

What are human rights?

- Minimum conditions / entitlements for every individual to live a life with dignity

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal Declaration of Human Rights,

Characteristics of Human Rights

- Human rights belong to all (irrespective of race, religious or political beliefs, legal status, economic status, language, colour, national origin, gender, ethnicity) and are not privileges
- They are based on generally accepted principles of equality and justice
- They regulate relationships between the state and individuals or groups. The individuals have *claims* and the state has *obligations*

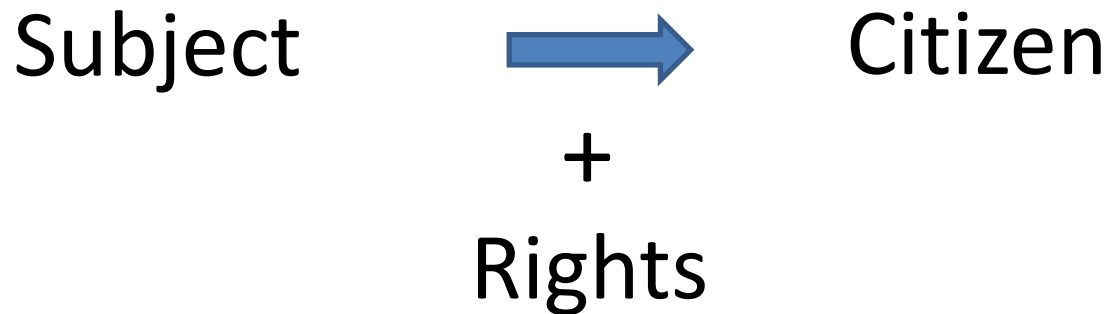
Sources of Human rights

- *National Constitution and Law*
 - *International Law*
 - *Universal Declaration of Human Rights (UDHR)*
 - *International Convention for Civil and Political Rights (ICCPR)*
 - *International Convention for Economic Social and Cultural Rights (ICESCR)*
 - *Convention for the Rights of the Child (CRC)*
 - *Convention for the Elimination of all forms of Discrimination Against Women (CEDAW)*
 - *And other conventions*
- Other International Treaties and Mechanisms*

Three generation of human rights

- Civil and Political Rights – right to life, right to information, right to freedom of movement, right to peaceful assembly etc.
- Economic Social and Cultural Rights – right to education, right to health, etc.
- Rights of Disadvantaged Groups – women's rights, child rights, tribal rights etc.

Rights and Citizenship



Active Citizenship

- Representative Democracy
 - Feudal relationships
 - Kinship relationships



- Participatory Democracy
 - Accountability Relationships

Fatalism,
Subservience



Agency,
Voice,
Influence

Evolution of Human rights

A Reflective Mood among Persons in Authority



Human rights



People's Struggle

Evolution of rights-based development paradigm

- Modern human rights –World War II, UN, UDHR, ICCPR, ICESCR
- Aspiration – common standard of achievement for freedom, peace and justice
- Defines relationship between Citizen and State
- Code of conduct between various non-state actors
- Contests – negative and positive rights

Human rights :

Evolving from people's struggles

American Independence – Local landowners and producers reluctant to pay taxes to a king and kingdom far away

French Revolution – People's struggle against Feudalism and Monarchy

Workers struggle – for human working conditions - working hours, wages

Women's struggle – for political participation, for equal wages, for divorce, for contraceptives

In the Indian context – Independence Struggle

Human rights are thus...

- An aspiration for a common standard of achievement for all
- The basis of a the relationship between citizen (subject) and the state
- A code of conduct between individuals and parties with oversight by the state

.....Unlike other moral, ethical and religious codes human rights are justiciable.....

Right to health

An essential human right

Right to enjoyment of the highest attainable standard of physical and mental health

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full
 - realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 12

International Convention of Economic, Social and Cultural Rights

Important Aspects of Right to Health care

The right to health is not to be understood as a right to be *healthy*. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.

The right to health in all its forms and at all levels contains the following interrelated and essential elements,

- Availability
- Accessibility
- Acceptability
- Quality

Right to Health: Practical Components

Four Essential Elements:

- Availability
- Accessibility
- Acceptability
- Quality

Government's/ State Obligations

To respect human rights

- Duty of the state not to violate rights by its actions.

How? By refraining from interfering directly or indirectly with the enjoyment of human rights.

To protect human rights

- Duty of the state to prevent human rights violations by others.

How? By preventing third parties from interfering with or violating human rights. This means taking the necessary measures to prevent individuals or groups from violating the rights of others.

To fulfill human rights

- Duty of the state to act in order to ensure that rights can be enjoyed.

