

# **GUIDELINES FOR HUMAN RIGHTS-BASED PROGRAMMING APPROACH**

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## **A HUMAN RIGHTS APPROACH TO UNICEF PROGRAMMING FOR CHILDREN AND WOMEN: WHAT IT IS, AND SOME CHANGES IT WILL BRING**

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# **A Human Rights Approach to UNICEF Programming for Children and Women: What it is, and Some Changes it Will Bring**

## **Introduction**

Human rights are fundamental to UNICEF's work. UNICEF, as part of the United Nations system and guided by the United Nations Charter, has a responsibility for the realisation of human rights along with all of the system-wide organisations, agencies and funds. In addition, as the Mission Statement makes clear, the Convention on the Rights of the Child (CRC) is the organisation's guiding frame of reference. The other important underpinning of the organisation's mandate and mission is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Both CRC and CEDAW belong to the wide family of international human rights instruments, starting with the Universal Declaration of Human Rights and the two Covenants on Civil and Political Rights, and Social, Economic and Cultural Rights (adopted by the General Assembly in December 1966). Because the CRC and CEDAW reinforce human rights principles that are applicable to all human beings and also specifically address those aspects of social, economic, cultural, civil and political life that need attention if children and women are to enjoy their rights fully, both are fundamentally important to UNICEF.

There is growing appreciation in the organisation for the new dimensions that a human rights perspective brings to the programming process. For UNICEF, adoption of a human rights approach to programming will entail some new activities consistent with the broader rights agenda, particularly in terms of civil and political rights, special protection, problems of adolescents and other areas. In addition, greater attention will be needed to areas already being addressed by UNICEF, e.g. policy dialogue and issues related to discrimination and equity.

However, rights-based programming does not mean that everything we do must change. In fact, the policies and programmes of co-operation supported over the last 20 to 30 years are very largely consistent with what the CRC and CEDAW mandate. Adopting a human rights approach simply means that we look for the "value-added" that the general principles and specific standards of the Conventions can provide.

There is a demand from many national and international partners for UNICEF to play a new and more dynamic role in supporting the implementation of various treaty-based obligations to children, especially those established by the CRC. The renewed importance of civil society movements and UNICEF's exploration of strategic partnerships with a broader range of actors create unprecedented opportunities for UNICEF to help shape a human development agenda for the future built on human rights principles.

These important new dimensions of our work are understood in broad terms throughout the organisation, but staff have also asked for specific guidance on what is expected of them. This document, therefore, aims to explain how important aspects of the programming processes should be approached, building on what staff already know, so that UNICEF's work contributes directly to the realisation of children's and

women's rights. It is the product of extensive consultation within UNICEF and with other partners.

Without question, each country situation will continue to require a country-specific strategy and good programming skills will more than ever be a required core competency of programme staff, including:

- The ability to assess a situation, analyse the causes of problems facing children, women and their families, understand the linkages between problems and how the available human, financial and organisational resources in a country contribute to solving them;
- The ability to uncover the different levels of causation and, with national partners, make informed decisions on what needs to be done for children and where UNICEF should invest its resources.

What will change as a result of the rights approach is the scope of the issues examined as the basis for programme development. In order to make appropriate programme decisions, UNICEF staff at country level will need to:

- Understand the synergy, or lack thereof, between the legislative process, the development of public policy and the national development choices that affect children, women and families either directly and indirectly;
- Know those institutions in a society that work to protect the best interest of children;
- Work effectively with state institutions especially those of central and local governments, in ways that fully include and develop the new opportunities that growing civil society movements present.

This paper addresses the following:

- The definition of the rights approach;
- The broad context for a basic understanding of needs and rights;
- General human rights and child rights principles; General implications for programming and advocacy;
- Specific implications for programming assessment, analysis, strategy development and actions;
- Other implications for programme support, communication and capacity building;
- Promotion of the rights approach through UNDAF and other development assistance frameworks.

## **Part I: Guiding Principles**

### **A. What is a Rights-Based Approach to Programming**

A rights-based approach to programming means that we must be mindful in our development work of the basic principles of human rights that have been universally recognised and which underpin both CRC and CEDAW: *inter alia*, the equality of each individual as a human being, the inherent dignity of each person, the rights to self determination, peace and security. Among human rights instruments, CRC and

CEDAW are the most widely ratified and the most directly relevant instruments to the UNICEF mandate.

Programming from a rights perspective does not mean that for every article of a convention there must be specific indicators to measure it and an appropriate programme or project-level response. This would, in fact, be contrary to the spirit of these treaties, which have key principles or “foundation articles” that underlie all other articles. The foundation articles of CRC express the overarching principles of non-discrimination, the best interest of the child, the right to participate and have one’s views considered and the right to survive and develop. These articles have to be considered in designing programme activities to address specific problems (also see part II, section 3).

Analysis from a rights perspective should lead to an understanding of the mix of causes that together prevent some children from enjoying their rights. To deepen our understanding we must ensure that data is desegregated by sex, geographic origin, age and ethnicity in order to expose disparities, which are too often concealed by averages. We must also look at whether national laws protect all children and women equally or whether in the application of laws there is inherent discrimination. We need to examine whether the allocation of national resources actually reinforces discrimination against women, girls, certain ethnic groups or disabled children, or helps to overcome it. Also, we must determine whether macroeconomic and social sector policies and programmes are consistent with the general principles of human rights (particularly the best interests of the child) and whether in fact they provide a sound basis for the “progressive realisation” of rights.

A human rights approach to UNICEF programming also calls for more inherently integrated, cross-sectoral and decentralised activities, and for participatory approaches recognising that those we are trying to help are central actors in the development process.

