

## **RIGHTS & RIGHTS BASED APPROACH**

### **WHAT IS A RIGHT? A RIGHT?**

Minimum conditions/entitlements for the individual to live a life with dignity.

Underlying Assumptions:

- An authority which defines these minimum conditions.
- The recognition that everyone does not enjoy these minimum conditions.
- A mechanism for identifying the gaps - violation and non-fulfillment of rights.
- A system that can fill the gaps, and provide JUSTICE.

### **AUTHORITIES & RESPONSIBILITY**

#### **Authorities**

- Must be articulated in Constitution, law or recognised custom.
- Must emerge through international agreements and treaties.

#### **Responsibility**

- Must be protected by the State.
- Enabling conditions must be provided by the state.
- Just as duty bearers require adequate capacity to perform duties, rights holders also require conditions
- necessary for claiming or demanding rights to hold duty bearers accountable.

### **CHARACTERISTICS OF RIGHTS**

- Rights are universal (for all; everywhere at all times).
- Equality and Non-discrimination: All individuals are equal as human beings and by virtue of the inherent dignity of each human person.
- Rights are inalienable (can't be taken away or given up).
- Participation is a fundamental right (everyone is entitled to demand their rights).
- Rights are indivisible and inter-dependant (denying certain rights undermine respect for others).
- Rights enable us to demand if necessary what is due, without having to beg for benevolence or compassion.
- Rights are associated with Human Dignity and Respect for each and every person a system and acceptance of rights contributes to personal self esteem.

### **SOURCES OF HEALTH RIGHTS IN INDIA**

- Indian Constitution - Article 14, 15,16, 21, 39, 42, 47.
- Indian Laws - Sections of the IPC, Child Marriage Restraint Act, MTP Act, PCPNDT Act etc.

- Policies - National Population Policy, National Policy on the Empowerment of Women, National Health
- Policy, National Youth Policy etc..
- Programs - RCH program, Other national programs.
- International Law and Agreements - Right to Health (ICESCR), CEDAW, ICPD PoA.

## **RIGHT'S BASED APPROACH**

**Aims to increase impact of programmes and strengthen sustainability by:**

- Addressing root causes.
- Changing policies and practices.
- Working together towards common goals.
- Changing power relations.

## **RIGHTS PROMOTING ACTIVITIES**

- Rights/Entitlement Awareness.
- Rights education - community and providers.
- Community mobilisation/organisation.
- Leadership development.
- Building evidence - Case-studies, primary research, secondary data etc.
- Sharing information - briefing kits, fact sheets, pamphlets, plays.
- Media Advocacy - press conference, stories, opinion, editorial.

## **CLAIMING HEALTH RIGHTS**

- Asking for services, respecting the rules.
- Filing complaints/making suggestions.
- Dialogue with providers/managers/legislators, Representation, delegation.
- Asking for grievance redressal/compensation.
- Public hearing, social audit, legal action.
- Direct action - dharna, protest, strike

## **ACTORS IN RIGHTS BASED APPROACH**

- Rights holders - community (rights claimants).
- Duty bearers - service providers, managers, bureaucrats, other government functionaries, guardianship
- Institutions - courts, commissions etc.
- Human rights advocates - us!