How? By adopting appropriate legislative, administrative, budgetary, judicial, promotional and other measures to facilitate the full realization of human rights. This means taking the necessary measures to ensure that each person has the opportunity to satisfy their entitlements, as guaranteed in human rights instruments.

(The *obligation to fulfill* is often broken down to include the *obligations to facilitate; to provide; and to promote.*)

- ***Non Discrimination***

Rights Approach

- A rights approach views a health condition in human rights terms
- A rights approach uses international human rights treaties and norms and national law to hold governments accountable for their obligations under the treaties.
- A rights approach can be integrated into any number of advocacy strategies and tools including monitoring; community education and mobilization; litigation; and policy formulation.

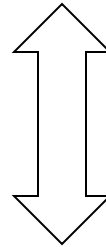
Rights approach - Actors

- Rights holders – women and men in the community, vulnerable and marginalised groups and individuals – When they are conscious of their rights they become rights claimants
- Duty Bearers – Government institutions and officials responsible for planning, implementing and monitoring policies and programmes – including policy makers and providers
- Guardianship Institutions – Courts, Commissions, ombudsman organisations
- Human rights advocates – Activists, NGOs, advocacy groups, human rights organisations

Realising rights : The normative framework

Citizen/ Rights holder

Voice



Participation

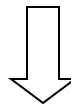
State with obligations and duty bearers

Respect

Fulfill

Protect

Laws Policies Information Services Resources Accountability



Available, Accessible, Acceptable, Quality

The role of principal stakeholders

Normative Assumptions

State - Obligations

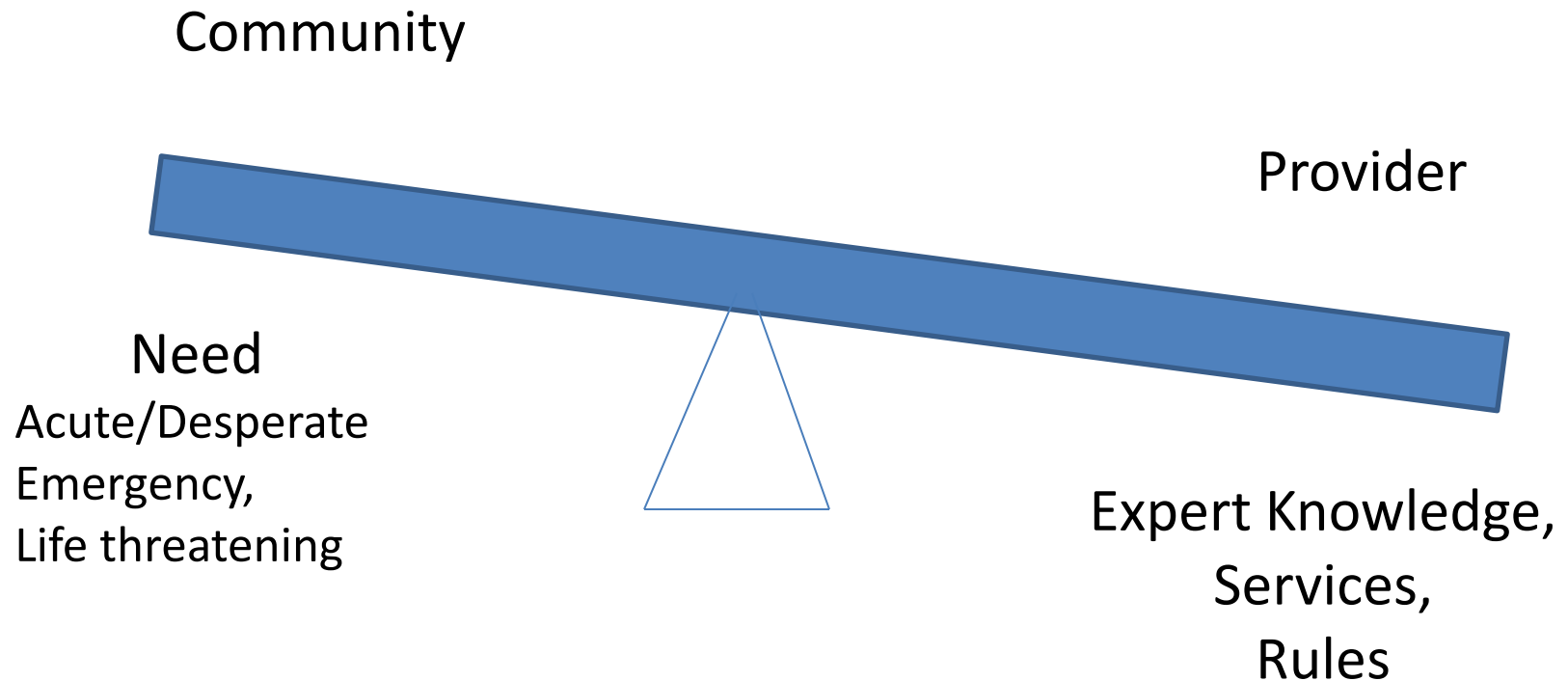
Provide

- Enabling conditions
- Necessary legislations
- Appropriate services
- Adequate Budget
- Protection against violations

