a crucial part in highlighting and defining this debate.

Several participants spoke of the need to move development from direct service delivery to focusing on advocacy or empowerment. Other participants highlighted that they were specifically opposed to straying into advocacy and that service delivery was what communities required. Other participants took a middle view and highlighted that service delivery can be part of a human rights-based approach but must extend beyond providing buildings and materials to the sharing of information and knowledge with communities and the challenge of power dynamics.

In particular, participants mentioned that humanitarian and emergency response employees need to see how direct service delivery can be provided in a human rights-based approach.

Recommendation: the aid and development sector debate and clarify the core essential activities of a human rights-based approach.

> *We do not provide direct services; our strengths are in the facilitation of processes that lead to improved knowledge.*
>
> Consultation participant

13.2 Prioritising human rights

During the Consultation it was clear that NGOs did not all use the same definition of human rights. In particular, NGOs tended to support narrower definitions of human rights than the repertoire of international human rights treaties. NGOs tended to prioritise certain human rights over others by adopting concepts of basic rights or grave breaches of rights to prioritise their activities in particular directions.

Recommendation: the aid and development sector should consider the definition of human rights in the human rights-based approach.

13.3 Human rights adding value to the empowerment approach

During the Consultation, it was clear that most NGOs used the concepts of empowerment approach and human rights-based approach interchangeably. However, there are some important differences between human rights-based activities and empowerment activities.

Although empowerment and human rights emphasise people as agents of change rather than as beneficiaries, the human rights-based approach requires a stronger focus on the obligations of the duty bearer.[9] Therefore, a human rights-based approach overtly looks to government structures and institutions, legislative and administrate regimes to embed rights. An

empowerment approach tends to focus on individual capacities rather than the societal contexts.

In addition, empowerment requires that all sources of power, including development NGOs themselves, be held accountable to aid beneficiaries.

Recommendation: the aid and development sector clarify the distinctions and synergies between an empowerment approach and a human rights-based approach and how the integration of human rights-based analytical tools might assist with the empowerment agenda.

13.4 The compatibility of faith and human rights

For some faith-based organisations linking human rights with theology is a necessary prerequisite for a stronger human rights-based approach to development. Several participant NGOs referred to their work in preparing theology of development documents to explain the theological basis of human rights.

Some non-faith based organisations also seemed to have the misconception that being a faith-based organisation meant that the organisation could not adopt and meaningfully integrate a human rights-based approach.

Recommendation: faith-based NGOs support the development of policies linking principles of faith with human rights principles and work with strong secular organisations to share tools implementing human rights-based activities.

13.5 Dictating human rights standards infringes a human rights-based approach

Whilst most NGOs were very supportive of providing human rights learning opportunities for their local staff and partners, many NGOs expressed concerns about being too didactic in terms of programs objectives or requirements of their staff.

Participants expressed inner conflict between wanting to uphold human rights principles (such as bans on child marriage) and also recognising that some of their capable partners may not support these principles (such as by having a wife under the age of 18).

Recommendation: the aid and development sector should consider how practitioners could best approach human rights violations by local staff or partners.

14. What more can Australian aid and development NGOs do to become stronger human rights-based organisations?

Many Australian aid and development organisations are currently considering how they can be stronger rights-based organisations. A human rights-based approach asks aid and development organisations to fully integrate human rights in all aspects of development work.

Some of the ways that a human rights-based approach can be implemented includes:

- **governance policy and practice** – Has your organisation adopted a human rights policy? Does your organisation mission statement link the achievement of human rights with development? Does your organisation have specific policies on how to specific target activities to the marginalised groups (including people with a disability, children, women etc)? Does your organisation have a process for engaging with human rights advocates or international organisations bringing legal cases concerning breaches of human rights? Do you report on how you integrate human rights into your work to your Board or other entities overseeing your governance? Does your organisation have a communications mechanism where your stakeholders can raise grievances and inform your work?

- **specific human rights activities** – Does your organisation fund human rights education programs? Does your organisation link your existing work in empowering communities (for example in peace building or women's groups) with human rights education and activities? Does your organisation facilitate the discussion of human rights in local communities? Does your organisation support human rights advocacy at the local or international level?

- **mainstreaming human rights** – Does your organisation assess the human rights implications of your actions, policies and programs? Does your organisation have a checklist, guide or other tool for assessing these human rights implications? Does your organisation support reflection and learning about the effectiveness of your mainstreaming work? *Mainstreaming is slightly narrower an 'approach', as a human rights-based approach includes mainstreaming human rights but also requires the other features in this list.*

- **human resources and learning** – Does your staff induction program include information on human rights? Does your organisation aim to employ local staff and build their capacities on human rights? Does your organisation have regular opportunities for learning about human rights? Does your organisation research the human rights situation in countries where you work?

- **programming** – Does your organisation conduct a human rights situation analysis of a country to inform your development objectives and priorities? Does your organisation work with your local stakeholders to determine human rights objectives and the progress of community empowerment? Does your organisation have a process for monitoring and evaluating the empowerment of local communities?