## **B. Needs, Rights and Development**

### **1. Human Rights as the Foundation for Development**

Recent efforts to reaffirm human rights as an integral focus of development activities have been strengthened by a number of political and social trends and events since the early 1980s. The emergence or resurgence of democracy in many parts of the world, for example, has reinforced international support for democratic principles and human rights. Recent civil conflicts, wars and acts of genocide have also elicited strong international calls in defense of human rights. In addition, the expansion and impact of communications technology and transportation are making the world a virtual village, giving people easy access to each others’ experiences. Taken together, these changes are creating renewed demand for public sector accountability, good governance and the realisation of human rights as the ultimate purpose of development efforts.

The extraordinary momentum behind the process of ratifying international human rights treaties, in particular CRC and CEDAW, is another important factor in reinforcing the concept of public accountability. Since States commit themselves, in

ratifying such treaties, to respect the standards the treaties establish, individuals and institutions can be held accountable when human rights are not realised or are wilfully violated.

The CRC, which is the most comprehensive human rights treaty, is also the most widely and most quickly embraced, evidence of the consensus possible with regard to children. This consensus can help to create a more positive climate for the acceptance of other human rights standards.

The process of encouraging CRC and CEDAW ratification, plus a series of global conferences, most notably the 1990 World Summit for Children and the 1995 Fourth World Conference for Women, have further fuelled social and political support for human development and human rights. Among the other conferences that have adopted agendas for action that aim to transform various human rights principles into practical actions and time bound goals are:

- World Conference On Education For All (1990)
- World Conference on Environment and Development (1992),
- International Conference on Nutrition (1992),
- World Conference on Human Rights (1993),
- International Conference on Population and Development (1994),
- World Summit for Social Development (1995),
- Second UN Conference on Human Settlements (1996),
- World Food Summit (1996)
- Stockholm Conference on the Commercial Sexual Exploitation of Children (1996),
- Amsterdam and Oslo Conferences on Child Labour (1997).

In tandem has come a shift in the definition of development. The concept of Sustainable Human Development means that economic, political, social, environmental and cultural dimensions of development are aspects of one holistic process, a vision of development consistent with the aims of CRC and CEDAW. With this vision, governments and international financial institutions have come to increasingly recognise that expenditures on human development are both sound economic investments and necessary conditions for the enjoyment of human rights.

## **2. Relationship Between Needs and Rights**

The human rights of women and children are need-based in origin and aspiration. Many of the interdependent and interrelated children's human rights that the CRC codifies, for example, are need-based in origin, such as the right to the highest attainable standard of health, to education, or to protection from abuse and neglect. CRC and CEDAW recognise that women and children have specific needs that have been historically neglected or overlooked by societies, neglect that is both a cause and a result of the specific forms of discrimination these groups suffer.

A rights based approach introduces the following additional important considerations:

- the notion of the legal and moral obligation and accountability of the State and its institutions with regard to meeting the basic needs of its people,

- the affirmation that children and women are subjects of rights, or in other words they are rights holders, not objects of charity. This change in attitude also initiates a process whereby children, within the context of their evolving capacities, participate in the processes and decisions that concern them and affect their lives.

- the principle that benevolent and charitable actions, while good, are insufficient from a human rights perspective. A rights approach is based on the premise that there are shared interests between rights holders and those working to help realise rights. In a rights approach, it is accepted that the State is normatively required to work consistently towards ending denials or violations of human rights, and that the empowerment of rights holders is in itself an important result of various processes. A rights-based approach, therefore, better guarantees the sustainability of development programmes.

### **C. Key Guiding Principles**

The following are key guiding human rights principles, with specific reference to CRC and CEDAW. It is essential to keep them in mind in negotiating and developing country programmes.

#### **1. Accountability & Duties**

States voluntarily acknowledge and accept obligations when they ratify human rights treaties. In doing so they agree to implement these treaties and to be accountable for meeting the rights and providing for the needs of the people within their jurisdiction. Ratification also requires States to align their domestic laws with treaty provisions and to ensure that steps are taken to make structures in society, at national and sub-national level, respond in a way consistent with the letter and intent of the law.

States Parties must therefore be proactive in efforts to implement the rights recognised in the treaties they ratify. Ratification makes them legally accountable and opens the way for UNICEF and other UN agencies to discuss issues with governments when children's or women's rights are not realised and to comment on progress. As all UN development agencies are required by the UN Charter to play an important role in the realisation of human rights, UNICEF and other UN agencies must advocate for change when national policies and practices, or the policies and practices of bodies other than the State, undermine the realisation of rights. In the case of CRC, the special mention of UNICEF in the implementation articles places a further distinct responsibility on the organisation vis-a-vis this Convention.

The World Conference on Human Rights (Vienna, 1993) has recalled in the Preamble of its Declaration, "The determination of the United Nations to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained". States Parties are accountable before the international community and in this spirit they have to submit to the Committee on the Rights of the Child, and the CEDAW Committee, through the Secretary General of the United Nations, regular reports on the measures they have adopted to realise the rights of children and women.

Civil society organisations concerned with human development and the realisation of human rights also play a legitimate role in ensuring that established human rights principles guide both the specific actions of the State and the overall aims of national development. Such organisations are important actors in helping to create and strengthen the culture of rights within communities and countries.

## **2. Characteristics of CRC and CEDAW as Human Rights Treaties**

### **a) Universality**

Article 1 of the Universal Declaration of Human Rights states “All human beings are born free and equal in dignity and rights.” This principle is the foundation of all human rights treaties. In the country-level work of UN agencies the application of this principle, therefore, means that country programmes of co-operation need to identify issues of exclusion and injustice as central concerns in the dialogue with national partners.

