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For a world without hunger

Orientation Framework

A RIGHTS-BASED APPROACH

Part I: Common Understanding

IMPRINT

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ABBREVIATIONS

AA	Auswärtiges Amt/Federal Foreign Office
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/ Federal Ministry for Economic Cooperation and Development
CHS	Core Humanitarian Standard
CSO	Civil Society Organisation
CSO-LA	Civil Society Organisations and Local Authorities
DCI	Development Cooperation Instrument
DG DEVCO	Directorate-General for International Cooperation and Development
DG ECHO	Department of Humanitarian Aid and Civil Protection
EDF	European Development Fund
EIDHR	European Instrument for Democracy and Human Rights
ENI	European Neighbourhood Instrument
FSPs	Fragile States Principles
GPGC	Global Public Goods and Challenges
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HAP	Humanitarian Accountability Partnership
HIV	Human Immunodeficiency Virus
ICDS	Integrated Child Development Services
IcSP	Instrument contributing to Stability and Peace
IGSSS	Indo-Global Social Service Society
INGO	International Non-governmental Organization
IPA	Instrument of Pre-Accession
LRRD	Linking Relief Rehabilitation and Development
MENA	Middle East and North Africa
MGNREGA	Mahatma Gandhi National Rural Employment Gurantee Act
NGO	Non-governmental Organization
ODA	Official development assistance
OECD	Organisation for Economic Co-operation and Development
OECD DAC	Organisation for Economic Co-operation and Development – Development Assistance Committee
PDS	Public Distribution System
PM&E	Programme, Monitoring & Education
PSGs	Peacebuilding and Statebuilding Goals
RBA	Rights-based approach
RTI	Right to Information
SDGs	Sustainable Development Goals
SEWOH	Sonderinitiative „EINEWELT ohne Hunger"/Special initiative "One World – No Hunger"
SHG	Self-help group
WASH	Water, Sanitation and Hygiene
UN	United Nations

FOREWORD

„If you give a man a fish, you feed him for a day.
If you teach him how to fish, you feed him for a lifetime.
But what if this man, or actually this woman,
is simply prevented access to the pond or river?"
(Ancient proverb, attributed to Lao Tseu)

In a world of plenty, about 800 million people still live in constant hunger. Malnutrition is responsible for nearly half of all deaths of children under five. Today's hunger in our world is a result of injustice, not of scarcity. Our vision as Welthungerhilfe is a world in which all people can exercise their right to lead a self-determined life in dignity and justice, free from hunger and poverty. Human rights are not just part of our own core values, they are a powerful driver of change.

The 2030 Agenda for Sustainable Development puts human rights at the heart of development. It strives to leave no-one behind, envisaging "a world of universal respect for equality and non-discrimination" between and within countries, including gender equality. It reaffirms the responsibilities of all States to "respect, protect and promote human rights, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status."

As Welthungerhilfe, we want to achieve a measurable impact in the fight against hunger and we want to be held accountable for our actions. A human rights approach compels us to pay special attention to those most vulnerable to hunger. It encourages us to reflect on our own role, to promote the iniciative of local communities, to improve transparency and to lead towards sustainable outcomes. Civil society actors can trigger change. However, in many countries, their space for action is limited or shrinking. International partners such as Welthungerhilfe can assist their partners to voice their concerns. Rights-based international collaboration can also be elemental to advocate against practices or legislation which cause harmful impacts beyond national boundaries.

With this Orientation Framework, we hope to develop a common understanding of applying a rights-based approach to Welthungerhilfe's programme work. The discussion process was initiated at Welthungerhilfe's General Management Conference in 2012, triggered by a growing awareness of the necessity for integrating a human rights perspective into the programming process. Since then, the Policy and External Relations Unit and the Programme Department developed this document in a joint effort, including field visits to gather experience and workshops with our country programme staff and civil society partners. Part I provides a conceptual overview, whereas Part II provides practical tools to assist Welthungerhilfe staff and partners worldwide, whether in fragile or relatively stable countries or in emergency contexts. We would like to invite you to join this journey and look forward to receiving your feedback on best ways to apply a rights-based approach to our programming.

Ulrich Post
Director Policy and External Relations

Mathias Mogge
Executive Director Programmes

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A RIGHTS-BASED APPROACH TO DEVELOPMENT

Every woman, man and child is entitled to the human rights laid down in the Universal Declaration of Human Rights and other international conventions. Nation states that have endorsed and agreed to these basic human rights have the moral and legal obligation to respect, protect and fulfil these rights for all people (see chapter 1.3). In other words, every human being should have equal opportunities, responsibilities and rights, which include the right to food and education, the right to participate in social, economic and political life and access to basic services to lead a self-determined life in dignity.[1]

A rights-based approach to development provides a framework for human development following international human rights standards and principles, established by the United Nations (UN). Applying these principles to the development process make up the core of a rights-based approach.

Welthungerhilfe's development work is guided by those human rights principles.

Human Rights Principles especially important for development programming

Inalienability, indivisibility and interdependence of human rights:

- Every person is entitled to enjoy her or his human rights simply by virtue of being human.
- No goal or right can be pursued to the detriment of other rights.

Equality and Non-discrimination:

- Human rights apply to all equally, and all have the right to participate in decisions that affect their live.
- Development work must respond to the needs of all groups, also those without immediate 'development potential'. It should particularly target vulnerable, disadvantaged or excluded groups.

Participation and Empowerment:

- All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
- An RBA regards participation not only as a tool, but also a goal for development and implies strengthening people's ability to control their own life.

Accountability and Rule of Law:

- Human rights are upheld by the rule of law and strengthened through legitimate claims for duty-bearers to be accountable to international standards.
- An RBA enhances empowerment by building accountable relations between state structures, social groups and the individual.

Source: Kirkemann Boesen, Jacob and Martin, Tomas (2007). Applying a Rights-Based Approach. An Inspirational Guide for Civil Society, The Danish Institute for Human Rights

[1] For a list of states that have recognized the right to food in their constitutions, see Annex II.

1.1 Definition

In a rights-based approach, poverty and hunger are never solely seen as a lack of income or a lack of material resources but as an injustice and a violation of human rights. Poverty and hunger arise from unequal power relations that are rooted in political, social, cultural and economic structures. A rights-based approach seeks a shift in power to realise a better participation of vulnerable groups in society.

The approach places marginalised, excluded and discriminated people who are far from realising their rights as citizens at the very centre of a development programme. It enables communities and individuals to develop the capacity to reflect and analyse their current situation and to understand the causes of poverty and hunger, to identify solutions and to claim their rights.

In a rights-based approach, the state re-emerges as a central actor for the process of human development. A rights-based programming aims to strengthen the ability of state entities to work out solutions and fulfil their obligations, to take care of its most vulnerable citizens, including those who are not able to claim their rights for themselves.
Applying a rights-based approach means strengthening the capacities of rights-holders to organise and claim their rights and to hold duty-bearers accountable to meet their obligations.

Source: Welthungerhilfe

Benefits of applying a rights-based approach to our work

- We ask the relevant questions and strengthen our situation analysis, thus resulting in an improved programme design.
- We can ensure a bigger and sustainable impact of our work by putting the rights of the most vulnerable front and centre in our goal to change norms, structural policies and practices.
- We can link our work with the 2030 Agenda for Sustainable Development which establishes the overarching principle to 'leave no-one behind' and reaffirms the responsibilities of all States to "respect, protect and promote human rights, without distinction of any kind".
- We are able to facilitate a dialogue between citizens and authorities.
- We set up our work based on universally accepted codified norms and standards on fundamental rights and the fulfilment of basic needs.
- We increase our transparency and therefore accountability towards the people we aim to assist, and towards our partners, donors and collaborators.

> **Key aspects of a rights-based approach**
>
> ■ Poverty and hunger result from injustice and the violation of human rights.
>
> ■ Addressing the root causes of poverty by changing societal structures and power relations.
>
> ■ Individuals and communities are rights-holders with entitlements who should be enabled to claim their rights.
>
> ■ The state and its entities are the duty-bearers with the obligation and responsibility to respect, protect and fulfill human rights.

1.2   Change of perception – from needs to rights

Welthungerhilfe's vision of this world is one where all people can exercise their right to lead a self-determined life in dignity and justice, free from hunger and poverty.

Looking at development cooperation from a rights-based perspective shifts the way we understand our work. Our commitment to fight hunger and poverty is not an expression of charity. We assist and support marginalised and excluded people to realise their human rights, especially the right to adequate food.

A rights-based approach is a different way to address food and nutrition insecurity. It emphasises the right of every human being to adequate food. It also holds governments responsible for creating adequate preconditions to support people feeding themselves. In addition, it underlines a priority for politicians to protect the people in need.

Main differences between a needs-based and a rights-based approach

■ Rights imply objective standards[2] to measure responsibilities, whereas needs do not.

■ Rights raise the question of who has the obligation and responsibility to fulfil them. An analysis of capacity and accountability of duty-bearers is an integral part of rights-based planning (see Chapter 2).

