PROGRAMME
POLICY

Interests and rights of the most marginalised and discriminated rights-holders addressed

Political and legal **empowerment** of rights-holders

Advocacy and capacity-building of duty-bearers

Legal **enforcement and access** to justice and remedies

Meaningful **participation and influence** of rights-holders and partners in projects and programmes

Organisational policies and procedures are **non-discriminatory and respectful** of rights

RIGHTS-BASED COMMITMENT

DCA Programme Policy: Rights-Based Commitment

DCA Focus

- Interests and rights of the most marginalised and discriminated rights-holders addressed
- Political and legal empowerment of rights-holders
- Advocacy and capacity-building of duty-bearers
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1. Background

DanChurchAid´s motivation for engaging in rights-based work stems from the organisation's identity and core values. As a church and faith-based organisation, DanChurchAid believes that every human is created equal, irrespective of race, sex, religion, ethnicity, caste, class, and political affiliation. It believes that human beings must work for a change for the better and for the inclusion of the marginalised. DanChurchAid maintains that there is an established relationship and mutual responsibility between human beings, wherever they may be, that is the basis for human efforts at community and reciprocity, calling human beings to act on injustices. As a church and faith-based organisation, DanChurchAid has chosen to support rights-based strategies in its development and humanitarian work. It believes that this framework has, among other benefits, the potential for uniting (and where relevant challenging) religious discourses on human dignity and secular approaches to human rights, creating a common platform for action.

Rights-based development seeks to draw on rights standards, principles and legal obligations in the **processes** and **outcomes** of development work to further the claims of rights-holders and invoke the accountability of duty-bearers for addressing structural causes and barriers to impoverishment and oppression.

Rights-based development reinforces the notion that development is not about providing welfare to passive recipients but is about facilitating the securing of their basic entitlements as **rights-holders**. It is about supporting impoverished and marginalised women and men in their processes of self-identification as rights-holders and in the strengthening of their voice and influence. It offers possibilities for the increased sustainability of actions by acting on structural causes to impoverishment and marginalisation, addressing those with the responsibility and power to make the necessary changes, whether in the public or private realm. It has the potential to

facilitate empowerment and transformation with the recognition that one is entitled to the right to food, the right to health care or any other right. It provides an important legal framework of responsibility and accountability at national, regional and international levels that can function as legal resources in struggles for increased access to resources and rights. It can partially counter-balance political powerlessness and marginalisation by also providing a set of international legal norms to which impoverished and marginalised women and men can utilise, when national systems fail to respond. However, rights-based development does not mean entirely abandoning traditional development work. Ethical responses to rights denials require us to respond to the prioritised and often urgent needs for economic, social and physical security of marginalised and impoverished groups. This work is important for fostering mutual trust, understanding and solidarity with impoverished communities and strengthens empowerment and advocacy work. However, it can no longer stand on its own.

The current aid architecture agenda offers both possibilities and challenges for those committed to rights-based development. On the one hand, the move to budget support has led to a welcome interest among bilateral donors in rights-based development within civil society. Donors are interested in ensuring that budget support is used accountably.
The state-citizen dialogue that is inter alia central to rights-based development is an important factor in this respect and is particularly relevant when other accountability mechanisms (e.g. Anti-Corruption Bureau, Ombudsman etc.) have been insufficient to reduce corruption levels and increase government accountability. Rights-based development can also add value to the current harmonisation agenda, if human rights standards and in particular the process principles of accountability, participation and equity are upheld in political dialogue.

DanChurchAid recognises that there is no one way in which rights-based strategies are incorporated into development and humanitarian work and that these strategies and approaches must be informed by local contextual situations and build on the positive values in the different contexts. However, some common elements can be identified in the different strategies in use which this policy will highlight.

DanChurchAid supports a rights-based commitment to development. DanChurchAid acknowledges that the definition and recognition of rights are based on historical processes and struggles and is therefore in evolution. The starting point of our work must always be the problems faced by discriminated and marginalised groups for recognition and inclusion in their societies. In this process, human rights legal standards provide important frameworks and mechanisms that can be activated when national constitutions, legislation and institutions inadequately protect the interests of the discriminated and impoverished groups in question. Human rights standards also provide important principles to guide our programming and organisational practices.

2. Objectives of the policy

The **overall objective** of DCA's Rights-Based Commitment policy is:

Impoverished and discriminated women and men have increased their enjoyment of basic rights and freedoms for a life of dignity.

