

“RIGHTS BASED APPROACH TO DEVELOPMENT”

A CHALLENGE FOR SOCIAL WORK PROFESSIONALS

* Amod K. Kanth &
Ravinder Kaur Pasricha

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For the reasons of long association, one qualifies to be in the midst of social work luminaries in this national seminar discussing issues of deprivation, development and rights based approach, particularly in the context of the social work professionals with whom, over the years, one has experienced the ground realities. There are endless contradictions and dilemmas confronted by the genuine social workers while dealing with the communities who really deserve to be supported. Recently, for instance, in the Special Economic Zone (SEZ) of Jhajjar in Haryana, Prayas has entered a partnership with the most powerful business house of the country. The entire issue of SEZ being surcharged with emotion and highly controversial from the human rights' angle of habitation and livelihood, a debate was generated within the organization focusing the proposed partnership. In conclusion, it was felt that as a voluntary organization, it will be very appropriate for us to intervene in a situation where a large population is being affected and there is a scope to empower the poor women and the youth through skill development, self-help groups, micro-finance and income generation programmes. In the same breadth, it needs to be appreciated that India's most effective women's empowerment movements are being carried somewhat silently, except for a few points where an agitation or protest may be required to clear the way.

Prayas partnership amongst three diversant organizations, namely, Delhi Police in the context of Child Protection and Juvenile Justice, Delhi School of Social Works (DU) to provide theoretical foundation to this voluntary efforts and Shramik Vidya Peeth (Ministry of Human Resource Development) to create skills and Economic Empowerment, was itself a new approach towards development undertaken by a combined team of volunteer policemen/ women and social work professionals. Over the past two decades, while extending its activities to eight states/UTs of India including Assam, Gujarat, Bihar, Arunachal Pradesh, Haryana, Rajasthan, Andaman & Nicobar Islands, Delhi, the organization has travelled a long way and evolved its own roadmap and philosophy. Operating now through 227 community-based centres for Alternative Education, Vocational Training, Homes & Shelters, Primary Health Care & Clinics, besides multiple geographical & thematic projects on Juvenile Justice, Human Trafficking, Child Labour, Economic Empowerment etc., the Prayas team of professional social workers & volunteers reaches out nearly 50,000 beneficiaries. These communities and Prayas workers create thousands of intense relationships while tackling endless situations of deprivation and felt- needs having strong human rights overtones at the level where agitations may often prove counter-productive. Most of the organizational activities are about service delivery to the poor, exploited, victimized and marginalized children, youth and women, which add to their empowerment, psycho-social transformation and development.

One of the widely publicized themes on which Prayas team has built its major activities has been, '*Rights & Needs are Synonymous*'. On the issues relating to rights and felt-needs of the various communities it intervenes, the groups and segments it targets and the

beneficiaries it serves, the Prayas workers have a clear point of view. Essentially responding to the day-to-day problems of the communities and individuals, the organization remains in constant interaction with multiple shades and levels of functionaries in the govt. and outside; with local, national & international organizations besides politicians, professionals, businessmen and peoples' representatives. It sincerely believes that voluntary sector, with or without the government, has to play a crucial role in the process of development, collaborate with the democratic institutions from Parliament to Panchayats, with the corporates and businessmen- particularly in the wake of the fast-changing economic profile of the country. In the given context, it needs to be examined whether the rights & needs of the targeted beneficiaries are really distinct as is often believed, and whether there is any contradiction of approaches between the two. Is the need-based approach all about the welfare and charitable strategy of govt., national & international donors, who create a dependence syndrome in the voluntary sector?

While discussing the entire issue of rights, we also need to understand its literal, legal and contextual implications which do not appear to be so different. In the common parlance, the term right simply means something which is morally good, justified, acceptable and appropriate. In its legal sense, it denotes some kind of legal entitlement or a claim which is enforceable under the law. In the context of the Indian Constitution, the basic difference between the Fundamental Rights and the Directive Principles of State Policy is that the former is enforceable through the legal instruments of writs which can be evoked in the higher judiciary, while the latter remains guiding principles for the Government. It is besides the point that the apex legal bodies, including the Supreme Court of India, have repeatedly emphasized the importance of the directive principles and endorsed several of them as rulings, practically having the strength of law. However, in its legal sense, the rights and principles have different connotations, same as the distinction between the fundamental rights and the basic needs which are often incorporated as rights. While we are discussing the rights-based approach on issues like food security, livelihood etc. and many un-enforceable rights of children, women, disabled, elderly etc. which have lot to do with justifiable empowerment(or, lack of it) in the process of development, the given distinctions get pronounced.