■ It is essential for a rights-based programming to address the root causes of poverty and hunger. The analisis of the root causes will most probably reveal the existence of structural problems such asdiscrimination, corruption, lack of transparency and accountability at various levels.

■ The self-understanding of development cooperation changes from one where people are in need to one where people's fundamental and legal rights are being denied. We do not campaign for the needs of the people we assist, but support marginalised people as equals in their efforts to fight poverty and hunger.

■ A rights-based approach focuses especially on marginalised and most vulnerable groups that are far from realising their rights, and on the empowerment and capacity development of individuals and communities.

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[2] Objective standards are set through the universal human rights instruments, conventions and other internationally agreed goals, targets or norms. They are operationalised for specific rights e.g. in the Voluntary Guidelines on the Right to Adequate Food or, in the humanitarian field, the SPHERE standards.

- A rights-based programming will require a longer period to address the root causes of poverty and hunger. We need to move from stand-alone projects to long-term programmes. A set of activities should mutually reinforce and complement each other for reaching an overall rights-based programme goal and develop a broader perspective on development issues.

- New collaboration with partners and alliances that have a focus on advocacy may be required.

Welthungerhilfe in Ethiopia – From a needs-based to a rights-based programming

The WASH programme in Ethiopia started with a rather needs-based, but community-led approach. People felt encouraged to actively demand the fulfilment of their rights and related entitlements from local authorities, for example technical support in case a well was broken. In addition, government staff has been involved in the programme from the beginning and their roles and responsibilities for the community were debated and clarified.[3]

However, shifting towards a rights-based programming does not mean abandoning a needs-based approach to development. It is not a question of "either or", of needs versus rights, but a shift in the perception of rights and needs. Rights-based projects also use basic needs as a starting point. They have a special focus on the most important issues identified by rights-holders. Often times, they concern basic needs such as food, water, shelter, sanitation, education or health.

The benefit of the rights-based approach is the framework. It highlights how to measure and monitor progress towards meeting people's basic needs and fulfilment of their potential. During the process of planning, delivering and managing basic services, additional capacity building should empower rights-holders to demand those basic services from the government in the region they live in.

Welthungerhilfe works in many countries coping with weak governance structures and institutions, not capable or willing to fulfill their obligation to provide basic services. At the same time, our emergency aid projects still have to address the immediate needs of people in the aftermath of disasters such as drought, famine, floods, armed conflicts, etc. However, we need to see the big picture beyond emergency aid. It is crucial that we are aware of a state's role and its duties and ensure that we implement our service-delivering programmes in the context of an enabling strategy. When implementing our service-delivery programs it is crucial that we consider the role of the state and its duties, thereby allowing the state to assume responsibility for the programs in the long-term.

Rights-based interventions are different, not simply because of what we want to achieve, but how we want to achieve it and who is involved in the process.

[3] See: Welthungerhilfe (2013–2015), Regional Program Horn of Africa, Ethiopia & Somalia.

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"While a needs-based approach speaks of beneficiaries or recipients who should be grateful for the service received, a rights-based approach recognises people as dignified citizens and responsible actors. People should be aware of their entitlement to life's essentials and be empowered as right holders. At the same time, it strengthens the capacity of institutions obliged to fulfil the holder's rights and to be accountable towards the citizens. Thereby, this approach contributes to a positive shift in power relations and from relief to empowerment."

Golam Sarowar Talukder
Project Advisor
Welthungerhilfe, Afghanistan

Rights-based approach and basic needs

In a rights-based approach, service delivery meeting basic needs can be the starter for empowering rights-holders. Through strategic service delivery, Welthungerhilfe can:

- Deepen awareness about rights and the role of duty-bearers, such as the government
- Create deeper consciousness amongst rights holders about why they are poor and not enjoying basic public services
- Organise rights-holders, and deepen the strength of their organisations and leadership
- Mobilise rights-holders to hold the government accountable for providing these services
- Begin to empower women and challenge the gender division of labour.[4]

Changing perceptions – changing terms

By applying a rights-based approach, we recognise the people we work with as active participants in the development process. We prefer to use the term 'project/programme participant' instead of 'target group' or 'beneficiaries', as these rather imply people being passive recipients of development aid. These terms also suggest a level of homogeneity in a group, which may be equivocal and obscure forms of discrimination within this group. Another term that can be used is 'people we aim to assist', as it was coined by the Core Humanitarian Standard (CHS).[5]

[4] Action Aid (2010). Action on Rights – Human Rights Based Approach Resource Book, p. 108.
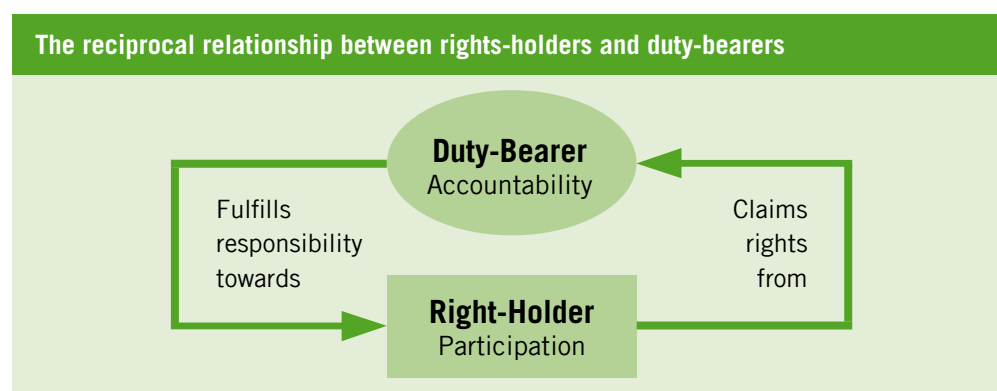[5] See chapter 1.4, 'Step 3: Implementation', for further information.

Table 1: Change of perspective in a rights-based approach

Needs-based From		Rights-based To
Beneficiaries with needs	→	Citizens/rights-holders/programme participants with rights & responsibilities
Participation as a means	→	Participation as a means and a goal (access to decision making)
Consultation	→	Empowering and decision making
Improving living conditions	→	Improving living conditions and promoting structural changes
Micro level	→	Integration of micro, meso and macro level
Project focus on immediate causes of problems	→	Policy focus on structural causes and their manifestations
Service provision	→	Facilitating and enabling duty bearer to provide services
Focus on input and outcome	→	Focus on process and outcome

1.3   Rights-holders and duty-bearers

Every human being is a rights-holder and every human right has a corresponding duty-bearer. The following paragraphs provide an overview of our programme reality and who is defined as a duty-bearers or a rights-holder.

Figure1: Relationship between rights-holders and duty-bearers

The reciprocal relationship between rights-holders and duty-bearers

Duty-Bearer
Accountability

Fulfills responsibility towards

Claims rights from

Right-Holder
Participation

Source: Image adapted from United Nations Population Fund (UNFPA), 2015

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When we talk about rights-holders within our programming framework, we mean individuals, groups, communities, movements and organisations of marginalised people.

A **rights-holder**

- Is entitled to rights
- Is entitled to claim rights
- Is entitled to hold the duty-bearer accountable
- Is responsible to respect the rights of others.

The overall responsibility for meeting human rights obligations rests with the state. The duty-bearers can be members of parliament, ministry officials, local authorities, justice authorities, police, teachers or extension workers. In a second instance, actors such as private companies and employers, traditional authorities and parents are also duty-bearers who hold power and duties with regard to rights. In the context of weak or failed states, multilateral agencies, such as the UN, humanitarian agencies like the Red Cross, or INGOs/ NGOs like Welthungerhilfe may replace the state as primary duty-bearer for a certain time.

Duty-bearers have the obligation

- To respect
- To protect, and
- To fulfil the rights of rights-holders.

To **respect** the right requires responsible parties to refrain from actions depriving people of the guaranteed right. To **protect** the right means enacting laws and creating mechanisms to prevent the violation of the right by state authorities or by non-state actors. This protection has to be granted equally to everyone. To **fulfil** the right means taking active steps and setting up institutions and procedures, including the allocation of resources, to enable people to enjoy the right.

The state has an obligation to create the conditions to enable other duty-bearers, such as parents, local organisations, local authorities, private sector, and donors to fulfil their responsibilities and ensure that they respect human rights. Within the state-citizen relationship, office-holders and citizens alike have to fulfil their roles and responsibilities.

Jan Sahas, a social and community-based organisation in India, works with Dalit and other excluded communities.

"Despite India's impressive economic growth, the problem of hunger, poverty, discrimination, denial of basic rights and poor access to government schemes are still prevalent across the country. India regards itself as a welfare state, where the constitution guarantees the right to life for all citizens. But the lack of political will, inefficient governance and corruption are the main factors hindering sustainable and structural improvements. Under the rights-based approach, we are working for the rights and dignity of the communities. We build their capacities so that they can realise their rights and entitlements."