DCA objectives:

- Impoverished women and men claim and access rights and resources through dialogue and other peaceful means
- Formal and informal institutional actors and frameworks have been challenged and strengthened
- Discriminated, abused and marginalised women and men have increased access to remedies and justice
- Impoverished and marginalised women and men have increased their opportunities and enhanced their access to resources and services
- DCA has documented and disseminated important lessons learned and promising practices on rights-based strategies among partners

3. DCA focus

3.1 Actors

In rights-based programming, actions are addressed to rights-holders but also to those who have the obligation, power and control to respect, protect and fulfil rights i.e. the duty-bearers. A rights-based commitment involves an increased focus on the interface and the relations between these two actors where human rights and other rights standards function as important normative and enforcement frameworks to resource empowerment and advocacy strategies.

Rights-Holders

The primary rights-holders in DCA's support are women, men and children who are economically, socially, culturally, and politically marginalised and excluded. Working rights-based challenges DCA and DCA's partners to ensure that the rights and interests of the most discriminated and excluded women and men are adequately addressed and included in our work and calls for more disaggregated analyses on which strategic and differentiated programming decisions can be based. This focus on the inclusion of the most discriminated and marginalised groups does not mean that support should exclusively be directed at them but rather that programming must address their interests and rights.

Duty-Bearers

The national state has the principal legal responsibility for respecting, protecting and fulfilling rights and should therefore always be addressed in rights-based programming at the relevant strategic levels and entry points. However, other duty-bearers can exist at all levels, spanning the international to the household level. Other duty-bearers can include multilateral institutions, third party governments, donor agencies, multi-national companies, and development and humanitarian organisations. At the community level targeted duty-bearers can include traditional leaders, religious leaders, men, and teachers.

In strategic rights-based programming targeted duty-bearers are first and foremost the state and other international and national actors in positions of power and control that are necessary for effecting the required change at the different levels.

3.2 Rights-Based Constraint and Opportunity Analyses

Rights-based analyses should identify those rights-holders, women, men and children, who are particularly discriminated against and excluded in relation to the relevant theme or problem. Wherever possible, these analyses should be developed with the involvement of the targeted rights-holders. Analyses should focus on those barriers and constraints that "disable" or prevent these rights-holders from claiming and accessing rights. Rights-based analyses should examine both internal and external constraints that contribute to this disabling environment. Internal constraints can be related to the knowledge, skills and attitudes of the rights-holders themselves that limit their capacity, opportunities and interest for claiming their rights. External constraints can be related to institutional (political, legal, administrative), socio-cultural, economic, and/or environmental factors that limit rights enjoyment for the particular group or groups. Rights-based analyses should draw on international human rights legal frameworks governing the respective area when analysing barriers and constraints and consider the compatibility of national legislation, policies and implementation practices both with these standards and the interests of the discriminated and excluded groups. Analyses should include assessments of the relevant duty-bearers, the state and other relevant actors (international, national etc.) who have particular responsibilities, power and possibilities for contributing to change in the area. This later analysis should include the reasons that inhibit the inadequate response by these duty-bearers to the rights-holders i.e. lack of political will, insufficient interest, and/or inadequate capacity or decision-making power. **Analyses should be based on a good understanding of the power dynamics that affect the claim process and explore specific and realistic entry points that exist for effecting the identified changes.**

3.3 Focus Areas

In order to effectively address the above-described disabling environment for rights protection and fulfilment, DCA seeks to ensure a strategic and effective mix of the following types of strategic actions in all its programme types, utilising and activating relevant legal instruments and strategies at national, regional and international levels. Where **legitimate** rights are not recognised or adequately interpreted at national and/or international levels DCA can support struggles for their recognition or further definition at the relevant strategic levels.

3.3.1. *Actions for Increased Accountability*

Strategic actions for increased accountability include both actions designed to a) increase the responsiveness of duty-bearers to their obligations and responsibilities and b) actions to ensure and *strengthen* the enforceability of the demanded and violated rights. These actions are primarily targeted at legal duty-bearers, the state, but can also include other important duty-bearers at international or national levels. They include the following:

Advocacy

These are advocacy actions for changes in laws, policies, resource allocations, implementation frameworks or discriminatory behaviour and attitudes. These actions should optimally be carried out by rights-holders themselves. In the event that this is not feasible, they can be carried out by their intermediaries but with their participation. These actions can also include media/communication activities aimed at altering a particular discourse in favor of the rights and interests of discriminated groups.

