

On Applying the Rights-Based Approach (RBA) to Development and Governance

Rationale for RBA

Philippine State Obligations to Implement Human Rights Standards

The Philippines is a state party to about 23 international human rights instruments under the UN system. Among these instruments are the following core human rights instruments:

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Rights of the Child (CRC)
- Convention Against Torture (CAT)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- Convention on the Elimination of Racial Discrimination (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- UN Declaration on the Right to Development (RTD)

It is through the observance of these human rights standards that expanding choices and opportunities of the poor and vulnerable sectors of our society could be realized under the development process.

Need for Rights-Based Governance and Development Management

The realization of human rights is the goal of all development efforts. Governance manages development. This brings to the fore the importance of consciously and deliberately mainstreaming human rights standards in development and governance.

The Rights Based Approach (RBA for short) is a mainstreaming process to link human rights to development. As an approach to development, it essentially integrates the norms, standards and principles of the international human rights system into plans, policies and processes of development.

The RBA is founded on the UN Declaration on the Right to Development and on the various international human rights instruments to which the Philippines is a state party. Being a State Party means that the Philippine government has the primary responsibility, duty or obligation to comply with all the obligations in the ratified or signed treaties/instruments. The Philippine government and all its branches, agencies, instrumentalities and institutions will be able to comply with its obligations as it applies the RBA in governance and development.

RBA works in governance and development by facilitating the linkage between human rights and governance and development through the following:

a) Express linkage of any or all governance functions, programs and projects with human rights

- economic
- political
- administrative

b) Translating in operational terms HR principles, concepts, national and international standards and norms and its integration into the development plans, policies, programs and delivery processes of governance and development.

c) Programmatically applying national and international human rights standards and norms into governance decision-making, policy formulation and development,

legislation, administrative issuances, development and fiscal planning, program, project and enterprise development.

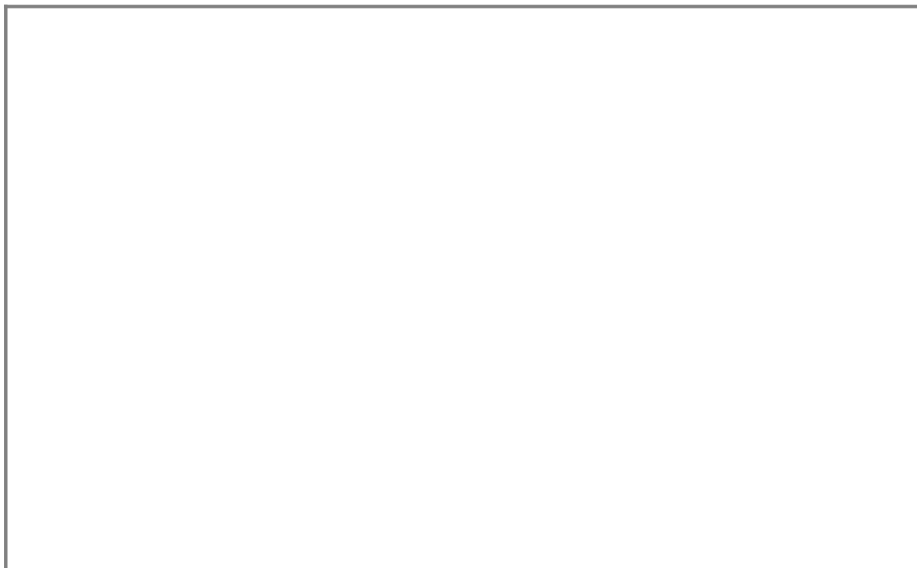
d) Applying the concepts of state obligations, duty holder for both state and non-state actors, claim holder for people's rights entitlements and progressive organizational/institutional planning, review, audit and problem and situation diagnosis, etc.

Role of Commission on Human Rights of the Philippines (CHRP) in RBA Application

As the national human rights institution, both under the Philippine Constitution and the United Nation system, the CHRP shall perform the following different roles in the application of the RBA:

The RBA Framework in Development and Governance

As a result of consultations conducted by CHRP with government institutions, civil society organizations and the private sector, the following RBA framework was designed as a work in progress which ideally aims at the total convergence of human rights into development.



The total convergence means that human rights framework and principles /concepts of rights entitlements and state obligations and normative content of every right are applied systematically and methodically to development and governance processes at the strategic development planning, policy and legislation, administrative functions, programs, service delivery levels.

Function of Regional Offices in RBA

All offices, both at the CHRP Central and Regional Offices will apply the convergence of human rights and development through a conceptualization and operationalization of their individual functions along human development concerns using human rights criteria and standards.

The 15 Regional Offices of the CHRP shall be responsible for the orientation of the local councils, LGUs , leagues of local officials, government agencies, non-government organizations and other members of the Civil Society on the RBA, providing advisory functions on the RBA at the local level and monitoring and evaluation of the progress of the RBA implementation at the local level.

The advocacy should include provision of RBA orientations to RDC Committees, local planners, regional offices, heads and faculty of academic institutions. It is a continuing commitment that should extend beyond 2004 until all duty holder agencies and individuals are oriented on the RBA to development and governance and will be applying RBA in their agency planning, budgeting, programming and policy formulation review.

Advisory of the Commission on Human Rights of the Philippines

The CHRP mandate under Article XIII 18, states among others the following powers and functions:

Article XIII

6. x x x

7. Monitor the Philippine Government's compliance with international treaty obligations on human rights;

8. x x x

9. Request the assistance of any department, bureau, office or agency in the performance of its functions.

For this purpose, the CHRP calls upon all branches of government, as duty holders through its attached regional departments, bureaus, offices or agencies including all LGUs , SUCs and all education regulating institutions such as CHED, TESDA, and DepEd to extend assistance upon appropriate representation of the Government Cooperation Office of the CHRP before all national government offices to the active and effective application of RBA in development and governance in their respective jurisdictions and as duty holders of specific human rights through any or a combination or all of the following activities:

- Actively conduct RBA orientation in their respective agency/office in which the key officials most especially those with official functions in development planning, program budgeting, legislation and policy formulation and review to attend the RBA Orientation. As a support to the human rights institution and in compliance with human rights obligations, any expenses in the conduct of the RBA orientation shall be charged to the account of the conducting agency/institution.
- Conscientiously apply the RBA in development planning, programming, budgeting and policy formulation or review in their respective agencies or offices, in accordance with the RBA framework and tools.
- Submit a periodic report as may be asked by the CHRP on RBA application in their agency/office, through its CHRP Regional office, as part of its compliance with state obligations under the human rights treaties signed/ratified by the Philippine government.

- Creatively craft an RBA best practice in their agency or office to serve as model in the contributions of the Philippine government to the goal of total convergence of human rights and development in keeping with the human rights treaty obligations.

To this end, it shall be the duty of all CHRP Regional Offices to provide the following to any regional agency or office or even Civil Society Organizations (CSOs) who desire to conduct RBA orientations and apply RBA in their agency/office:

- Trainers or resource speakers for the conduct of RBA orientations and application workshops;
- RBA user friendly materials to supplement or enrich knowledge gained from RBA orientations and workshops; and
- Other technical assistance or consultancy services to enable or capacitate the agency or office applying RBA in development planning, programming, budgeting and for policy formulation and/or review in their respective jurisdiction or chosen level of application.

Quezon City, 23 June 2004