While the well-being of all children is of importance to UNICEF, the organisation gives priority in its actions to the most disadvantaged children in the countries in greatest need. We must, therefore, assess the immediate needs of the most disadvantaged children and analyse the underlying causes of their exclusion, always mindful of what is most likely to be in children’s best interest in a local context.

### **b) Indivisibility and Interdependence of Rights**

One of the basic principles of international human rights law is the indivisibility and interdependence of rights. As the Committee on the Rights of the Child has pointed out, “All rights are indivisible and interrelated, each and all of them being inherent to the human dignity of the child. The implementation of each right set forth in the Convention should therefore take into account the implementation of and respect for, many other rights of the child.”

This principle has an important programmatic implication:

The indivisibility and interdependence of rights means that all rights have equal status as rights and it is necessary to look holistically at the full range of human needs: physical, psychological, developmental, and spiritual. The principle of indivisibility, however, does not prevent UNICEF from deciding with national partners on priorities for action, based on a combination of situation assessment, problem analysis, and available resources.

For the CRC, the Committee on the Rights of the Child has grouped the issues addressed by the articles of this Convention in the most useful manner for assessing the situation of children:

- Freedom and civil society (articles 7, 8, 13, 14, 15, 16,37)
- Family environment (articles 5, 9, 10, 11, 18, 19, 20, 21, 25)
- Health and welfare (articles 6, 18, 23, 27)
- Education, leisure and cultural activities (articles 28, 29, 30,31)
- Special measures of protection (articles 22, 30, 32, 33, 34, 35, 37, 38, 39, 40).



### 3. Four Foundation Principles of the CRC

The CRC Committee has also identified four CRC articles as “foundation” principles that underpin all other articles.

#### a) Non-discrimination (article 2)

The principle of non discrimination (on the basis of race, colour, gender, language, opinion, origin, disability, birth or any other characteristic) means that all children have the same right to develop their potential. Analytical categories can be discerned, such as gender, that will permit identification of discrimination. In programming, the disaggregation of indicators at least by age group, ethnic group, geographic area and gender are essential for making programming decisions that are rights sensitive.

#### b) Best Interests of the Child (article 3)

The best interest of the child is to be “a primary consideration” in all actions regarding children. The use of the article “a” rather than “the” is significant. Best interest is identified as “the” primary consideration only in relation to adoption. The use of the article “a” implies that the best interests of the child are relative to the best interests of others in the society and that the child’s autonomy rights need to be balanced with a child’s need for protection. This principle cannot be used to justify actions that would contradict other provisions of the CRC.

Saying that the best interest of the child is a primary consideration also means that certain factors should be taken into consideration in determining outcomes and guarantees, and that other interests such as those of the State, parents or other, will not automatically prevail. This principle also emphasises the right of each child to express his or her views in all matters related to his or her life, in accordance with age and maturity. The CRC encourages appropriate participation of children in making decisions. CEDAW has a similar principle with an even a higher standard: the principle of “paramount consideration”.

The principle of the “best interests of the child” is applicable in three main ways:

- First, it supports a child-centred approach. When read in conjunction with the other articles of the CRC, the “best interests” principle is meant to guide the interpretation in a particular direction.
- Second, serving as a mediating principle, it can help to resolve confusion between different rights.
- Third, the “best interests principle” provides a basis for evaluating the laws and practices of States Parties with regard to the protection provided to children. In this connection, UNICEF and others have invoked the “best interests principle” to argue that basic services for children and women must be protected at all times, including during wars or periods of structural adjustment and other economic reforms.

A major challenge is to determine what constitutes the ‘best interests’ in a particular socio-cultural context. When traditional societies are confronted with new concepts, the resulting upheaval in value systems may not benefit children. Clearly, rights-based programming is also about values, to ensure that society values women and children, protects their rights and responds positively to their entitlements. As many societies, therefore, go through periods of political, economic and cultural transition, CRC and CEDAW should serve as touchstones and guides for defining the desirable direction that change should take.

c) Right to Life, Survival and Development (article 6)

Children have a right to life, survival and development. In this regard, it is crucial to take into account the issue of accessibility, which seeks to guarantee the right to basic services, equity of opportunity for all individuals to achieve their full development. This is based on, among other things, distributive justice, which implies the adoption of positive measures that ensure that the policies truly cover all sectors.

d) Views of the Child (article 12)

The views and voice of children must be heard and respected. This principle is closely linked to the best interests of the child.

#### **4. Characteristics of the CRC as a Specific Child Rights Instrument**

a) Child as a Subject of Rights

As rights holders, children have active roles to play in the enjoyment of their rights and in helping to define how the rights are to be fulfilled. The Convention thus clearly recognises the fact that rights are not just “provided for” but also rely on the participation of those who are concerned.

For UNICEF, this means that children’s opinions are important and their views and voices must be heard and taken into account concerning the realisation of their rights. They should also participate in decision-making processes that affect them, in ways that are appropriate for their age. There are special implications in this regard for programmes in education, juvenile justice, social welfare, adoption, HIV/AIDS prevention and reproductive health.

b) Role of Parents, Family and Community - Evolving Capacities of the Child

The CRC concretely recognises the role, rights and duties of parents, or the “extended family or community” as the primary caregivers and protectors of children. This recognition involves the obligation both to support the family in these roles, and to step in when the family is unable, or fails, to act in the best interests of children.

The Convention also recognises the role of the family in providing – “in a manner consistent with the evolving capacities of the child” - appropriate direction and guidance for the child in the exercise of the rights recognised in the Convention (art. 5). Both the role of the parents and family and the child’s status as the subject of rights are forcefully underpinned by this provision. This principle means that parents

should guide children in the exercise of their rights but that a child, as he or she grows and matures, should become more directly responsible for decisions on how to exercise rights.