Examples could be:
- Advocacy and lobby actions for changes in laws, policies or budgetary allocations or disbursements
- Social auditing of national and local institutions
- Documentation of rights abuses for use in advocacy
- Support to alternative media operators for influencing prevailing discourse
- Support for alternative reports to relevant UN bodies as part of an enforcement and advocacy strategy
- Documentation and advocacy on abuses committed by multi-national and transnational corporate organizations
- Advocacy for strengthening capacity and coordination for improved civilian protection in disaster and war situations

Legal Enforcement and Access to Remedies

These are actions addressed to duty-bearers typically aimed at justice systems. They are aimed at ensuring that those whose rights are violated do access justice and receive adequate redress or compensation. Activities are first and foremost directed at the domestic level through courts or officially recognised alternative dispute mechanisms at local and community levels. In the event that domestic mechanisms fail, these actions can also include efforts directed at regional and/or international human rights protection bodies e.g. the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the UN Human Rights Council etc.

Examples could be:
- Support for presentation of cases of systemic violations to national or regional courts
- Support to public litigation cases for further definition of existing rights
- Support to Alternative Dispute Resolution Systems (recognized and linked where necessary to the formal justice system)

Capacity-Building of Duty-Bearers

These are actions addressed to duty-bearers that aim at building their capacities and contributing to changes in attitude and practices that violate the rights of marginalised and discriminated groups. They are typically focused on legal duty-bearers primarily at the local level and other strategic duty-bearers, such as religious leaders, traditional leaders, and the media at relevant levels. Capacity of legal duty-bearers at the national level can also be included when deemed strategic. In capacity-building initiatives it is important for their effectiveness that there is political will, interest to change and a commitment from leadership and management for these processes.

Examples could be:
- Capacity-building of local government officers, justice operators, government extension workers etc.
- Sensitization of religious and traditional leaders around abuses and discrimination
- Sensitization of men around issues of gender and gender discrimination
- Training and exposure of media personnel in order to promote alternative and more favorable discourse

3.3.2. *Actions for Political and Legal Empowerment*

These are actions addressed to rights-holders: women, men and children. However, empowerment is not something that can be done to people but is rather a process that engages people in reflection, inquiry, and action. Political and legal empowerment actions facilitate processes through which rights-holders increasingly identify themselves as citizens and rights-holders, gain more control over their lives, and challenge the social and political constructions that maintain them in poverty and exclusion. These processes should also work at building legal resources within the communities themselves and among marginalised and discriminated groups. However, it is essential that discussion of law is not the entry point into communities but that all awareness begins where people are and relates to the problems they face. Through these processes one can increase political and critical consciousness, strengthen individual and collective identity, and facilitate an increased understanding of legal procedures and possibilities for accessing and claiming rights.

Each person has multiple identities: race, gender, religion, class, caste, and age. Where identities have been the basis of discrimination, they can serve to activate people, strengthen their confidence and their sense of community, and encourage them to organise with others to act.
However, broader alliances for social change are later needed to build bridges. In this regard, reflecting on values of solidarity and fostering an inclusive vision of society is essential for conflict-sensitive processes. Strategies here can therefore include the building and strengthening of organisations, movements, and platforms; supporting increased networking; and promoting leadership, conflict-management and negotiation skills.

Examples could be:
- Legal literacy training for communities
- Transformative popular education
- Leadership training for members of marginalised groups
- Support for networking and organisational development
- Facilitation of exposure visits for marginalised groups and organisations that represent them
- Strengthening traditional and community-based dispute resolution mechanisms that are non-discriminatory and rights-sensitive
- Supporting processes that facilitate a stronger sense of individual and collective identity
- Supporting communities at risk in disaster and war situations to work for their own protection

3.3.3. Actions for *Security* and *Protection*

Actions for security and protection address the **economic, social, personal and physical security** of the rights-holders in question and are aimed at meeting their rights (as felt and experienced) for basic security, whether personal, physical, economic, or social. These actions are addressed to rights-holders and are typically those that are either aimed at: a) contributing to the personal and physical protection and security of individuals and communities in development or in disaster situations b) ensuring immediate access to livelihood, legal and social resources and services.

This support should be provided in an empowering and sustainable manner with the active involvement and influence of the rights-holders. (See rights-based process).