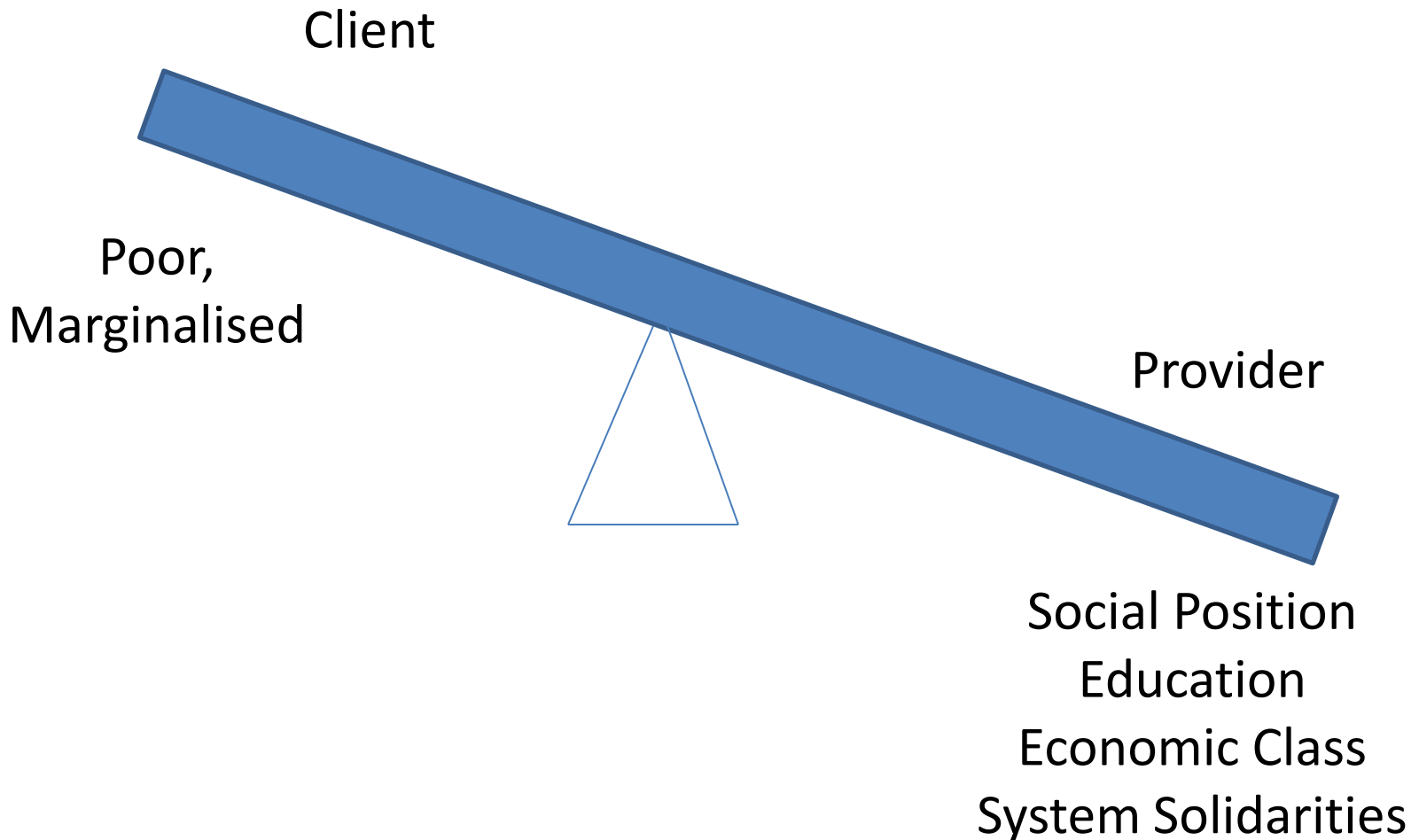
Citizen - entitlements

- Conscious about own needs and interests
- Knows about entitlements and rights
- Able to access services
- Articulate problems and seek solutions