Ashif Shaikh,
Secretary,
Governing Board
of Jan Sahas, India

Welthungerhilfe supports people to develop the capacity and a wider range of possibilities to demand their entitlements, thus empowering the community to access their rights. Part II of this Orientation Framework will provide practical examples of different project approaches in Sierra Leone, Bolivia and India.

Welthungerhilfe is working in many countries coping with weak government structures and institutions. Table 2 on the following page provides different strategies towards strengthening these institutions. Applying a rights-based approach does not necessarily imply working against the state, but rather to raise awareness of its representatives and their duties and to increase the duty-bearers' capacities to fulfil them. In India, for example, our partner organisation *Living Farms* provides training for community health workers to enable them to increase the quality of their service.

A rights-based approach does not only impose the legal obligation on the state to respect, protect and fulfil human rights. In situations where the state is unable or not willing to assume it´s responsibilities as the duty-bearer, humanitarian and development organisations such as Welthungerhilfe are moral duty-bearers and need to ensure accountability to the communities they work with. We have the responsibility to be transparent and act according to the commitments we made and to enable the community members to monitor and evaluate the implementation and outcomes of our work.[6]

Especially in crisis-affected countries, people have no formal control over relief or development organisations. By joining the Humanitarian Accountability Partnership (HAP) in 2012 and launching the CHS Alliance[7], Welthungerhilfe has committed itself to improve the organisations accountability to its programme participants and its project work. For Welthungerhilfe, being accountable means to "respect the needs, concerns, capacities and disposition of those with whom we work and to answer for our actions and decisions"[8]. The adoption of a rights-based approach adds an element of accountability to every phase of project implementation and therefore enables humanitarian and development organisations to reflect on their own role and actions.

[6] See Kirkemann Boesen, Jacob and Martin, Tomas (2007), p. 30
[7] See Core Humanitarian Standard (2015)
[8] Welthungerhilfe (2014). Accountability Framework, Bonn.

Table 2: Strategies towards rights-holders and duty-bearers

ACTOR	STRATEGIES IN RELATION TO THESE ACTORS
Rights-holders (individuals, groups, communities, movements and organisations of marginalised people)	■ Addressing basic needs while also empowering rights-holders ■ Raising rights awareness and consciousness about why rights-holders are economically or socially disadvantaged ■ Organising and mobilising rights-holders ■ Building organisational and leadership capacity of rights-holder organisations ■ Supporting rights-holder mobilisation in advocacy actions and campaigns ■ Supporting social movements ■ Building alliances and networking with partners
Duty-bearers (Governments, traditional leaders, etc.)	■ Creating pilot projects in cooperation with duty-bearers, covering basic needs and raising awareness about rights, entitlements and their obligations to fulfil them ■ Capacity building with service providers and state actors ■ Collaborative pilot projects, such as including community monitoring mechanisms in service provision ■ Holding duty-bearers accountable ■ Convincing duty-bearers to accept their responsibility ■ Exposing duty-bearers inactions or violation of human rights

Two frequently asked questions:

Does adopting a rights-based approach translate into focusing on advocacy?

There is a wide variety of definitions, approaches and strategies for the term 'advocacy'. Welthungerhilfe uses a broader definition of advocacy referring to "a set of methods and instruments used to achieve changes in policies, structures and practices at all levels, leading to positive change in the lives of poor, marginalised people. Ideally, the process of advocacy involves directly those people who are affected by the problems identified."[9] Advocacy activities to influence duty-bearers to accept their responsibility and fulfil human rights may be part of a rights-based intervention, but it is not necessarily the case. If the situation does not allow for lobbying of decision-makers, other strategies may be more appropriate. It might be an option to raise awareness and build capacities of rights-holders on a community level (see chapter 2, Step 2: Project development). In any case by applying the human rights principles in its own work, Welthungerhilfe can encourage duty bearers to also consider them and rights holders to demand them.

Is there any danger in applying a rights-based approach?

The application of a rights-based approach in conflict-affected or authoritative environments can lead to serious challenges and ethical dilemmas. Sometimes, organisations have to choose between access to the citizens they want to assist and advocating for human rights. Relief organisations need to have access to the affected population. The host government may deny or restrict this access if they fear being 'shamed' by humanitarian actors. In addition, while carrying out development work under authoritarian regimes, you may provoke a repressive response when working explicitly on human rights or towards a change in power relations.

However, adopting a rights-based approach does not necessarily always mean raising your voice on sensitive issues in delicate situations. A rather implicit approach without explicitly referring to 'human rights' may be more appropriate to achieve Welthungerhilfe's goals. In such an environment, it may still be possible to raise awareness within the communities and strengthen their organisational capacities to access their rights. It is substantial to analyse and assess the framework conditions, including the risks of an intervention for the people Welthungerhilfe is working with, its partners and its staff (see chapter 3).

[9] Welthungerhilfe (2013). Getting Down to the Root of the Trouble. Welthungerhilfe's Advocacy-Strategy 2013–2015, Bonn.

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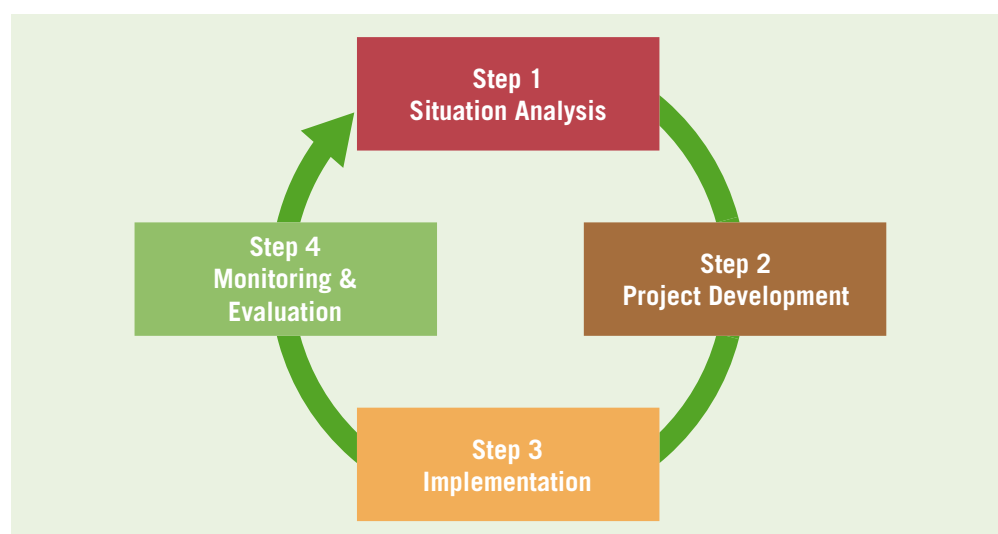# APPLYING A RIGHTS-BASED APPROACH TO THE PROJECT-CYCLE

As the key principles of a rights-based approach were outlined in the previous chapter, this one will focus on designing Welthungerhilfe's programmes and projects. A rights-based approach is not simply an additional project component to 'add on', hence there is no blue-print available. However, the local context should always be the starting point for designing a rights-based intervention. Thus, it can take different forms and may need to be adjusted when the context changes.

A rights-based approach focuses on how we work, not just on what we do, and which targets we achieved. Whereas human rights standards define benchmarks for desirable outcomes, human rights principles represent conditions for the process. Examples of such desirable outcomes are included in the Sustainable Development Goals or the Voluntary Guidelines on the Right to Adequate Food. Process criteria include all human rights principles. They all specify a required minimum conduct. A human rights-based approach requires equal attention to outcome and process.

Ideally, a rights-based approach should be applied in the process of designing the overall country programme, which analyses the framework conditions and defines the main objectives of Welthungerhilfe's work in a specific country. This may influence the intervention strategies and the types of projects that will be developed and implemented in the course of a multi-annual country programme.

The following section describes the steps in a program or project cycle through a rights-based perspective and highlights its crucial elements.

Figure 2: Project cycle model

STEP 1: Situation analysis

It is important to apply a rights-based approach from the very beginning of a project or programme. The situation analysis should take into account vulnerability and marginalisation, identify power relations, and include an analysis of the legal, political and institutional conditions. At this early stage, people representing different socio-economic groups should be included, with a particular focus on the potential groups prone to rights violations.

A rights-based analysis contributes to a 'conventional' analysis of the situation in the geographical and thematic area of operation as follows:

The problem analysis includes the root causes of the problem and its effects

- What is the problem?
- Why is there a problem? What are the underlying causes?

It asks for the human rights framework and the level of its implementation

- What laws and policies exist?
- Where are the gaps in relation to human rights standards?
- Which particular human rights are violated?

It identifies and analyses the rights-holders and duty-bearers

- Who is most affected by the problem/rights violation?
- Who is benefiting from the current situation?
- Who has the obligations?
- Who can change the situation?
- Who has the ability/relations/acceptance to influence the duty-bearers/policy makers?
- Why are they not acting?

It considers human rights principles by framing its questions and working in coherence with them throughout the process

- Who participates in the situation analysis (non-discrimination, participation, and empowerment)?
- How do we communicate with these actors, particularly the rights-holders (transparency, accountability)?