An important programming implication of this is that UNICEF should assist government in supporting families that are unable to care for their children and monitor the outcomes. UNICEF programmes should also be designed to inform/empower families as the primary care givers to provide better care. Account also needs to be taken of children's evolving capacities during adolescence, when access to information, for example on reproductive health, emerges as a vital issue. The phrase "the evolving capacities" restates and emphasises the importance of the participation of children and adolescents in decisions concerning their own life.

## **5. Implementation of the CRC**

- a) Realism of the CRC: Children First, doing the maximum with existing resources

Article 4 of the CRC says: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." This article means that the State has a duty to act in the best interest of children when allocating the resources available in the society, no matter how small the amounts. The State must also demonstrate good faith by being able to show that actions have been or are being taken to give children the priority they deserve.

While governments have the principal responsibility, this duty covers both governmental and other resources, human and financial -- such as public and welfare institutions, including at sub-national level. Civil society organisations can also be very efficient in mobilising resources at all levels of society.

Thus, States Parties are responsible for moving forward to implement the provisions of the Convention with whatever resources they possess and, as necessary, must mobilise support from outside. The challenge is, therefore, usually to ensure that the term "available resources" is viewed as "total available resources", and not just those currently allocated to the social sector. It is also necessary to demonstrate that even with existing resources, efforts are being made, and that there is a plan to mobilise additional resources at both national and sub-national levels.

- b) International Cooperation (articles 4 and 45)

It is rare that a human rights treaty explicitly includes the international community among those responsible for implementing its provisions, yet the CRC stresses the role of the international community in supporting implementation. By including the phrase "where needed, within the framework of international co-operation" in the article concerning available resources, the CRC clearly links the responsibilities of States Parties with those of international development partners. In addition, a number of articles call for international cooperation to support implementation, for example:

the child's rights to health (article 24), to special care when disabled (article 23), and education (article 28).

Furthermore, UNICEF is specifically mentioned several times. "The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate". In addition, "the Committee may invite specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice... and to submit reports on the implementation of the Convention in areas falling within the scope of their activities."

### c) Setting Priorities - a Country Level Focus

As noted above, both the CRC and CEDAW are based on principles of universality and indivisibility, which make it clear there is no inherent hierarchy of rights and that all rights are equal as rights. The Conventions do, however, often contain phrases such as "the appropriate resources", "will take all appropriate measures", and specifically in the CRC: "Taking due account of the importance of the traditions and cultural values of each people."

These phrases recognise that societies differ and there is need to adapt implementation strategies to country realities. It is the recognised responsibility of States to determine where to begin and what is most urgent, always in a manner that is true to the spirit of the treaty under consideration, and in the case of the CRC, in a manner true to the best interests of the child. Under no circumstances, however, should a State violate the rights of children or women or allow them to be violated, regardless of a lack of resources. All States are required to take direct action to protect human rights in such circumstances and a lack of resources is never an excuse for not taking such action.

It also follows that organisations working to implement and fulfil human rights also need to prioritize according to their own resource availability, their expertise and the knowledge of what others are doing in similar spheres of activity.

## **6. Relationship between CRC and CEDAW**

CEDAW was adopted by the UN General Assembly in 1979 and entered into force in 1981. The CRC was adopted in 1989 and entered into force in 1990. CEDAW has been ratified by 166 countries, and the CRC by 191 countries. These two treaties are the most widely endorsed human rights treaties in the history of the United Nations. Both are based on the principles of human rights as articulated in the International Covenants, and both reaffirm human rights as universal, indivisible and interdependent.

CEDAW essentially builds on the existing international human rights machinery but points out that they are not sufficient to guarantee the full enjoyment and exercise of women's human rights. In its preamble, it elaborates that discrimination violates the principles of equality and is an obstacle to the realisation of women's political, economic, social and cultural rights. The thirty operative articles of CEDAW together with the General Recommendations of the CEDAW Committee deal with the obligations of States Parties in enacting appropriate legal, administrative, and other

measures to ensure the comprehensive prohibition and elimination of discrimination against women. Its scope extends beyond public life to include discrimination that occurs in private life, and in the family. CEDAW applies to females of all ages since no specific age-group is specified. For UNICEF purposes, it is important in our focus on girls.

The Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination Against Women have emphasized the complementary and mutually reinforcing nature of CRC and CEDAW. Together, they form an essential framework for a forward-looking strategy to promote and protect the fundamental rights of girls and women, and decisively eradicate inequality and discrimination.

The mutually reinforcing nature of the two Conventions protect the rights of girls and women throughout the life cycle, beyond the specific articles in each text. To illustrate how inter-related women's rights and children's rights are, for example, is the well-established medical fact that a significant percentage of infant deaths -- particularly those that occur within the first 28 days after birth -- are attributable to the poor health and nutrition of the mother during pregnancy and in the immediate post-partum period. In some cases, neglect in the care of the female infant due to cultural attitudes of son-preference results in higher mortality among female infants. Also well-documented is the strong positive correlation between women's literacy and girls' educational levels. Women who have experienced the benefits of education themselves are in a better position to take decisions on the education of their children, especially of their daughters.

Equally important is the centrality of women's human rights to the overall achievement of human rights. This needs to be understood from the perspective of women's individual and collective rights and the implications women's inequality has for the achievement of human development goals, beyond those associated with women's reproductive and caring functions. Women and girls constitute just over 50 per cent of the populations of most countries and if their political and social participation is disproportionately low or altogether lacking it means that half the population is not represented.

Since the mid-1980s, the UNICEF Executive Board has approved policies on women in development and gender equality, and has endorsed women's rights and the understanding that CRC and CEDAW jointly provide the umbrella of rights and norms for gender-responsive programme goals and strategies.