Development involves not just economic growth, but equitable distribution, enhancement of people's capabilities and widening of their choices. It gives top priority to poverty elimination, integration of women, the weaker sections and marginalized into the development process, self-reliance and self-determination of people and Governments, and protection of the rights of indigenous people. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation.

The idea of a rights based approach to development uses human rights as a framework to guide development agendas. The wide acceptance of the Universal Declaration of Human Rights, particularly in the Western Culture, although also in many non-western countries of Asia, the Middle East and Africa, provide one of the most universal and multicultural agreements upon which to define development objectives. Especially if we get away from viewing human rights as merely civil and political, and begin to focus on economic,

social and cultural rights, we can easily ground our development agenda in the basic provision and protection of human rights.

In 1948, the Universal Declaration on Human Rights established 30 basic universal rights of human beings. These rights served us to define relationships between persons and between societies. Today, these rights are inextricably linked to us, and we carry them as a treasured inalienable belonging. A rights-based approach to development is actually a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. The right to development is rooted in the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Declaration on the Right to Development made the right explicit, stating that the right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. In 1993, the World Conference on Human Rights affirmed the right to development by consensus. But a question we might ask ourselves today is to what extent do we refer to and ensure that we are protecting our rights and the rights of others in our daily lives.

The 20th Century was a century of growth and expansion, as no other. We have greatly changed the face of the planet and its people in just a handful of decades. But unfortunately, poverty and even more alarmingly, inequality seems not to show signs of abatement. Poverty as a development issue and poverty reduction as an assistance objective by governments and international aid institutions has only surfaced late in the 20th Century. As we celebrated the 50th birthday of the Universal Declaration on Human Rights, we have awoken to a world in which the apparent violation of other, less talked about rights, is becoming unavoidable. We cannot deny that in our quest for growth, we are leaving aside many basic human rights.

However, with all the analytical and operational work that have done on human rights-based approach to development, formidable challenges still remain. In substantive terms, human rights are still seen by many as a governance issue. Some people still do not feel comfortable in recognizing poverty, gender inequality etc. as a denial of human rights. The pre-occupation with political and civil rights also sometimes sideline economic, social and cultural rights in many societies. In substantive terms, part of the challenge is changing the mind-set and part of it is to pursue more convincing analytical work. The issues of methodologies, standards and norms are still hanging there with so many unanswered questions.

But, in operational terms, challenges with regard to advocacy, awareness-building and human rights education are very much there. Taking a rights based approach to development has to do with rethinking our problems looked at through a production and growth-focused framework, and shifting towards an approach more in tune with our objectives as society. While a growth-based model promises advancement and quality of life for many, it also leaves out many more. A rights based approach begins with the objective of ensuring equity and a decent standard of life for all persons. With this as a starting point, we can then examine growth-led development and hope for better equity, lower poverty rates, and improved standards of living.

In conclusion, both at the normative and operational levels there appear to be a definite need to integrate the rights based approach into the process of development. While recognizing the conceptual framework of the rights based approach which draws heavily from the relevant international instruments and the constitutional directives and guarantees, the true development process is decidedly expected to guard against discrimination and equity, inequality and vulnerability. Now, while facilitated by powerful tools like the Rights to Information Act and social audits that may create a knowledge base in the civil society and amongst the beneficiaries, it may help to voice the genuine demands and also create a choice for the hapless individuals and community.

The growing divide between the rich and poor, between the haves and have-nots, particularly amidst the most dramatic growth and changes during the past fifteen years, creates a new challenge for the social works professionals. On the one hand, upholding the true spirit of the voluntary sector, they are expected to serve the deprived, poor and the marginalized galvanizing resources and support from wherever it is possible. On the other side, at different levels, national to local, there are situations of conflict and human rights violations, often carried out by the states functionaries themselves besides the strong, rich and powerful among the politicians, musclemen and the businessmen.

Perhaps, in the given dynamics of the voluntary sector that operates across the governmental, non-governmental and open market sectors, the democratic participation of the volunteers and the social work professionals come handy in creating empowerment for the powerless. In their expected roles as change agents they have to tackle the top-down charitable and donors' approach, as against the well-deserved right based approach of the people. At the ideological plane, in principle, there is no doubt about the correctness of this approach in the process of development, but the social workers at the grassroots and cutting edge levels are left with a big question mark, how do they determine their future course of action between seemingly conflicting approaches, both within and outside the voluntary sector.