

## RIGHTS BASED APPROACH (RBA)

The Swallows India Bangladesh (IB) adopts a Rights Based Approach (RBA) in its work, to address the root cause of poverty and social injustice. Because the RBA has been defined and interpreted in different ways, the purpose of this paper is to describe how we look upon and work with the RBA.

### **Our view on RBA**

“A rights based approach to development describes situations not simply in terms of human needs, or of development requirements, but in terms of society’s obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance when needed.” (UN 1998)

The RBA emphasises not only physical needs but also political, cultural, economical, social and civil rights. A right triggers an obligation for someone to fulfil and it cannot be addressed without also raising the question of who has that obligation. It is therefore crucial to support groups or individuals (called rights holders in the RBA terminology) who are marginalised or discriminated against to claim their rights from relevant stakeholders (duty bearer).

The RBA is focused on empowerment processes in society rather than delivery of service and can therefore function as a reflection of power---relations and ethics, since talking about rights is to talk about power and the reflecting obligations. The Swallows agrees with Nyamu-Musembi and Cornwall (Institute of Development Studies at Sussex), that the core of a RBA is that it prioritizes agency for those living in poverty to drive the development process, that it integrates human rights in the heart of decision-making and that it focuses on underlying power relations when it deals with poverty and social injustice.

For us, adopting a RBA is a way to ensure that our interventions do not create dependency, that we address issues of justice and inequality, and that we therefore accomplish long term change. If the target groups are given charity, there is a risk that not much will change in the longer run. If they instead are strengthened to themselves claim their rights, they can put demands on duty bearers also in the future. Therefore, we see the RBA is a way to tackle the root causes of poverty, instead of its effects.

A major critique to the RBA is that it does not address issues of environmental sustainability. We acknowledge this as a limitation to the approach and thus we make sure that our interventions always include an environmental perspective.

Another critique is that the RBA relies too strongly on the state as the primary duty bearer. Thus the risk could be that the RBA is difficult to implement in weak states or states which do not have the proper resources to fulfill their obligations. In our view, this is only a short term problem and we see the RBA as having the potential to strengthen states and make them accountable to their citizens.

In our view, adopting a RBA to development has the following advantages in short or long term:

- All people whose human rights have been violated are able to take part in the development process (the principle of non-discrimination).
- The relationships of power between different groups, such as those based on class, gender, ethnicity or sexual orientation are made more visible (especially if one uses a so called intersectional approach).
- States, through the commitments undertaken through different human rights conventions, can be held responsible if individuals and groups do not enjoy the rights set in those conventions.
- Those individuals whose rights have been violated will, if made aware about their rights, have a better possibility to take part in their own development.
- Values and actions are changed fundamentally with RBA, which will strengthen the societal process of development.
- It provides a framework that questions the relationship of power between donors and partner organizations and stresses the necessity of finding the right balance.

### **How we work Rights Based**

#### **Our initiatives**

For The Swallows, the key concepts when working with a RBA are empowerment, agency, transparency, non-discrimination, participation and equality. These are the concepts guiding all our interventions.

All interventions conducted by The Swallows and our partners should be performed in such a way that they lead to a greater respect for human rights. All projects and programmes supported by The Swallows should have a RBA, with specific focus on three key components:

- Most marginalised groups- The Swallows programme should ensure that the programmes are aimed at the most marginalised sections in the society. This can be ensured with a thorough analysis of the situation in the country or with respect to the problem. The situation or context analysis should focus on the violation of the various rights of the communities, the impact of these rights violations on the marginalised communities, existing power structures and the role of the duty bearers.
- Root causes of poverty- In order to be effective, the programme should specify the root or structural causes of poverty and social injustice. Spelling out the different stakeholders, strategies to address the root causes of poverty, and empowerment strategies to enable the marginalised communities in claiming their rights ensures that the programme works within the framework of the rights based approach.
- Engaging the duty bearers- Making the duty bearers accountable can facilitate a sustainable change and to reduce the dependency of the communities on external aid. Hence it is very imperative to clearly list down the right holders and duty bearers and strategies to engage the duty bearers in addressing the issues in all the Swallows supported programmes.

Working with a RBA translates into such initiatives as:

- Supporting marginalised groups, both materially and mentally, to claim their rights.
- Strengthening organizations of the poor and marginalised.

- Rights information and education to rights holders as well as duty bearers.
- Participatory planning that allows people to define their own priorities.
- Training for officials responsible for service delivery to ensure equity of treatment.
- Lobby for the implementation of the laws safeguarding people's rights where this is not happening.
- Advocating for reform of laws and policies when the existing ones do not safeguard the rights of individuals and groups.
- Legal representation to enable people to claim their rights.
- Monitoring by civil society organizations of the performance of public institutions.