The World Conference on Human Rights held in Vienna ( 1993) declared the human rights of women and girls as "an inalienable, integral and indivisible part of the universal human rights". The Platform for Action of the Fourth World Conference on Women in Beijing (1995) reaffirmed this and outlined specific objectives and strategies for the implementation of these rights.

In many countries, the application of both CRC and CEDAW has directed attention to the situation of girls and women. This has led to identification of the overlapping issues and calls for specific actions for elimination of discrimination and reduction of gender-based disparities. Some examples include:

- Special policy measures for girls' education to remove obstacles of discrimination. In some cases, girls' education and vocational training have been linked to employment opportunities for women.
- Legal reform for guaranteeing a child's right to a nationality and women's right to inherit property has been critical to the care and development of children, particularly in war affected areas.
- The rights to information on sexual and reproductive health issues will ensure equal access of both adolescent boys and girls to such information.
- Harmful cultural practices such as female genital mutilation is recognised as a violation of girls' rights and not only as a health hazard.
- Recognition of sexual exploitation and gender-based violence against girls as violations of rights, leading to legal measures for punishing the perpetrators and for protecting vulnerable groups. In some places, new programmes of family support services provide incentives for education and employment.
- Child care facilities for protecting the best interests of the child and providing support to women's economic participation.
- Collection and analysis of gender- and age-desegregated information for monitoring the implementation of CRC and CEDAW.

## **Part II: Programme Implications and Suggested Methodology**

While there are many ways in which a human rights perspective will change the way we as an organisation do things, our strength will remain our ability to identify and respond in practical, country-specific ways to the situations that rob children of their chance to realise their full human potential. The ability to influence, shape and help implement policies and programmes of action for children, to stimulate public dialogue on issues that affect the quality of children's lives and to monitor and publicize progress for children will continue to be UNICEF's main business. A rights approach to programming builds on these strengths.

### **A. General Programme Implications**

#### **1. Foundation of Our Work**

A State's ratification of a human rights treaty means that the State recognises its obligations to provide for and to protect the rights of the people within its jurisdiction. The State also recognises a person's right to participate fully and equitably in the civil, political, economic, social and cultural life of the State. In relation to UNICEF, the CRC provides a legal foundation for the ethical and moral principles that have always guided UNICEF's work for children.

As a member of the United Nations Family, UNICEF also has an obligation to help countries honour their commitments to human rights. UNICEF is identified as having

a special role in relation to CRC and must therefore ensure that country programmes of cooperation and global activities specifically support the implementation of the CRC.

## **2. Links Between Monitoring and Reporting Processes for Conventions and UNICEF Efforts to Assess and Analyse the Situation of children, Women and Families**

Most human rights conventions and treaties have established follow-up mechanisms that require States to monitor and periodically report to a Committee on compliance with, and on progress and difficulties encountered in implementing, such treaties and conventions. UNICEF must now find effective ways through the programming process to link its situation assessment and analysis in programming with the State's process for reporting on its treaty obligations to children and women. This means that the UNICEF assessment and analysis of children's and women's situation must also be guided by the vision for children and women's rights that the CRC and CEDAW have established.

An important new dimension of using the CRC as a framework for developing action for children is the recognition that individuals up to age 18 are children. The CRC is, however, mindful of changes in needs and the evolution of capacity from early childhood through puberty and adolescence. The UNICEF situation assessment must examine the degree to which national laws and, where applicable, customary laws do or do not provide children and women with legal safeguards. The analysis must examine how legal frameworks are being developed and applied in a country with respect to children and women. In other words, UNICEF must know and understand how legislation, public policy and national institutions impact on the realisation of children's and women's rights.

## **3. Building Public and Private Partnerships**

In the cooperating partnership that has always been at the heart of UNICEF's programme approach, Governments have been our principal partners. However, this cooperation becomes even more vibrant and productive when the groups and organisations of civil society that share common values join the partnership for good governance, which is an essential condition for the protection of children's and women's rights.

For this reason, the alliance with civil society organisations is not an alternative to working with governments, but is a cornerstone of the effective private/public collaboration essential to CRC and CEDAW implementation. The well-being of women and children is heavily determined by what happens in the private spheres of their lives; within their families, households and communities. With regard to children, the ability of parents and to a great extent their mothers, to provide for and to protect them is the key determinant of their survival and optimal development. A rights approach requires UNICEF to find effective ways of influencing outcomes for children at the family and community level, as well as through institutional and administrative arrangements of the State, at local and national levels.

The role of many groups whose actions impact directly or indirectly on children must be considered in the assessment and analysis process. This is necessary in order to decide who needs to take what action, and in monitoring and evaluating whether the action has in fact helped to make the lives of children and women significantly better. Programmes that permit a variety of actors to play a role in addition to the government increase the opportunity to generate positive and lasting social change.

Even before the importance of CRC and CEDAW was widely apparent, the best UNICEF supported programmes always gave high priority to advocacy for people-centred development and broad community involvement in decision-making, as essential to the achievement of specific programme objectives. In areas where UNICEF has helped strengthen real dialogue between communities and government, and where programmes have placed emphasis on community, household and individual participation for improved decision-making, the ground is already fertile for introducing the principles of CRC and CEDAW as guiding frameworks for action.

#### **4. Influencing Public Policy and Policy Formulation**

UNICEF has an increasingly vital role in working with national partners to improve public policy development to realise the rights of children and women. As part of this effort, explicit attention must be paid to the following:

- i) the links between a given policy and the realisation of particular rights in the CRC and CEDAW;
- ii) the degree to which a given policy is consistent with the general human rights principles, including the best interests of the child, non-discrimination, participation and survival and development;
- iii) whether the policy provides a sound basis for the “progressive realisation” of rights;
- iv) whether the policy making process allows for effective participation of all the holders of rights, including children and women themselves. In this way, UNICEF engages in a systematic effort to leverage the decisions and resources of other development partners in ways that advance children’s and women’s rights.