For a step-by-step description of a rights-based situation analysis including a comprehensive set of guiding questions, see the example in Part II of this Orientation Framework. We recommend including these questions in the situation analysis as part of the country program planning.

2

Step 2: Project development

The programme or project objectives should reflect the outcome of the rights-based situation analysis and capture the change we would like to achieve because of the intervention.[10]

While a 'traditional' project may focus on directly alleviating the problems of the vulnerable by addressing their immediate needs (e.g. providing food, digging wells, construction of toilets), a rights-based approach goes beyond needs. It adds a focus on the root causes by asking why a particular group of people does not have enough food, water or facilities. Is there an exclusion and discrimination of some people? Are the public systems not functioning? Who is responsible? What are they doing to address their responsibility?

When defining objectives and outlining potential activities, the programme/project design should:

■ focus on both duty-bearers and rights-holders and promote their awareness, capacity and their interrelations

■ focus on synergies between sectors and pay attention to linkages between micro and macro levels

■ create special mechanisms to ensure focus on and inclusion of the poorest and the most vulnerable

■ prevent the project from being hijacked by the people who traditionally hold the power

■ ensure ownership and substantial participation

■ include mechanisms for complaint, resolution and redress.[11]

Checklist – Do the objectives …

… reflect the problem(s) identified by the community members in the situation analysis (including the most vulnerable)?

… address the root causes of the problem(s)?

… refer to human rights standards or principles in relation to the identified problem?

… specify the desired change for both rights-holders and duty-bearers?

… have a gender dimension?

… specify which rights-holders and duty-bearers will participate in the project?[12]

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[10] The following paragraph is a summary of Kirkemann Boesen, Jacob and Martin, Tomas (2007). Applying a Rights-Based Approach. An Inspirational Guide for Civil Society, The Danish Institute for Human Rights, p. 25.
[11] See Welthungerhilfe (2014). Accountability Framework, Bonn.
[12] Kirkemann Boesen, Jacob and Martin, Tomas (2007), p. 25

Areas of rights-based interventions

The design of rights-based projects and programmes mainly depends on the conditions and contexts in the specific country. The following figure provides some orientation on the possible strategies and areas of rights-based interventions. All these areas complement each other and are mutually reinforcing. However, the focus and appropriate selection of strategies depend on the particular context of a project.

Figure 3: Model for areas of rights-based interventions

Source: Welthungerhilfe

1 Basic needs
Basic needs are a starting point for rights-based projects and programmes. Especially in emergencies, addressing basic needs and delivering basic services are the first priorities. However, a rights-based approach provides the opportunity to empower rights-holders to hold the duty-bearers accountable. They are responsible for providing basic services in the first place.

2 Awareness raising
Whenever possible, we should enable people to reflect and analyse their own situation and to understand the underlying causes of poverty and hunger. Particularly marginalised population groups usually don't know that they are entitled to rights and where and how to claim them.
In most cases, awareness-raising activities also need to address duty-bearers, such as government officials at different levels or service providers.

"The rights-based approach has made a huge impact on the attitude of the local community. The knowledge about government schemes and services, and ways to access them, has increased confidence and hope among our self-help groups and farmer clubs. They talk with more assertion about the services and their quality now instead of hovering around the service providers to get whatever they can by hook or crook."

Babita Sinha,
Project Coordinator, Pravah,
Jharkhand, India

3 Social Mobilisation

People need to organise themselves in order to claim their rights. Social mobilisation strengthens the participation of rights-holders in local decision-making, improves their access to social and agricultural services and increases the efficiency in the use of locally available financial resources.

We can support the process by establishing or strengthening self-help groups, farmer groups, youth groups, or committees. These groups can transform into development organizations or movements with clear goals and objectives for community development. For a successful social mobilisation, improved access to public information on local development issues directly linked with the livelihood interests of the community members is crucial.

4 Collective Action

Once the community-based organisations are established, we support them to take over and address their needs and rights. Linking these groups on a higher – regional or nation-wide – level can be very helpful. Virtually any form of an organised group effort to address inequality may be considered a collective action. Whether a farmer's community agrees upon how to ration water from a common source, or others struggle for equal rights or women's rights, both are examples of collective action. Labour unions are another type of collective action, ensuring that business leaders pay a fair wage and provide adequate benefits to their employees. Collective action can be encouraged by campaigns, for example media campaigns.

Source: Action Aid 2010, p. 38

5 Dialogues

Projects applying a rights-based approach should promote meaningful dialogue between the state and civil society and strengthen mechanisms for rights-holder and duty-bearer interaction. To sustain the dialogue, it is helpful to create jointly owned and recognised structures or institutions lasting beyond the project. Examples are regular consultation and accountability mechanisms on budgets or the quality of services.

"Since the Sustainable Integrated Farming Systems programme and the Fight Hunger First Initiative started in our village, we became more independent from the market. In trainings and workshops, we learned about our rights and entitlements. One time, when we did not receive the salary for our work under MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act), which provides 100 days of work per year to everybody, we went to the office of the person in charge and blocked it. We told him that if he did not pay us, we would go to the next higher level. So we got all our cheques."

Member of the farmer's group in Janjhi, Jharkhand, India

6 Influencing decision makers

If circumstances permit, rights-based projects may aim to influence political decision makers in order to promote change in laws, policies, effective implementation of existing good policies, or administrative procedures and institutions.

Duty-bearers can be addressed at micro, meso or macro level. Even if Welthungerhilfe does not organise macro-level lobby activities or campaigns, being a member of various alliances, networks or platforms allows us to bridge actions between the micro level and policy initiatives at the macro level.

Macro-level initiatives risk being run by a group of well-educated urban professionals taking over the voice of the marginalised – far away from the local context. Initiatives at the macro level gain increased credibility, legitimacy and bargaining power when linked to grassroots movements and collective action.

Linking human rights with the reality of peoples' lives

"How do human rights become relevant for the farmer in a farmers group, the member of a water user committee, the woman in a support group for people living with HIV? What difference does it make if we tell them they are rights-holders, entitled to human rights, like the right to food, water and health care? To let people know that they have human rights is important, but it is only a first step. Knowledge has to be put in practice. Trainings on human rights often remain at an abstract level, with technical language of declarations and treaties agreed on by the international community. However, in daily life these rights may seem distant to many people. **It is important to find a way of integrating human rights in the implementation of the project, so that it does not become a separate activity.** To be realized, human rights need to be translated into national legislation and more importantly into actions taken by decision-makers, the duty-bearers. In order to claim their rights the people we work with need to be aware of how their rights are safeguarded in national legislation and what actions are being taken to implement these rights. […]

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▶ As an example, the right to food is a right to access to adequate food and to be free of hunger. Primarily, it is a right to feed oneself in dignity, through one's own efforts and own resources. This requires living conditions that allow people to either produce food or to buy it. In certain situations, for instance because of armed conflict or natural disaster it may not be possible for people to feed themselves with their own means. Then the state has an obligation to step in and provide direct means. When interacting with the community groups we work with, for example farmers groups, it is important to discuss the following:

→ Do community members' living conditions allow them to produce or buy their food?

→ What preparedness is there at a local level for situations of disaster?

→ What do the local decision-makers do to ensure that everyone's right to food is fulfilled? How do they work to combat and prevent malnutrition, for example?

With knowledge on what national legislation is in place and what measures the government is taking to implement this, the communities can claim their rights and discuss with their local leaders how their rights can be realized. The rights to food and water belong to the economic, social and cultural rights, which states are responsible to implement, but progressively, using all available resources."

Source: Palmqvist, Eva (2011). Rights-based approach. A Reference material applying RBA in the project cycle, LWF UGANDA PROGRAMME, p. 33, 34.

Step 3: Implementation

To ensure a project's outcome is coherent with human rights, it is equally important to ask about the content of the project and its implementation. Without applying human rights principles, such as equality and non-discrimination, participation and accountability, throughout the implementation, it is difficult to achieve the intended results.

Equality and Non-Discrimination
There can be challenges to uphold the principle of non-discrimination when different forms of discrimination still exist in a community, for example girls are not allowed to attend school due to their gender. Often, budget constraints make it difficult to involve as many people in the project activities as wanted. Disappointment or grudges among community members who are not involved in the project can be quite challenging to face. Therefore, it is very important to define the selection criteria well and discuss them with the community members.

According to Welthungerhilfe standards rights-based targeting criteria should:

- clearly define both gender, racial, ethnicity, religious and other forms of systemic discrimination in the community
- be specific
- be transparent
- identify the most vulnerable
- be selected in a participatory way

Participation

In a rights-based approach, participation is both a means, a way of working, and a goal itself. Involving the communities we work with in every stage of the project can be difficult. The principle of participation should be a top priority, and we need to create space for participation, both in terms of time and human resources. We should continue focusing on the community members, their voices, concerns and specific situation. However, the project should also aim to improve community members' capacity to participate in decision-making in their community, at sub-county, district and national level. Ideally, rights-holders will eventually take control of their lives and claim their rights.

