

HUMAN RIGHTS

a) Human Rights

Human Rights Framework

There is now international recognition that human rights is a pre-condition for successful, equitable and sustainable development activities. According to international human rights agreements defining civil, political, economic, social and cultural rights, all people have equal rights to food, shelter, property, reproductive choice, social security, health care, work, political and religious freedom of expression, access to education, and the civil rights to life, freedom from torture, cruel, inhuman and degrading treatment and punishment. The Declaration on the Right to Development, adopted by the UN General Assembly in December 1986, also features the right to “free, active and meaningful participation” [UNGA 1986: article 2(3)].

In all societies women do not enjoy these rights to their full extent. This is due to gender inequality, direct and indirect discrimination, and coercion or violence which prescribe how women and girls may live their lives, and which impact on each of the key areas of concern addressed below. While both women and men suffer from specific human rights abuses, much of their experience of human rights is gendered. That is, the ways in which women are abused and experience torture, imprisonment, slavery, displacement, discrimination and other violations are often specifically shaped by the fact of being female (Bunch 1995: 452).

In addition to the major international human rights instruments, two instruments specifically concern women: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women. Despite these and other achievements, many critics have demonstrated that mainstream human rights organisations and instruments have long been insensitive to the rights of women (Hunt 1996: 93).

The explicit linking of gender concepts with development and human rights has been an evolving process, and the advancement of human rights is increasingly seen as an overarching framework for development co-operation. Within an aid programme, human rights objectives may be approached through support for specific human rights projects and programmes, such as institutional strengthening of human rights organisations (government and non-government) on a national or regional level, human rights training initiatives, or support for programmes which address the causes and problems of violence against women. However, human rights considerations are fundamentally cross-sectoral in nature, since they go to the heart of equitable growth and development (who benefits from development projects, who is disadvantaged and how), authentic participation

and consultation (in the planning and implementation of development projects), and poverty alleviation (and the priority accorded to this in sectoral and country programming). These areas are integral to the right to development, as well as to civil and political rights (especially participation) and economic, social and cultural rights.

Gender Division of Labour

Structural inequalities in production, distribution and consumption are integral to the low status of women, and are directly related to their human rights. Applying a gender perspective to the allocation of development resources requires in the first instance that planners take traditional and existing patterns in the division labour into account, to ensure that neither women’s nor men’s survival strategies are undermined. Advancing gender equality and human rights requires far more than this. An allocation of project inputs based only on the existing division of labour and access to resources will be unlikely in most cases to transform the status quo and promote significant improvements in the status of women, improvements which are essential for the attainment of their economic, social and cultural rights (Hunt 1996: 95). Cultural and religious beliefs are often cited as one of the most intransigent obstacles to implementing gender-sensitive programmes promoting gender equality. Women and men themselves must determine their strategic needs in this area, and strategies to address such constraints must be devised and tested with great caution. Nevertheless, a human rights approach is a direct challenge to fundamentalist or narrow definitions of women’s rightful place in the world of work and labour, which seek social cohesion at women’s expense by proscribing them to marginal economic and domestic roles.

Access and Control of Resources and Benefits

For millions of women around the world, land ownership and access to credit are keys to survival, yet rarely their right (CIDA 1993: 3). The inequitable distribution of productive resources, and the high proportion of women amongst the world’s poorest people, all infringe on women’s human rights. This applies to the range of resources and benefits where women experience discrimination, including access to education and training, access to new technology, political representation, gender stereotyping in employment opportunities, and ownership of assets. Providing authentic opportunities for consultation and participation in programme design and implementation, so that women can play a part in determining development objectives and strategies, is an essential aspect of civil and political as well as economic rights. Often, women will need to be “resourced” to participate effectively, and

development agencies have a responsibility to ensure that resources dedicated to women's advancement remain within their control.

Factors and Trends

Meeting women's and men's practical needs and strategic interests in development projects will advance their human rights. According to CIDA, reforms in rights and freedoms are needed at a number of levels.