CRC and CEDAW provide States with the framework for determining the substantive content of children’s and women’s rights. As the CRC identifies States Parties’ obligations with regard to children, public policy directions can be linked explicitly to the commitments that a State assumes through its ratification. UNICEF is uniquely placed to support local and national governmental bodies to develop the policies and programmes of action that are informed by, and consistent with, the principles of CRC.

A programming approach that is guided by CRC and CEDAW should explicitly seek to create conditions that allow women and children to participate more fully in community life and in the development of policies that affect them. Such a focus also helps to create a climate for the broader acceptance of human rights principles and facilitates the orientation of national policy to build a value system that recognises



human dignity, values tolerance and acknowledges the rights of people to be partners in the development of their communities.

A rights perspective in programming requires that UNICEF country teams have good skills in public policy analysis and formulation, and a keen sense of the political processes that shape major social changes in a country. UNICEF must promote the universally accepted standards of CRC and CEDAW and, as an advocate for children, must use its voice and moral authority effectively and appropriately. A rights perspective also implies the need to create alliances with other organisations, especially those whose mandates and roles complement ours. Such alliances are particularly important in volatile situations where the human rights of women and children are especially threatened.

## **5. Influencing Budgets and the Use of Resources**

In order to fulfil their commitments to the principles of the CRC, States need to consider how to maximize the use of available resources for children. In many countries this could involve significant shifts in the allocation of government resources. It also implies that resources beyond public finance need to be seen as potentially “available resources” for children. For example, institutional and privately held resources may need to be tapped.

In assessing the situation of children, both UNICEF and the UN country team should examine the extent to which national resources, as defined above, are used in a given country to advance the human development agenda. In particular, this means determining the level and effectiveness of the resources devoted to children and women, and examining on this basis whether the standard of “maximum extent of available resources” is met, making use of tools like the 20/20 initiative.

## **6. Much More Inter-sectoral Work**

A rights approach will not fundamentally change all UNICEF’s current programme activity. The social and economic rights of children and women must be met through the provision of essential services such as health, education, access to adequate food and to care. However, a rights perspective requires that attention be paid also to the civil and political dimensions of meeting basic needs. Inequity and discrimination which are both direct and underlying causes of children’s and women’s deprivation must be addressed as well.

A rights approach also means that we work in ways that situate short-term programme objectives in the context of longer term goals that seek to fundamentally change deeply rooted conditions that perpetually undermine the full implementation of CRC and CEDAW. Put another way, UNICEF programmes need to find the right balance between activities that respond to the urgent survival and protection needs of children, while contributing to the social, economic and legal transformation that will guarantee sustained protection and fulfilment of children’s rights.

Priority attention must always be paid to ensuring that UNICEF programme activities help lead to greater cohesion and integration in a community or society, especially for those most affected by discrimination based on gender, ethnic origin or social class.

UNICEF must also be able to demonstrate that programmes of cooperation contribute in observable ways to making the participation of women and children possible, especially in family and community activities that directly influence their well being.

Children's survival and their fullest possible development depend on the convergence of several essential interventions and on the quality of care and protection offered by their family. UNICEF's cooperation, therefore, should be situated within a broad strategy that draws on the contribution of many key parties. UNICEF also has an obligation to help facilitate the development of such partnerships and to constantly monitor whether its work and that of others are contributing holistically to the realisation of children's rights.

## **B. Specific Programme Implications and Suggested Methodology**

The UNICEF programming process is based on the Triple-A model of assessment, analysis and action, an iterative process of learning and doing, with no marked beginning or end. In recent years, the need has emerged to distinguish more clearly between the assessment phase of the Triple-A process, and the analysis process.

In the assessment phase, undertaken jointly with national and international cooperation partners, the condition of children and their families should be broadly examined. The analysis phase, reflecting UNICEF's unique perspective on the situation, should explore the various levels of causality of identified problems, and determine the role played by various actors.

A rights perspective requires us to enhance the process of assessment and analysis through a full understanding of the legal framework of a country, and the factors that create and perpetuate discrimination and social exclusion and hinder many children from realizing their potential. A rights perspective, therefore, helps us to more fully understand how law, social norms, traditional practices and institutional responses positively or negatively affect children and women.

While the situation assessment should be a broad examination of how children and women fare in relation to the full range of rights addressed by CRC and CEDAW, the analysis should be the basis for determining the country programme objectives and strategy. It will be important to continue to distinguish between the problems UNICEF will address directly through service delivery and capacity building strategies; those problems it will not address and why; and those it will deal with either directly or indirectly through monitoring and advocacy. In all aspects of strategy development, partnerships with other actors are critically important. The following section provides guidance and suggests methods for programming effectively on the basis of the CRC and CEDAW.

### **1. Situation Assessment Through Human Rights Lens**

A rights-based approach changes the way most of us think about development. In the past we have used a conceptual framework to provide a common reference during the situation analysis (assessment and analysis) stage of our programme development. A conceptual framework helps to identify what is important and what are the key problems in a specific country context. It cannot be all inclusive nor it is a basis for prioritizing action.

Country offices have usually developed their own framework of causality. Some have utilized the initial work of UNICEF in Tanzania, later promoted as part of the UNICEF Strategy for Improved Nutrition. This “nutrition” Framework particularly in its later and somewhat broader versions, has proven to be a good basis for understanding the factors most likely to affect the situation of women and children. In addressing gender disparities, country offices have also used the Women’s Equality and Empowerment Framework (WEEF) in the formulation of objectives and strategies.