Accountability

During a project's implementation, it is crucial to support rights-holders in demanding their rights from the duty-bearers and enable the duty-bearers to fulfil their responsibilities. For an increased accountability, meaningful dialogue and interaction between rights-holders and duty-bearers is essential. Welthungerhilfe can be an important link between them.

At the same time, Welthungerhilfe itself, as a secondary duty-bearer, must be transparent about its aims, role and activities, and enable the communities to be held accountable. Welthungerhilfe has committed itself to fulfil the nine commitments set by the Core Humanitarian Standard:

Figure 4: Nine commitments of the Core Humanitarian Standard
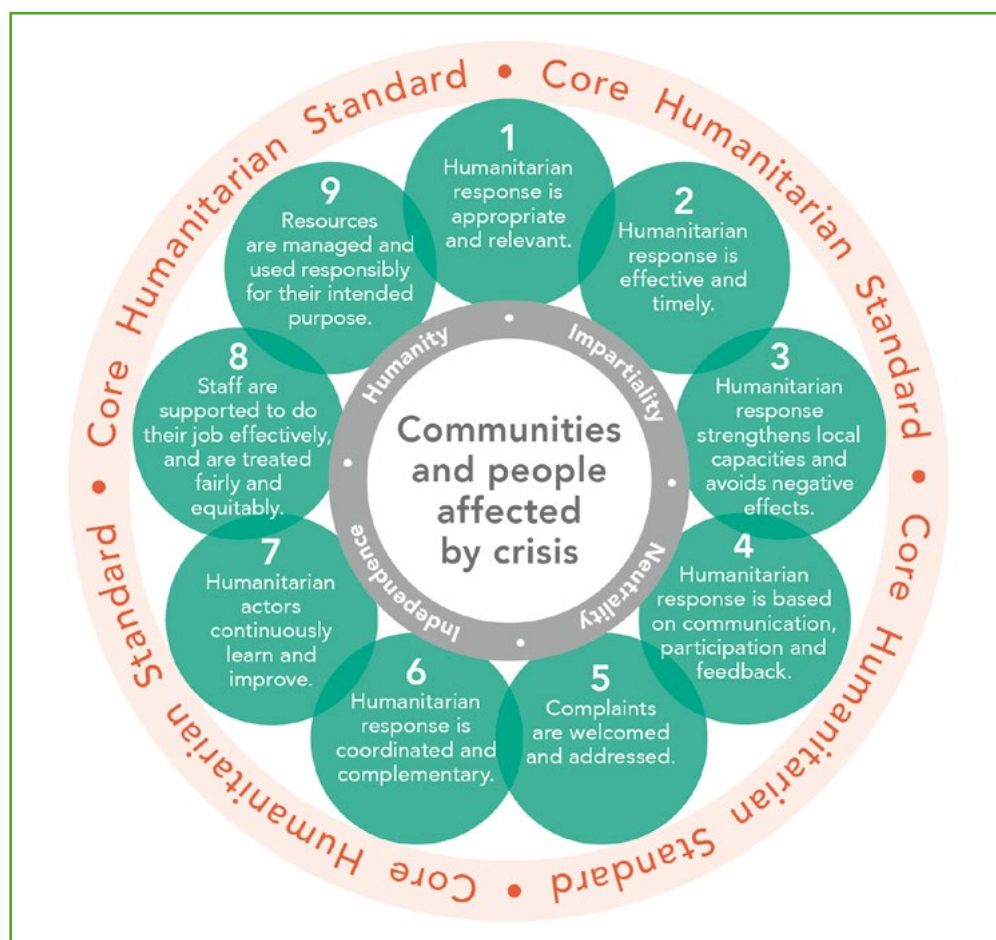
Source: Core humanitarian standard, 2016

Step 4: Monitoring & Evaluation

Although monitoring and evaluation comes in last in the project cycle model, it should be part of a continuous learning cycle covering the whole project implementation process. While developing the project objectives and indicators, we need to think of ways to measure positive changes in people's lives, for example rights-holders' access to legal entitlements. Rights-based monitoring focuses both on rights-holders' level of enjoying their rights and the duty-bearers' commitment to fulfil these rights.

Projects applying a rights-based approach often include elements of behaviour change. Therefore, it is important to interview people and ask them about their attitudes and behaviour when conducting a baseline and during monitoring and evaluation.

According to the principles of a rights-based approach, we are interested in the following positive changes:

- **Non-discrimination:** reducing the levels of inequality and abuse experienced by rights-holders
- **Participation:** increasing involvement and influence of rights-holders in both, public and private spheres
- **Empowerment:** improving rights-holders' self-esteem, leadership capacity, networking, capacity to claim their rights and hold duty-bearers accountable
- **Accountability:** extending the fulfilment of the duty-bearers' responsibility.

It is important to monitor not only the results of interventions, but also the process itself, for example in terms of participation. The people we aim to assist are those present in the communities where we want to achieve a change. They will be the ones able to assess real change. However, monitoring and evaluation should involve all the stakeholders in a project, both rights-holders and duty-bearers.

Monitoring could also become a way to promote empowerment and human rights by introducing or strengthening complaint mechanisms, public audit and other community accountability mechanisms. Collecting information and documenting unfulfilled rights might put pressure on duty-bearers to fulfil their responsibilities.

For examples on indicators for each of the human rights principles, see Part II of the Orientation Framework.

3

RIGHTS-BASED WORK IN FRAGILE, REPRESSIVE AND CONFLICT-AFFECTED STATES

Definition of fragile states

There is no standard international definition of fragile statehood. This is also reflected by the numerous terms describing the phenomenon as 'weak state', 'failed state', 'fragile state', 'contested governance'. One commonly accepted definition measures the fragility of a country with regard to the different core functions of statehood. Against this backdrop, fragile states are those failing to provide basic services to their population regarding security, welfare and constitutional legality and whose populations suffer from widespread poverty, violence and arbitrary rule.

Often, the government has lost control of parts of the country. Fragile statehood may also correlate with a lack of legitimacy. Therefore fragile contexts comprise a broad spectrum of countries – from one-party states like North Korea to war-torn countries like Syria. Furthermore, whereas poverty has decreased globally, poverty is increasing in fragile or conflict-affected states. In 2015, 43% of the people living on less than USD 1.25 a day are in the 50 countries classified as fragile by the OECD.[13]

The guidelines for an engagement in fragile or conflict-affected states

There have been several steps in improving the ways of rights-based engagement in fragile states. In 2007, the OECD adopted the Fragile States Principles (FSPs), a set of guidelines for actors involved in development cooperation with conflict-ridden and fragile states.

Peacebuilding and Statebuilding Goals (PSGs)	
Legitimate Politics	Foster inclusive political settlements and conflict resolution
Security	Establish and strengthen people's security
Justice	Address injustices and increase people's access to justice
Economic Foundations	Generate employment and improve livelihoods
Revenues & Services	Manage revenue and build capacity for accountable and fair service delivery

Source: OECD, Development Assistance Committee (DAC) (2012):
Building blocks to prosperity: The Peacebuilding and Statebuilding Goals (PSGs)

[13] See Welthungerhilfe (2010). "Welthungerhilfe in fragile States", Policy Paper No. 3, Bonn; OECD (2014). Fragile States: Domestic Revenue Mobilisation in Fragile States, OECD Publishing, Paris, p. 15; and OECD (2015). States of Fragility 2015: Meeting Post-2015 Ambitions, OECD Publishing, Paris

Furthermore, in 2011 the Busan High Level Forum on Aid Effectiveness endorsed an agreement on the New Deal for Engagement in Fragile States. The New Deal contains several Peacebuilding and Statebuilding Goals (see Box page 26) and provides a foundation for the work in conflict-affected environments.

Civil society organisations and the g7+ group primarily advocated for the New Deal. This g7+ group was inaugurated in 2010, comprising twenty fragile and conflict-affected states with the aim to share experiences and promote the voices of fragile states in international debates.

Both, the FSPs and the New Deal, contain rights-based elements, even though they are not explicitly mentioned. Similar to the rights-based approach, the Fragile State Principles promote a profound understanding of the specific context or the alignment of development actors with local priorities.[14]

Main challenges for applying a rights-based approach in fragile or repressive states

Since adopting a rights-based approach to development means identifying the state as one of the central duty-bearers, the application in countries with weak governance structures and institutions is proving a particular challenge. Either the state is unable or unwilling to protect and fulfil the rights of its citizens, or the different duty-bearers are not easily approachable. In some cases, the state in its capacity as a duty-bearer neglects the provision of basic services, as NGOs or relief organisations temporarily take over. In those cases Welthungerhilfe should progressively transfer the responsibility to the respective state entities.

Furthermore, in authoritarian regimes, duty-bearers might also act as the violator of human rights and often do not even recognise the existence of rights-holders. Particularly in repressive contexts, an explicit debate on human rights is therefore hardly possible.