- **emergencies and protection work** – Does your organisation have a strategy for consulting with communities to determine development priorities in emergency response and 'protection' work? Does you organisation consider what empowerment opportunities are available in emergency response and 'protection' work? Does your organisation ensure that your delivery of services meets the needs of the most vulnerable and marginalised?

- **advocacy** – Does your organisation aim to build the capacity of your stakeholders to hold governments to account for delivering human rights? Does your organisation engage with the Australian Government to make changes to law, policy or practice to better support human rights? Does your organisation reflect on your direct service delivery to consider what advocacy might be needed to ensure the sustainability of services by duty-holders?

- **communications and marketing** – Does your organisation use human rights language to explain the work you undertake? Does your organisation aim to educate your supporters about human rights and empowerment? Does your organisation link fundraising activities with human rights activities?

Annexure A. ACFID Human Rights Project

Background

The ACFID Human Rights Project is guided by a Human Rights Taskgroup, which comprises a number of representatives from ACFID members participants, currently: Act for Peace, Caritas Australia, The Fred Hollows Foundation, Oxfam Australia, Plan Australia, World Vision and an interested non member, Amnesty Australia.

In December 2007, the ACFID Executive Committee approved a proposal to do the following:

1. Support a dedicated human rights project for a period of two years
2. Enable an APPC human rights steering group (now Taskgroup) to guide the work plan for the Human Rights Advisor (with management of the work plan by the ACFID Secretariat)
3. Ensure that monitoring and evaluation is built into the project from the outset and leads up to a formal review at the 18 month point as whether to continue and in what fashion
4. Interested ACFID members provide individual financial contributions to ACFID to collectively support the project (in the same way they have funded Make Poverty History) to employ a manager and resource the project's work on behalf of the sector.

Subsequently, the Taskgroup members have committed to raise funds to cover the salary, administrative and other costs for the project. At the August 2008 Advocacy and Public Policy Committee (APPC) meeting, the APPC affirmed ACFID's intention to recruit a Human Rights Advisor to develop a human rights culture within ACFID membership. The position commenced in November 2008 for an initial period of two years.

Taskgroup members proposed terms of reference to APPC, in November 2008, which set out their proposed ways of working in support of the project, namely, that as a Taskgroup they would:

1. Provide advice to APPC on:
    a. Overall strategies and operational plans for the Human Rights Advisor
    b. Monitoring and evaluation of the Human Rights Project
    c. Potential resources required for new initiatives arising from the Human Rights Project
2. Link the Human Rights Advisor to program staff and other relevant people in their organisations
3. Provide advice to APPC, relevant ACFID working groups and the Secretariat on policy propositions regarding sectoral human rights issues and how they might be addressed. Any work undertaken in this area will be done with agreement of the ACFID Executive Director.

In April 2009, members clarified their status as a Taskgroup, accountable to APPC, and expressed a desire to keep working together, and to develop the objectives above as a common endeavour. The Taskgroup welcomes the participation of other ACFID members.

ACFID Human Rights Project and Taskgroup Outcomes and Objectives

Outcomes

The Human Rights Project and Taskgroup have a vision for:

1. Greater protection and promotion of human rights and achievement of the MDGs
2. Increased development impact by adoption of a human rights-based approach.

Objectives

One – Non-government organisations

We aim to influence Australian development NGOs to deepen their understanding and use of a human rights-based approach and strengthen their capacity to deliver a human rights-based approach; and in doing so:

1. Develop a coherent ACFID approach towards human rights encompassing advocacy, program design and networking
2. Provide compelling proof that a human rights-based approach is effective

3. Increase advocacy and campaigning on human rights by the members of ACFID aimed at government and the public
4. Deepen members' linkages with human rights actors domestically and internationally and establish new relationships.

Two – The Australian Government

We aim to influence the Australian government (particularly AusAID and DFAT) to adopt a human rights-based approach; and in doing so:

1. Provide compelling proof that a human rights-based approach is effective
2. Increase advocacy on human rights by the Australian government
3. Deepen linkages with civil society human rights actors domestically and internationally, and establish new relationships
4. Establish greater space for effective NGO engagement with the Australian government on a range of human rights issues.

Human Rights Project work plan

In May 2009, the ACFID Human Rights Taskgroup approved the Human Rights Project work plan, which outlined a specific focus on building the capacity of the Australian aid and development sector on understanding and use of a human rights-based approach inline with the outcomes and objectives of the Human Rights Project.