DCA maintains that it is an ethical pre-requisite for engagement and an important source of legitimacy in supporting the rights struggles of

impoverished groups that access to protection and basic resources, services and entitlements is ensured to these groups. These actions must be coupled with actions of political empowerment and accountability and be strategically designed to support and not undermine political empowerment initiatives or advocacy objectives.

Examples could be:
- Community-oriented legal aid services for addressing abuses and securing entitlements e.g. land titles, voter registration certificates, identification cards etc.
- Support for accessing legal protective measures when providing testimony in politically sensitive and dangerous cases
- Support to shelters for abused women, street children or homeless
- Training in sustainable agricultural methods
- Micro-credit for marginalised women's groups
- Humanitarian assistance in disaster and war situations
- Mainstreaming protection awareness, guidelines and other methodology in all relevant humanitarian activities

3.3.4. Internal – Rights-based organisation and process

Rights-based organisation

A rights-based commitment also challenges and places mutual demands on DanChurchAid and its partners to base policies, procedures and practices on a respect for rights and rights principles. It calls on us to ensure non-discrimination in our own organisation and to work towards increased diversity and equal opportunities in our organisational policies, systems, procedures and practices. It challenges us to ensure that relevant accountability mechanisms exist for addressing the grievances of all staff members, whether at the head office or in field offices. It also calls on us to ensure transparent criteria through which staff can access various entitlements.
It calls on DanChurchAid and partners to ensure equitable access for all staff members to opportunities for development and advancement. It challenges us to enable and support adequate and relevant participation of staff in major decisions that can affect their environment. It also calls on our staff to be respectful of the rights of others.

Examples could be:
- Steps   towards Equal Opportunity Employment policies, procedures and practices
- Codes of Conduct to protect against discrimination, stigmatisation and sexual abuse of staff members
- Development of clear and transparent staff/employer performance expectations
- Facilitation of complaint mechanisms for all staff members regardless of status or location (field/head office)
- Partner participation in DanChurchAid organisational audits
- Development of competency development plans for all staff members

Rights-based process

Rights-based programming must be directed at outcomes that contribute to the realisation of the fundamental rights of marginalised and discriminated groups, as outlined above. However, equally important is the process that DCA and its partners engage in to reach these outcomes. This implies that DCA must ensure

and be committed to a meaningful participation and influence of its partners in its own policy and programme development and will encourage and support partners to increasingly build their work on the active and meaningful participation of the targeted rights-holders in design, implementation, monitoring and evaluation processes. In addition, DCA and DCA partners will consider ways of developing mechanisms for increased accountability to partners and rights-holders respectively.

Examples could be:
- Development and utilization of methodologies for ensuring the active participation of targeted rights-holders in needs assessments, project implementation and in monitoring and evaluation mechanisms
- Active involvement and influence of partners in the development of DCA policies and strategies
- Development of mechanisms and forums for developing common agenda and commitments between DCA and partners
- Development of standards, procedures and mechanisms for reporting back to rights-holders on initiatives taken
- Mechanisms for addressing complaints raised by targeted rights-holders on project activities or organisational behaviour

4. DCA's work with Partners

In co-operation with partners, DCA commits itself to support the development of documented practices and lessons learned in different parts of the world in the utilisation of rights-based strategies and to facilitate the sharing of these lessons with partners and others for improved implementation practices. DCA will also work to identify and connect relevant networks and resource organisations to partners wishing to strengthen their competencies and capacities in rights-based programming and in order to support DCA programming efforts.

5. Conclusion

The present policy represents DCA's current organisational understanding of the issue and outlines corresponding strategic decisions made by DCA. Various tools and guidelines to help operationalise the policy already exist and/or will be developed in response to demands expressed by staff and partners. Further information can be found in the DCA Intranet (Programme & Project Manual) or by contacting the Programme Development Unit.

Although it is not the intention to revise this policy on an ongoing basis, it is not carved in stone. Documentation of practices and impact on working rights-based are only slowly emerging and DCA intends to both support and follow developments in this area. There may therefore be a need to further develop this policy and related strategies and tools in collaboration with partners. From time to time this policy should therefore be the subject of discussion both with partners and among staff at different levels.
You can contact the Programme Development Unit with any pertinent ideas, needs, experiences or points of view you feel might enrich DCA's policy and practice in attempting to support partners´ work in this area.

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