By doing so, civil society partners within the country may be endangered and the support of Welthungerhilfe may be made impossible, in particular when expelled from the country. It is also challenging to work in those environments when there are few civil society actors to work with. In repressive societies, the options for rights-holders to organise themselves and collectively demand their rights are extremely limited.

Fragile States Principles	
Principle 1:	Take context as the starting point
Principle 2:	Do no harm
Principle 3:	Focus on state-building as the central objective
Principle 4:	Prioritize prevention
Principle 5:	Recognize the links between political, security and development objectives

[14] See OECD (2007). The 10 Fragile States Principles

Principle 6:	Promote non-discrimination as a basis for inclusive and stable societies
Principle 7:	Align with local priorities in different ways in different contexts
Principle 8:	Agree on practical coordination mechanisms between international actors
Principle 9:	Act fast but stay engaged long enough to give success a chance
Principle 10:	Avoid pockets of exclusion

Options for rights-based engagement in fragile or repressive states

Even when working in countries with weak governance or under authoritarian rule, it is possible to integrate rights-based elements into Welthungerhilfe's work. Governments may feel threatened when confronted with the need to fulfil the rights they have signed up to, as they know that they lack the capacities or resources to meet rights requirements. Rather than demanding instant compliance with rights standards, it may be more appropriate to find ways to work with governments and other development actors towards the progressive realisation of these rights, for example the Right to Adequate Food.

However, there is no blueprint to applying a rights-based approach. The design of the project depends heavily on the specific context. It is therefore of paramount importance to conduct a thorough analysis of the local conditions and security constraints. This includes the analysis of the existing legal framework of a country.

Where working with duty-bearers is not possible, but civil society actors exist, Welthungerhilfe should concentrate on promoting self-help capacities and advocacy potentials of the rights-holders, working in close cooperation with local actors. It is therefore important to invest in trust-building measures and relationship-management.

Another option is the coordination with international organisations like UN entities to support the creation of reliable structures on state level. Multilateral actors like the UN often have the mandate to work with the government and might get direct access to the duty-bearers. Furthermore, teaming up with other development actors provides the possibility to work "under the radar", especially where explicit human rights work is not recommendable.

Although the rights-based approach understands the state as the principal duty-bearer, it also recognises that other non-state entities have to respect, protect and fulfil rights as well. In this regard, alternative local systems of order are not primarily understood as a security threat but as part of a solution. This creates opportunities for new alliances and cooperation.[15]

In any case, it is possible to apply human rights principles, such as non-discrimination, participation, transparency and accountability in Welthungerhilfe's work. Acting along these principles can encourage the rights-holders to demand accountability from the primary duty-bearers as well.

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[15] See Action Aid (2010). Action on Rights - Human Rights Based Approach Resource Book.

Benefits of applying a rights-based approach in conflict-affected states

A rights-based approach promotes a profound understanding of the specific context. It thus can contribute to a better understanding of the root causes of the conflict and allows for a better comprehension of shifting or maintaining structural power relationships through certain interventions. Thereby, a rights-based approach strengthens the 'do no harm-approach' and is in line with Welthungerhilfe's commitment to be sensitive to conflicts.[16]

Do no harm-approach

Aid is frequently misused and can, directly or indirectly, contribute to a conflict by securing advantages solely for one party to the conflict, and, thus, intensify or prolong conflicts.

Therefore, it is important that even short-term aid measures are planned and implemented in a conflict-sensitive manner. The potential for risks can be analysed in advance by the use of key questions, and the knowledge gained from this can consequently already be taken into account in the project planning.

The do no harm-approach therefore demands from humanitarian actors to take steps to avoid or minimise any adverse effects of their intervention, in particular the risk of exposing people to increased danger or abuse of their rights. Furthermore, do no harm means to be aware of, understand and further develop the existing local resources in an emergency situation.[17]

Advocacy potential in fragile states

When states are simply not capable of fulfilling the basic needs and rights of their citizens, advocacy initiatives targeting the state are usually not useful. They risk that government officials feel overwhelmed and threatened to lose their power when confronted with the citizen's demands. By encouraging a mutual understanding of roles and responsibilities between rights-holders and duty-bearers, you may build up a willingness of the duty-bearers to fulfil obligations and be held accountable for it.[18]

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[16] See Welthungerhilfe 2007: Orientation Framework "Conflict-Sensitive Approach in Overseas Co-Operation"

[17] See Welthungerhilfe (2011). Starter Tool – Do no harm in Emergency Aid, Bonn.

[18] See Oxfam International (2013). Civil society in fragile and conflict–affected states. Oxfam Policy Compendium Note, Oxfam GB.

"In Sierra Leone, we support the anti-corruption and the human rights commission with capacity development, human resources, and expanding offices to Kenema and we review their system of working.

The biggest challenge in Sierra Leone is the level of capacity of institutions. Some of them are not even at the point of starting arguing with human rights. At the same time, the local civil society is very weak.

People need to have food and basic health care first before a rights-based approach on community level is of added value.

Dr. Andrea Breslin,
Irish Aid, Sierra Leone

One has to be aware, that talking about human rights with communities creates demands and expectations. If at the same time, there is no supply for those demands one risks potential conflicts. We should distinguish the political and civil rights, which can be claimed at any time from the social, economic and cultural rights, which require a certain degree of basic services. When it comes to working with a rights-based approach one has to pick and choose where this is of added value. For example for the issue of large scale land acquisitions the human rights-based approach is a strong framework."

Applying a rights-based approach in situations of humanitarian crisis

Relief assistance has gradually shifted from solely meeting the needs of the affected people to fulfilling their rights. Adopting a rights-based approach to humanitarian aid means therefore considering vulnerability to humanitarian crisis as a consequence of the widespread denial of specific rights and fundamental freedoms: in cases of natural disasters and catastrophes, people living in poverty are always hit the hardest.

In this regard, a rights-based approach to relief work seeks long-term solutions to minimise poverty and marginalisation.

However, humanitarian action imposes two duties:

1. the **duty to protect**, which is human rights-based and therefore must address the full range of human rights in humanitarian emergencies; and

2. the **duty to assist**, which is needs-based and thus must attend to the basic emergency needs of victims in a humanitarian crisis.[19]

Welthungerhilfe is founding member of the Core Humanitarian Standard (CHS) Alliance, which forms one of the largest and most influential networks of organisations committed to improving humanitarian and development work through the application of standards. By committing to this standard, we aim to improve the quality and effectiveness of the assistance we provide and to facilitate greater accountability to communities and people affected by crisis. While the CHS defines the quality and accountability

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[19] Carol C. Ngang (2015). The Journal of Humanitarian Assistance.

principles for humanitarian engagement, the Sphere Standard[20] establishes the minimum technical standards for humanitarian response. Both standards provide useful guidance for the application of human rights in humanitarian assistance. Their aim is to anchor humanitarian response in a rights-based and participatory approach.

There are many overlaps between the Humanitarian Principles (humanity, neutrality, independence, and impartiality) and the Human Rights Principles (see chapter 1).

In Humanitarian assistance, no one should be discriminated against on grounds of age, gender, race, ethnicity, religion, national or social origin. Furthermore, the affected populations and local authorities should be included in the consultative process and provision of humanitarian aid. A rights-based approach to humanitarian assistance also promotes transparency and accountability of humanitarian actors, not only towards their constituents and donors, but also towards the affected populations. These principles are also defined by the Sphere standard, which Welthungerhilfe has committed itself to.

In addition, adopting a rights-based approach to humanitarian aid supports relief organisations to better understand their own role. It helps to reflect on the question whether the provision of free handouts will undermine strategies promoting the communities' long-term self-reliance and resilience. Most humanitarian actors are already committed to integrating the LRRD approach (Linking Relief Rehabilitation and Development) into their work. This concept assumes that relief, rehabilitation and development are interdependent and coexisting, rather than being a chronological succession of phases. Therefore, principles such as participation, empowerment and the promotion of self-help skills are gradually integrated into humanitarian assistance.

However, when we assist people in humanitarian crises in repressive contexts, applying a rights-based approach can particularly conflict with the humanitarian principle of neutrality, which obliges humanitarian actors to not taking sides in political or ideological controversies:

„Working in South Sudan is challenging in many respects – not least because we have to balance out several dilemmas concerning principled action. After gaining independence, the Government of South Sudan experienced two good years of international cooperation, but as the new conflict broke out at the end of 2013, it was split and became a party to the conflict itself. To be unequivocal here: Humanitarian as well as Human Rights Law must build the foundation to work on. Still, particularly the humanitarian principle of neutrality might be in conflict with elements of a rights based approach, in particular when it comes to advocacy. It is clearly important to contribute to the realisation of people's right to food, no matter on which side of the conflict. A sustainable realisation of this right needs a government to acknowledge its primary responsibility (rather than routinely passing it on to the international community). But outspoken advocacy might jeopardise your humanitarian access and thus consequently do even more harm than good."
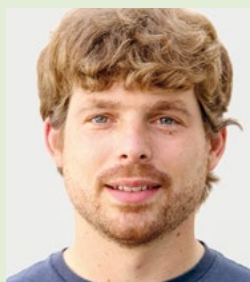
Matthias Amling, Welthungerhilfe Humanitarian Assistance Team

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[20] See Sphere Project (2016). Humanitarian Charter and Minimum Standards in Humanitarian Response.