Internationally, this requires adherence to CEDAW and the recognition that women's "problems" and issues are generally human rights matters. At national level, legal equality is a critical issue, as is the importance of increasing government and bureaucratic accountability to women. At the societal level, transformation of values and attitudes harmful to women remains a great human rights challenge (CIDA,1993:5).

Implementing a gender and development Policy

Usually, all objectives of any aid policy can be directly related to advancing the human rights of women:	
Goal:	<ul style="list-style-type: none"> to promote equal opportunities for women and men (boys and girls) as participants and beneficiaries of development
Objectives:	<ul style="list-style-type: none"> to improve women's and girls' access to education and health care to improve women's and girls' access to economic resources to promote women's participation and leadership in decision making at all levels to promote the human rights of women and girls and assist efforts to eliminate discrimination against them.

Human Rights Questions

- *These questions are to be used as a guide only. It is not expected that every question will be relevant to all activities.*
- *The questions are designed to assist activity managers with their assessment and appraisal of development activities.*
- *The questions are also designed to assist contractors to incorporate gender perspectives into activity preparation and design.*
- *The questions are relevant both to specific human rights activities, and cross-sectoral human rights issues in other sectors.*

Key Areas of Concern	Guiding Questions
<p><i>Developing Country's Policy Context</i></p> <p><i>(primarily relating to specific human rights activities)</i></p>	<ul style="list-style-type: none"> • Does the country have a policy, plan of action, or statement to improve and promote human rights, including the rights of women? • What commitments did the Government make to follow up on the Beijing Platform for Action? • Has the RG ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)? <i>(are monitoring and reporting mechanisms in place)</i> • Have laws, policies and procedures been reviewed to ensure compliance with CEDAW?
<p><i>Developing Country's Institutional Context</i></p> <p><i>(primarily relating to specific human rights activities)</i></p>	<ul style="list-style-type: none"> • What independent national institutions exist for the protection and promotion of human rights? • Are these agencies sensitive to the rights and needs of women, and active in the promotion of women's human rights? • What other NGOs, including women's groups are dedicated to promoting gender equality within a human rights framework? • What mandate do these agencies have? • How can their institutional capacity be strengthened? • Are any agencies dedicated to investigations of violations of the human rights of women perpetrated by public officials? • Do the management and staff of institutions which impact on the rights of women have an appreciation of the need to honour these rights? <i>(e.g., law enforcement, health and education authorities)</i>

<p><i>Project Objectives and Target Group</i></p> <p><i>(relating both to specific human rights activities and human rights as a cross-sectoral issue)</i></p>	<ul style="list-style-type: none"> • Do project objectives explicitly refer to men and women? • Are human rights objectives explicit, and is it clear how they will be achieved? <i>(which rights will be advanced by the project)</i> • Does the project acknowledge that women and men may have different priorities regarding the advancement of human rights? • Have target groups and others directly or indirectly affected by the project identified their own needs, concerns and priorities? • Do all projects comply with human rights instruments, including CEDAW?
<p><i>The Gender Division of Labour</i></p> <p><i>(relating to human rights as a cross-sectoral issue)</i></p>	<ul style="list-style-type: none"> • Is sex disaggregated data available? • How does the project seek to advance women's status and human rights in this area, such as equal pay for equal work, or the right to equal employment opportunities? <i>(which rights will be advanced by the project)</i>
<p><i>Access and Control of Resources and Benefits</i></p> <p><i>(relating to human rights as a cross-sectoral issue)</i></p>	<ul style="list-style-type: none"> • Is sex disaggregated data available on access to productive resources? • How does the project seek to advance women's status and human rights by increasing equitable access to resources? • Will there be adverse effects on women's or men's capacity to continue to provide for basic daily needs or to earn income as a result of any projects supported? <i>(which rights will be infringed as a result of project inputs or activities)</i> • How will this be alleviated, and what remedial steps can be taken to protect their rights? • Will men and women have equal access to benefits? • Are the poorest men and women targeted for assistance?
<p><i>Social, Cultural, Religious, Economic, and Demographic Factors and Trends</i></p> <p><i>(primarily relating to specific human rights activities)</i></p> <ul style="list-style-type: none"> • <i>legal reforms</i> <p><i>(primarily relating to specific human rights activities)</i></p> <ul style="list-style-type: none"> • <i>administrative procedures</i> <p><i>(relating both to specific human rights activities and human rights as a cross-sectoral issue)</i></p>	<ul style="list-style-type: none"> • How does the project plan to address attitudinal barriers to the advancement of women's rights? <i>(e.g., attitudes to direct and indirect discrimination)</i> • What actions will be taken to support initiatives of women working to address the causes and effects of gender violence? • Will legal literacy or gender-sensitive human rights education/training be undertaken to raise awareness of human rights? <i>(community awareness raising, in NGOs, government agencies, schools, women's groups)</i> • How can the project support legal reforms for the advancement of women? <i>(key areas include laws on violence against women, criminal law, citizenship, family law, property and land tenure laws, inheritance)</i> • Do any laws currently discriminate on the basis of sex? • How is gender bias evident in the administration of justice? • Is sex disaggregated data available on the number of women in legal and related work? <i>(judges, magistrates, advocates, lawyers, police officers, prison officers)</i> • How can female participation in these areas be increased? • Is legal aid available for women seeking legal action on human rights violations? <i>(including for domestic violence)</i> • How can the project support administrative reforms for the advancement of women? <i>(e.g., to ensure equal access to services)</i> • Do any administrative procedures currently discriminate on the basis of sex? <i>(e.g., by targeting services to male household heads only)</i> • Is assistance available for women seeking legal action on human rights violations due to government administrative practices? <i>(e.g., legal aid, ombudsman or advocacy services from NGOs)</i>