The work plan envisages a number of activities to promote understanding and use of a human rights-based approach:

- A human rights consultation with ACFID members
- The development and dissemination of written materials:
    - A report on the Consultation outlining the views of the Australian aid and development sector on human rights and how the sector currently uses and adopts a human rights-based approach. This publication aims to demonstrate the current views and activities of the sector and will be used to design further training and resources. (This report, ***Rights in Sight*** - July 2009)
    - A resource explaining how a human rights-based approach meets the Millennium Development Goals (MDGs), with case-studies demonstrating the diversity of human rights-based activities by the aid and development sector. This publication aims to capitalise on the interest in the MDGs and provide basic introductory information about a human rights-based approach. (August 2009)
    - A practice note on the effectiveness of a human rights-based approach (September 2009)
    - A publication outlining tools for the practical implementation of a human rights-based approach in several settings and to cover the depth of aid and development NGOs work in the field, advocacy, marketing and communication. The publication will undergo significant peer review. (Toolkit prepared for peer review by October 2009)
- Introductory training on an introduction to the human rights-based approach (July 2009 and ongoing)
- Exploring the interest in, and feasibility of, facilitating a 2-day human rights forum incorporating training on implementing a human rights-based approach and peer learning opportunities for aid and development practitioners. (September 2010).

Annexure B: NGO participation in the Consultation

ACFID is grateful to all NGO participants that participated in the Human Rights Consultation.

69 participants from the following Australian aid and development NGOs formally participated in the Consultation:

1. act for peace
2. ActionAid (formerly Austcare)
3. APHEDA
4. Australian Conservation Foundation
5. Adventist Development and Relief Agency
6. Australian Foundation for Asia and the Pacific
7. Australian Lutheran World Service
8. Australian Volunteers International
9. Baptist World Aid
10. Burnet Institute
11. Caritas
12. CBM
13. Credit Union Foundation of Australia
14. The Fred Hollows Foundation
15. Habitat for Humanity
16. Humanitarian Crisis Hub (auspiced by Oxfam)
17. International Women's Development Agency
18. Lasallian Foundation
19. Leprosy Mission
20. Oxfam
21. Plan Australia
22. Quakers Service Australia
23. Red Cross Australia
24. Sexual Health and Family Planning Australia
25. Tear
26. Uniting World
27. WaterAid
28. World Vision Australia
29. WWF

The following organisations also provided input into the Consultation:

1. Amnesty International
2. Human Rights Council of Australia.

Endnotes

[1] United Nations Secretary-General Kofi Annan, *Renewing the United Nations: A Programme for Reform* (1997), available at <http://daccessdds.un.org/doc/UNDOC/GEN/N97/189/79/IMG/N9718979.pdf?OpenElement>.
[2] See Office of the High Commissioner for Human Rights, *Frequently Asked Questions about a human rights-based approach to development cooperation* (2006), available at <http://www.crin.org/docs/ohchr_rights_based.pdf>.
[3] Office of the High Commissioner for Human Rights, *Frequently Asked Questions about a human rights-based approach to development cooperation* (2006), available at <http://www.crin.org/docs/ohchr_rights_based.pdf>, Office of the High Commissioner for Human Rights and Millennium Campaign, *The Millennium Development Goals and Human Rights* (2008), available at <http://www.endpoverty2015.org/files/human%20rights%20and%20mdgs%20brochure.pdf>. For a range of policies and tools on a human rights-based approach to development programming, see United Nations Development Group, available at <http://www.undg.org/index.cfm?P=221#s3>.
[4] CIMOD, *Advocacy Strategies and Approaches: A Training of Trainers Manual: Second Edition* (2008), available at < http://books.icimod.org/index.php/search/publication/515>.
[5] See Office of the High Commissioner for Human Rights, *Frequently Asked Questions about a human rights-based approach to development cooperation* (2006), available at <http://www.crin.org/docs/ohchr_rights_based.pdf>.
[6] Philip Alston, *A human rights perspective on the Millennium Development Goals*, paper prepared for the Millennium Project Task Force on Poverty and Economic Development (2003), available at < http://www2.ohchr.org/english/issues/millenium-development/docs/>.
[7] The most widely recognised international human rights document is the *Universal Declaration on Human Rights,* adopted 10 December 1048. There are 9 core human rights treaties; *International Covenant on Civil and Political Rights*, adopted 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), *International Covenant on Economic, Social and Cultural Rights,* adopted 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976), *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment*, adopted 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987), *International Convention for the Elimination of All Forms of Racial Discrimination,* adopted 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969), *Convention of the Elimination of All Forms of Discrimination against Women,* adopted 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981), *Convention on the Rights of the Child,* adopted 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), *Convention of the Rights of Persons with Disabilities*, adopted 13 December 2006, (entered into force 3 May 2008), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, adopted 8 December 1990), (entered into force 1 July 2003), *International Convention for the Protection of All Persons from Enforced Disappearance,* adopted 20 December 2006, (not yet into force).
[8] AusAID accreditation criterion, available at: <http://www.ausaid.gov.au/ngos/pdfs/criteria_table_base.pdf>
[9] Cecilia Luttrell and Sitna Quiroz, *Linkages between human rights-based approaches and empowerment,* (2008), available at <http: //www.poverty-wellbeing.net/en/Home/Empowerment/document.php?itemID=1545&langID=1>.