#### a) The Need for Rights Sensitive Indicators

Choosing indicators that will give accurate readings on a range of children’s and women’s rights concerns is demanding. Some indicators, of course, better yield the quantitative and qualitative data that are essential to monitor progress from a rights perspective.

The clusters of principles that the Committee on the Rights of the Child has proposed for the CRC are helpful in identifying indicators, especially since the clusters are the same ones that Governments use in monitoring and reporting on their implementation of CRC. But this approach also has disadvantages since the clusters do not explicitly address a number of issues that are also important to UNICEF, including, for example, certain principles of CEDAW, some issues addressed by global conferences such as ICPD and the impact of environmental factors on children.

In this regard, it is also essential to remember that child rights are not limited to children’s special protection rights, or in UNICEF terms, to the rights of those children in especially difficult circumstances. In deciding on rights sensitive indicators, this is important to remember since we have an obligation to monitor and assess children’s equitable access to their full range of rights, including health care, quality basic education, adequate care and nutrition, safe water and sanitation.

Country programmes of cooperation should also assess the degree to which all members of society enjoy their participation rights. If we continue to restrict our understanding of rights to the abuse, neglect or exploitation of children, we will continue to miss the opportunity to use CRC and CEDAW effectively in the full range of our programmatic activities.

The Committee on the Rights of the Child has suggested that States use the following clustering in monitoring CRC implementation and in reporting to the Committee on progress:

#### \* General principles:

- Non-discrimination (including equity and gender equality)
- Participation- Best interest of the child
- Survival and development

#### \* Civil rights and freedoms (including birth registration)

#### \* Family environment and alternative care

- \* Health, nutrition and welfare (including disability)
- \* Education, leisure and cultural activities
- \* Special protection measures
- \* General Measures of Implementation
  - Existence of legislation on child rights/women's rights
  - Existence of national institutions to promote and protect children's and women's rights (Ombudsperson, National Commissions, Parliamentary Commissions)
  - Coordinating and/or monitoring mechanisms at national level and local
  - Resource allocation for children and women in the national/regional/local budget and as part of Overseas Development Assistance
  - How NGOs and other actors of the civil society participate in the national debate on children
  - Existence of associations that enable women and children to promote their best interests.

#### b) Participation and Empowerment

The degree to which participation rights are seriously assessed will influence the extent to which a country programme will reflect a rights perspective. Determining the questions to ask and collecting information about the extent to which children's rights are respected should involve children. Under the terms of Article 12, children have the right to be consulted about their own perception of their situation and, depending on their understanding and their maturity. They also have the right to play a significant role in shaping the response to their problems, in close cooperation with families, communities, NGOs and other interested parties. This article complements the accepted principle that women must be involved in the assessment of their own situation at all stages.

#### c) Links to the Monitoring and Reporting Process of CRC and CEDAW Committees

In assessing the country situation of children and women, UNICEF offices should be guided by the List of Issues, Concluding Observations and Summary Records of the Committees for CRC and CEDAW. The concerns and specific problems identified in these documents by these Committees might point to the need for further study on specific issues within the mandate of UNICEF. Such Observations also highlight issues and concerns which in the view of the Committees require attention and may warrant a UNICEF programmatic response.

As requested, UNICEF provides the Committees with relevant information when they are preparing to review States' reports. The CRC Committee has adopted an approach of constructive dialogue with States and this Committee relies heavily on UNICEF to help them understand the situation and context of children when country reports are being reviewed.

## 2. Problem Analysis

### a) Suggested Analysis Methodology in Three Steps

The overt manifestation of a problem is usually only the tip of the iceberg, signalling the problem's existence, but not its cause. The process of problem analysis is not done merely to satisfy an institutional requirement, but it is, instead, the very essence of programme strategy development and a critical element of the programme itself.

Just as a rights perspective broadens the scope of assessment, it also influences the scope of problem analysis. From a rights perspective, problem analysis must address the economic, social and cultural rights of children and women, as well as their political and civil rights.

#### *Step 1: Causality Analysis - Different Kinds and Levels of Causes*

The problems identified in a situation assessment have immediate, underlying and structural causes, which are interconnected and which together impact negatively on vulnerable children and women in various ways. The analysis stage of our work should help us to understand these levels of causes and the linkages between various problems. The situation analysis, therefore, makes it possible to give relative weight to various problems, to understand how their interaction affects communities and individuals and to arrive at a consensus on the causes and possible solutions. An explicit conceptual framework facilitates this process and for this reason it should show the possible immediate, underlying and structural causes of problems, and the relationships between them.

As we go through the various levels of causes, we will often discover that many problems have certain common roots. These could be discrimination, gender bias, unsafe environments or chronic poverty. The identification of the root causes of problems is very important because the type of strategy that might be pursued at the structural level should also be influenced by our understanding of how these multiple negative factors impact on children and women in different ways. Programme objectives can then be clearly defined and action can be planned and implemented in a multi-disciplinary manner, rather than in rigidly sectoral ways. Although integrated programmes may be more complex, when effectively planned and managed they address a broad range of problems and produce more sustainable results.

#### *Step 2: Role Analysis /Pattern Analysis*

There are many relationships and roles that exist among various actors and institutions at community, district or country level which are essential for the realisation of rights. With regard to children, many individuals and institutions have specific obligations to protect and provide for them. In CRC terms, these groups have obligations towards the child who the CRC has recognised as the subject or holder of rights. In every society, there is a discernible pattern of relationships between children and those who have obligations towards them, and this pattern of relationships needs to be studied and understood. In the analysis of problem causes, the problems identified will most often constitute violations of children's rights and the analysis needs to guide our

understanding of why and how various individuals and institutions have failed in their duties to children.