Table 3: The challenge of an integrated approach to Humanitarian Response

Integrated Approach to Humanitarian Response		
Needs-Based Approach	**Rights-Based Approach**	**Humanitarian Response**
Beneficiaries deserve humanitarian assistance as an act of charity.	People affected by humanitarian crisis are entitled to assistance, protection, and security as a matter of human rights	**Core values of the Humanitarian Charter:** ■ Right to life with dignity ■ Right to humanitarian assistance ■ Right to protection and security
The state ought to respond in humanitarian crisis but no one has definite obligations.	The state has a binding legal obligation towards affected persons to ensure the respect, protection and fulfilment of their human rights.	**Guiding Principles: Humanity:** Affected persons are treated humanely and as right holders in every human emergency
Beneficiaries are seen as lacking the agency to take action and therefore need to be helped	Affected persons are by right active participants in humanitarian response programs	**Neutrality:** May not take sides or engage in controversies of a political, racial, religious or ideological nature.
When resources are scarce some beneficiaries may to be left out in the distribution of humanitarian aid	Every affected person has the equal rights to life in dignity, to receive assistance, protection and livelihood security.	**Impartiality:** Non-discrimination in the provision of assistance based on urgent need alone.
Certain groups have the technical expertise to meet beneficiaries need´s	Every person has the responsibility to play a role in ensuring the realization of the human rights of victims of humanitarian emergencies	**Universality:** Humanitarian response entails equal responsibility towards persons in emergencies
Relief aid is provided to address specific immediate situations	Legislative and other measures are taken to ensure long term prevention of rights abuse	**Independence:** Autonomy from political interference in the provision of assistance
Ownership of programs and projects usually belong to the implementing agency	Ownership of programs and projects belongs to the affected populations	**Do no harm:** Avoid exploiting the vulnerability of affected persons to achieve other purposes

Source: Ngang, 2015.

Challenges and options of a rights-based work in fragile, repressive and emergency contexts

We realise our projects in diverse settings with different challenges to applying a rights-based approach. The following matrix summarizes a debate among Welthungerhilfe colleagues from different countries and organisational units during the Global Management Conference 2015. It focused on characteristics of fragile and repressive states as well as emergencies and options for rights-based work.

Table 4: Challenges and options for rights-based work in different contexts

Context	Fragile States	Repressive States	Emergencies ■ Emergencies in stable countries ■ Emergencies in fragile countries
Challenges for rights-based work	State as duty-bearer is non-existent (or incapable)	■ Duty-bearer (state) is violating human rights ■ Duty-bearer does not recognise existence of rights-holders ■ Existing legal frame-work of the state does not sufficiently prevent other actors from engaging in actions that violate human rights, for example land grabbing.	State as duty-bearer is unable to cope with emergency
	State is failing to provide basic services (security, welfare, legal constitution)	Explicit debate on human rights not possible	Little time for participation as immediate needs have to be met quickly
	Government has lost control of parts of its territory	Availability of civil society partners?	Search for capable civil society actors is not easy
	Duty-bearers are not easily approachable	Risk of being expelled from country	
	State as duty-bearer does not see the need to provide services, as NGOs are filling the gap	Risks for civil society actors	

Options for rights-based work	Consider legal framework in certain country	Work "under the radar"	Work with communities on preparedness
	Team up with other actors (e.g. UN), who have the mandate to work with government	Don't work explicitly on "human rights", choose other terms/approaches	Participation of communities in rehabilitation phase
	Work from both sides → grassroots level & civil society	Take it serious: don't shy away from government	It is not a question of either needs or rights
	Importance of trust-building/ relationship-management	Work in a cooperative, not activist way → include duty-bearers	

FUNDING OPTIONS FOR RIGHTS-BASED PROJECTS

Although donor's understandings of and approaches to human rights vary, most bilateral and multilateral agencies have, over the past 15 years, progressively developed various ways to address and integrate human rights into their development activities. Even agencies without an explicit human rights mandate often implicitly engage in human rights work now, e.g. through projects promoting social inclusion, good governance or accountability. As there is no single way to address human rights in emergency and development work, the established human rights policies range from rights-based approaches, containing binding requirements, to approaches with a more implicit human rights framework.

Funding options – EU level

Funding areas of bilateral and multilateral donors working with a rights-based approach include all measures directed at the empowerment of marginalised groups or communities as rights-holders and supporting state institutions as duty-bearers. As part of this, capacity-development and awareness-raising are also promoted. That means development agencies not only support projects specifically aimed at strengthening human rights, but also fund sector programmes, e.g. concerning WASH, the education or health area. The **European Union** is the largest donor of official development assistance. In 2014, the Council adopted a rights-based approach to development cooperation, thereby acknowledging the EU's commitment to systematically integrating human rights into the design, implementation, monitoring and evaluation of all development policies and programmes.[21] One of the main instruments for supporting democracy and human rights worldwide is the **European Instrument for Democracy and Human Rights (EIDHR)**. The EIDHR can operate without the consent of the host government and is therefore able to focus on sensitive political issues and cooperate directly with local civil society organisations. Further instruments for strengthening civil society and approaching key economic, social and environmental questions are the **Civil Society Organisations and Local Authorities (CSO-LA programme)** and the **Global Public Goods and Challenges (GPGC programme)**. Other relevant EU funding mechanisms include the **Instrument Contributing to Stability and Peace (IcSP)**, the **Development Cooperation Instrument (DCI)**, the **European Development Fund (EDF)** and the **European Neighbourhood Instrument (ENI)**. All of these programmes are implemented by the Directorate-General for International Cooperation and Development (DG DEVCO). There is also the possibility to apply for funding under the programmes of the Department of Humanitarian aid and Civil Protection (DG ECHO). The directorate provides funding to over 200 partner organisations, which implement humanitarian and civil protection assistance on the ground.

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[21] See European Commission (2014). Commission Staff Working Document. Tool-Box: A Rights-Based Approach, encompassing all Human Rights for EU development cooperation.

4

Funding options – German level

At the national level, the **Federal Ministry for Economic Cooperation and Development (BMZ)** is the main actor in German bilateral development cooperation. In 2011, the BMZ introduced a human rights-based approach, aligning all German development policies to human rights standards and principles[22]. Alongside BMZs general financial assistance to private providers of development services, the Ministry launched three **Special Initiatives** during the 18th legislature period. These initiatives are 1. One World – No Hunger (SEWOH); 2. Fighting the causes of refugee movements, reintegrating refugees; and 3. Stability and development in the MENA region. Apart from long-term development cooperation, the BMZ also provides **transitional development assistance** to partner countries struck by protracted crises, violent conflicts or extreme natural events. Transitional assistance aims to enhance the resilience of people and institutions and to achieve a closer dovetailing of humanitarian aid and development cooperation.

In general, the realm of German humanitarian assistance lies within the responsibility of the **Federal Foreign Office (AA)**. It funds projects of humanitarian and relief organisations and provides direct humanitarian assistance to countries hit by disaster. In the aftermath of a catastrophe, relief organisations primarily deal with immediate needs and focus on emergency responses. However, relief assistance has also gradually shifted from providing basic services to generating long-term development benefits and strengthening resilience. Therefore, most humanitarian actors and donors are committed to integrate the **LRRD approach** into their work. Hence, the AA, the BMZ as well as ECHO are increasingly integrating principles such as participation, promotion of self-help skills, advocacy and cooperation with local partner organisations into their relief assistance. These are also principles of the rights-based approach. It can therefore provide a conceptual basis for linking humanitarian with development activities. A rights-based approach to emergency work regards vulnerability to humanitarian crisis as a consequence of the widespread denial of specific rights and fundamental freedoms.

Apart from bilateral and multilateral donors, there are a number of foundations, providing grants for human rights and democracy projects of NGOs. These foundations include the **Bill & Melinda Gates Foundation**, the **UN Democracy Funds Strengthening Civil Society Organisations**, or the **NED Grants to NGOs Worldwide Advancing & Strengthening Democratic Institutions**.

[22] See Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ) (2011): Human Rights in German Development Policy – Strategy. Strategy Paper No. 4.