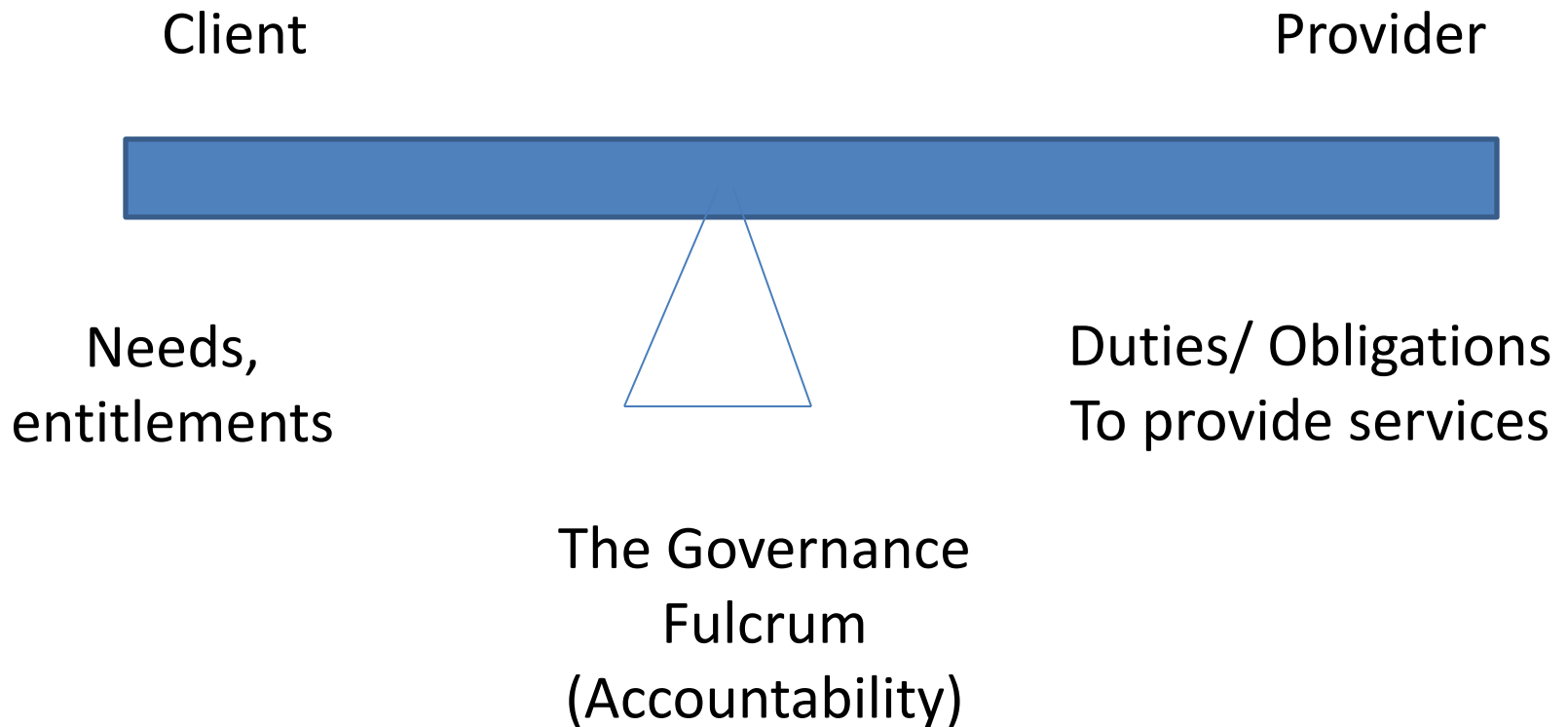
The usual Provider - Community relationship



An Additional Consideration



The Rights Challenge



Key role of the Human Rights Advocate

- Mobilise and Empower - from timidity to assertion; from fatalism to aspiration, from alone and marginalised to a collective
- Build capacity among rights holders/claimants to articulate, to negotiate, to demand
- Create platforms and opportunities – for participation – from inclusion to voice to influence
- Support active rights claiming
- Engage with and sensitize providers
- Understand and manage negative fallouts

Multiple Outcomes

- Construction of Citizenship - Increased civic and political knowledge, greater agency
- Greater sense of empowerment and agency- Increased capacities for collective action, new forms of participation, Deepening of networks and solidarities
- Responsive and Accountable states - Greater access to state services, Enhanced state responsiveness and greater realisation of rights
- Inclusive and Cohesive Societies -Inclusion of new actors and issues in public spaces, greater social cohesion

(So what difference does it make – John Gaventa, Gregory Barrett, IDS, Sussex
IDS Working Paper 347 2010)