<p><i>Participation and Consultation Strategies</i> (relating both to specific human rights activities and human rights as a cross-sectoral issue)</p>	<ul style="list-style-type: none"> • Has adequate time been devoted to consultation with women and men during project preparation to ensure that the project meets their needs and priorities? • Have the constraints to women's and men's participation in project activities been identified? • Have strategies been identified to overcome these constraints? • Will women and men have equal access to project planning and decision making? • Will any separate activities be needed for women to ensure that they participate, and that they are not disadvantaged by the project? (<i>including resourcing women to be able to participate effectively through training, providing transport</i>) • Are project communication channels equally accessible to both women and men? • Is there any flexibility in project design to respond to needs and priorities identified by women and men?
<p><i>Women's Social Status and Role as Decision Makers</i> (relating both to specific human rights activities and human rights as a cross-sectoral issue)</p>	<ul style="list-style-type: none"> • How will women be consulted and involved in decision making? • Will legal reforms advance women's status? • What practical needs and strategic interests of women are addressed in the project? • Which rights will be advanced by the project?
<p><i>Counterpart Agency Capacity</i> (relating both to specific human rights activities and human rights as a cross-sectoral issue) (primarily relating to specific human rights activities)</p>	<ul style="list-style-type: none"> • Have human rights implications of the project been made explicit to the counterpart? • Has a sex disaggregated employment profile of the counterpart agency been undertaken? • Has an affirmative action plan been developed to support and resource female staff? • How does the project plan to increase counterpart capacity for gender-sensitive planning and implementation? • Will human rights training be undertaken with counterpart staff? (<i>can local trainers be resourced to undertake training and further build capacity</i>)
<p><i>Project Monitoring</i> (relating both to specific human rights activities and human rights as a cross-sectoral issue)</p>	<ul style="list-style-type: none"> • Have targets been set for men's and women's participation in the project? • Have gender-sensitive indicators been identified? • Have human rights outcomes and indicators been identified? • Will all data collected be disaggregated by sex? • Will female and male beneficiaries and participants in the project be directly involved in monitoring human rights outcomes? (<i>will they need training or other resources to assist with this</i>) • Will there be on-going consultation with community groups, including women's groups?
<p><i>Project Resources</i> (relating both to specific human rights activities and human rights as a cross-sectoral issue)</p>	<ul style="list-style-type: none"> • Are project resources adequate to ensure that both men and women participate in and benefit from the project, and that human rights outcomes are monitored? • Is gender expertise available throughout the project?