MOST IMPORTANT EU FUNDING OPTIONS FOR WELTHUNGERHILFE

1

	Civil Society Organisations and Local Authorities (CSO-LA programme)	Global Public Goods and Challenges (GPGC programme)	European Instrument for Democracy and Human Rights (EIDHR)
Donor	European Commission	European Commission	European Commission
Responsible unit	DG DEVCO	DG DEVCO	DG DEVCO
Type	Thematic instrument, legal basis is the Development Cooperation Instrument (DCI)	Thematic instrument, legal basis is the Development Cooperation Instrument (DCI)	Thematic instrument
Objective	Strengthen civil society organisations and local authorities in partner countries, improving governance and accountability, empowering citizens and populations through the voicing and structuring of their collective demand	Tackle key economic, social and environmental issues **Five strategic areas:** 1. environment and climate change; 2. sustainable energy; 3. human development; 4. food and nutrition security and sustainable agriculture; 5. migration and asylum Develop multi-sectorial, cross-cutting flagship programmes (e.g. rights-based human development for the working poor)	Support democracy and human rights Cooperate directly with local civil society organisations on sensitive political issues
Budget & allocation	Total budget for 2014–2020: €1.907 billion	Total budget for 2014–2020: €5 billion 2014–2017: €2.592 billion Area 1: €1.327 million Area 2: €589,8 million Area 3: €1.229 billion Area 4: €1.425 billion Area 5: €344 million	Total budget for 2014–2020: €1,333 million

Aid modalities	Calls for proposals (launched by EU delegations)	Calls for proposals	Global calls for proposals Country calls for proposals (specific to one country, they cover local projects, managed by local EU delegations) Direct support to Human Rights Defenders through small grants (ad-hoc grants of up to 10.000 Euro)
Role of CSOs	A large proportion of funds is directed to local CSOs International CSOs are regarded as partners in cases where their involvement brings added value and is based on local demand	The objective is to involve CSOs, local communities and authorities at all levels of the programme. However how these actors are to be involved and whether or not CSOs can access funding will be specified every year in the Annual Action Programmes	Depending on the objectives of each call for proposal, entities eligible for EIDHR funding are: civil society organisations; public- and private-sector non-profit organisations; national, regional and international parliamentary bodies
Geographical coverage	Covers all countries on the ODA list of the OECD DAC, excluding countries covered by the Instrument of Pre-Accession (IPA), but including European Overseas Countries and Territories	Covers all countries on the ODA list of the OECD DAC, excluding countries covered by the Instrument of Pre-Accession, but including European Overseas Countries and Territories Addresses thematic issues on a multi-country or global scale, rather than at country level alone	EIDHR has worldwide coverage outside the EU, and can act with or without the consent of the governments of the countries concerned
Link	https://ec.europa.eu/europeaid/sites/devco/files/decision-aap-cso-la-2014_en.pdf	https://ec.europa.eu/europeaid/sites/devco/files/mip-gpgc-2014-2017-annex_en.pdf	http://ec.europa.eu/europeaid/sectors/human-rights-and-governance/democracy-and-human-rights_en http://www.eidhr.eu/home

Grant opportunities from foundations

	Bill & Melinda Gates Foundation	UN Democracy Funds Strengthening Civil Society Organisations	National Endowment for Democracy (NED)
Objective	The Bill & Melinda Gates Foundation provide grants to partner organisations in four program areas: **1.** Global Development Program, **2.** Global Health Program, **3.** Global Policy and Advocacy, **4.** United States Program	UNDEF was established as a United Nations General Trust Fund to provide funding for democratisation projects around the world. A large share of UNDEF funds go to local civil society organisations.	NED is a private, non-profit foundation, funded largely by the U.S. Congress. NED provides grants to projects, dedicated to the growth and strengthening of democratic institutions around the world.
Budget & aid modalities		Grants range from US$100,000 to US$300,000 and UNDEF projects are two years long. On-line proposals in either English or French are accepted.	Grants vary depending on the size and scope of the projects. The average grant lasts 12 months and is around $50,000. Decisions on grants are made on quarterly basis.
Eligibility		The following institutions are eligible for UNDEF grant funding: ■ CSOs and NGOs, engaged in promoting democracy ■ Independent and Constitutional Bodies ■ Global and Regional inter-government bodies	NED funds only nongovernmental organisations, which may include civic organisations, associations, independent media, and other similar organisations.
Link	http://www.gatesfoundation.org/	http://www.un.org/democracyfund/	http://www.ned.org/apply-for-grant/en/

2

THE RIGHT TO FOOD IN NATIONAL CONSTITUTIONS (WELTHUNGERHILFE PROJECT COUNTRIES)[23]

All states have ratified at least one of the core human rights treaties. Although human rights are indivisible, we will focus here on the right to food as Welthungerhilfe's principal mission. Many states have recognised the right to food in their constitutions in different ways. Such constitutional recognition and inclusion of the right to food can be explicit (mentioned as a human right in itself) or implicit (right to food as a broader human right). For a rights-based programming, it is paramount to know the national legislation to hold duty-bearers to account.

Explicit and direct recognition, as a human right in itself or as part of another, broader human right

Direct recognition of the right to food has the advantage of avoiding the uncertainty of judicial interpretation, as the right is stated explicitly. Countries with constitutions that explicitly recognise the right to food for all, or for certain groups such as children or indigenous peoples, include the following:

- the Plurinational State of Bolivia (art. 16)
- the Democratic Republic of the Congo (art. 47)
- the Republic of Ecuador (art. 13, 32, 45, 66)
- the Republic of Haiti (art. 22)
- the Republic of Kenya (art. 43)
- the Republic of Malawi (art. 30.2; 42)
- the Federal Democratic Republic of Nepal (art. 18(3))
- the Republic of Nicaragua (art. 63)
- the Republic of Niger (art. 12)
- the Republic of the Philippines (art. 15)
- the Republic of Zimbabwe (art. 77, 19–2, 81–1, 50–5)

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[23] FAO (2014). Legal developments in the progressive realization of the right to adequate food, Thematic Study 3

Implicit recognition in a broader human right

Even if there are no explicit references to "food" or "nutrition", certain constitutions guarantee key human rights in which the right to food is implicit. This is the case, for instance, with provisions protecting the right to an adequate standard of living – provisions which, in both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), subsequently specify the right to food. In other cases, the access to adequate food is a necessary component to our understanding of a "decent standard of living" or to "well-being." Thus, the absence of an explicit reference to the right to food in a state constitution does not necessarily mean the country does not recognise that right.

Examples of countries with constitutions that could implicitly recognise the right to food include:

- the Republic of Cuba (art. 9.a)
- the Federal Democratic Republic of Ethiopia (art. 43)
- the Republic of Malawi
- the Republic of Nicaragua (art. 4; art.98)
- the Republic of Peru (art. 2)

Explicit recognition as a goal or directive principle within the constitutional order

A number of countries have established that the realisation of the right to food and attaining adequate nutrition for all is an obligation of the state, without providing for a corresponding right in the human rights section of their constitutions. This is the case for:

- the People's Republic of Bangladesh (art. 15, art. 18),
- the Republic of Burundi (art. 17)
- the Republic of Cuba (art. 9.b)
- the Republic of Ecuador (art. 3)
- Ethiopia (art. 90),
- the Republic of India (art. 47)
- the Republic of Malawi (art. 13)
- the Republic of the Union of Myanmar (Part 2 (26/b)
- the Islamic Republic of Pakistan (art. 38)
- the Republic of South Sudan (art. 35 (2)
- the Republic of Uganda (XIV),
- the Republic of Zimbabwe (Art. 289)

2

Recognition of direct applicability of international treaties

The constitutions of many countries, adhering to the monist system, recognise and incorporate the country's international obligations arising from the ratification of international treaties. The entrenchment of the right to food in domestic law makes the right to food operational at the national level, as there is an explicit duty to implement and monitor international human right obligations. Thus, an explicit recognition of international law within the domestic legal regime can contribute to the realisation of the right to food, whether through obligations arising under the ICESCR or through the interdependency of human rights. Some of the constitutions that are considered to provide such applicability of international law include:

- the Plurinational State of Bolivia (art. 410, 13)
- Burkina Faso (art. 151)
- the Republic of Burundi (chapter XIII)
- the Central African Republic (art. 72),
- the Democratic Republic of the Congo (art. 213)
- the Republic of Ecuador (art. 417)
- the Republic of Kenya (art. 2)
- the Republic of Mali (art. 116)
- the Republic of the Niger (art.171)
- the Republic of Rwanda (art. 190)
- the Republic of South Sudan (art. 243)

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MISSION STATEMENT AND VISION

Who we are | Welthungerhilfe is one of the largest private aid organisations in Germany, with no political or religious affiliation. It was founded in 1962 under the umbrella of the UN Food and Agriculture organization (FAO). At that time, it was the German section of the 'Freedom from Hunger Campaign', one of the first global initiatives for the fight against hunger. **What we do |** We fight to eradicate hunger and poverty. Our aim is to make our own work redundant. We provide integrated aid: from rapid disaster relief to long-term development cooperation projects. With 377 international projects in 2015, we were able to support people in 40 countries. **How we work |** Our fundamental principle is help for self-help; together with local partner organisations, we strengthen structures from the bottom up and ensure success of the project work in the long-term. In addition, we inform the public and take an advisory role in politics – nationally and internationally. this is how we fight to change the conditions that lead to hunger and poverty.

Our Vision | A world in which all people can exercise their right to a self-determined life in dignity and justice, free of hunger and poverty.