With regard to children, parents normally have the first line of responsibility to provide for a child's basic needs, to protect the child from harm and to create a family environment that is conducive to the child's maximal development. Beyond a child's family, the immediate community is usually the source of basic services, and the place where schooling and wider social interaction takes place. Beyond the community, regional and national bodies have the responsibility to create the broad normative and institutional contexts for the enjoyment of children's rights. UNICEF and the agencies of the UN system have the responsibility to support countries' efforts to implement their treaty obligations, and when appropriate to remind States Parties of such obligations. UNICEF's programmes of cooperation in this context are part of the international community's response to the realisation of children's and women's rights.

The situation analysis should not only focus on problems but should also reflect areas where progress has been made and where gains for children's and women's rights are manifest. In relation to positive developments, UNICEF should promote ways to continually monitor progress.

### *Step 3: Resource Analysis - Availability and Control of Resources*

Linked very closely to the analysis of the structural causes of a problem and to the analysis of roles to be played with respect to the realisation of rights, is the issue of the availability and control of resources at all levels of society.

Resources are key in determining both short-term and long-term development possibilities. Problems and their causes are often directly linked to how resources are allocated and who controls them. Therefore, the country programme of cooperation should assess the constraints that resources pose to the achievement of children's and women's rights. This assessment needs to consider not just levels of wealth or poverty but also the decision-making processes that allocate resources at national, community and household levels.

Resources, both existing and potential, can be distinguished as human, economic and organizational. Resources can also be either assets (savings) or flows (income). Human resources include knowledge, skills, time, self-confidence and the will to take action. Economic resources include the means of production, such as land and water, credit and income. Organizational resources include the extended family, kinship groups, civil society organisations, government organisations and other formal and non formal institutions.

In many countries, more progress for children is possible within the bounds of existing resources if decision-making on the control and use of those resources can be altered. In the analysis of resources, it is also important to distinguish inability from unwillingness. An important issue is the extent to which the current decentralization of social sector responsibility in many countries is adequately supported by fair distribution of national resources, and whether the resources allocated match the responsibility that has been assigned at a sub-national level.

## b) Broad Participation in the Search for Solutions

A rights-based approach entails the involvement and participation of individuals and social groups. The involvement of children, women, communities and civil society organisations in situation assessment and analysis can be as important as the findings. Broad participation in the analysis of constraints and opportunities can lead to increased understanding by all members of society of what their roles are in realizing the rights of children and women. Also, when people examine problems together and agree on the causes, they are more likely to agree on the actions to resolve them.

This participation is now a right and it is crucial for accelerating change. Broad, effective partnerships for rights become particularly essential if long-term, sustained changes are to be achieved in values and in consciousness about children and women. This calls for an approach to partnership that is based on continuous strategic analysis, not just on Short-term opportunities.

This process is also a key element for learning in UNICEF. Broad participation in the analysis of constraints to building a rights-based culture also means that UNICEF can learn important lessons that will help us improve our support to participatory activities. Developing a “listening culture” in UNICEF is important to becoming an effective partner.

## c) Crucial Areas of Analysis

### *Analysis of Behaviours and Cultural Patterns*

The situation analysis must look carefully at societal, behavioural and cultural patterns in order to understand these interactions. The change of societal values is a long term proposition and a strategic analysis of opportunities to set change in motion is important. We need, therefore, to understand better what factors influence current social values and behaviours concerning children and women and how these can be influenced over time. A specific programme objective should be to influence attitudes towards children and women so as to contribute to the development of a culture of respect for their rights.

### *Analysis of Prevailing Norms and Legal System*

#### i) Legislation

The administrative and legal frameworks that govern the relations between women, children and the State are important determinants of rights. How schools and child care and welfare agencies function, the conditions in prison, the administration of justice, the behaviour of the police, health workers and others all have important consequences for children and women. National legislation and, increasingly, decentralized government structures also need to be looked at for their compliance with CRC and CEDAW. How existing standards influence the treatment of children and women, and whether there are mechanisms that enable them to claim their entitlements and rights, are pertinent issues for UNICEF. The organisation can contribute to real empowerment by helping to improve the ways in which such

institutions operate. The importance of traditional law should also be considered since it may govern the lives of the majority in some countries.

#### ii) Tradition as a Factor of Resistance to Change

The legal systems of many countries are strongly protective of children's and women's rights, but these achievements may be negated or neutralized by traditional practices and local authorities. The law may be explicit about women's right to own land but Traditional inheritance practices and banking procedures may both make it nearly impossible for women to actually benefit from these clearly established legal rights.

Traditional law can often be the dominant norm for the majority of a country's population. As part of the social tradition it is respected but it is not static and UNICEF should support traditions that favour children and women. A country's ratification of Conventions and adoption of compatible legislation is necessary but often not sufficient to make necessary changes occur so dialogue with those who adhere to traditional or customary law is necessary. Customs that are incompatible with the CRC and CEDAW must be identified and ways to change negative aspects addressed collectively.

#### iii) Tradition as a Factor of Change

It is important to recognise and understand that tradition can be an asset. Customs are often deeply respected and an important part of people's history. Customs and practices that are positive for children and women should be recognised and specifically promoted as important aspects of CRC and CEDAW implementation.

A related subject of analysis is social cohesion. Socio-political structures that create a strong sense of social cohesion can help to promote human rights and the recognition of basic needs. A rights approach to programming should identify, analyse and try to preserve those aspects of traditional society that advance social cohesion for the benefit of the child and the woman. It is also important to remember that some modern practices and attitudes have negative effects and our analysis may need to compare modern and traditional norms in ways that help to revive and protect positive traditional practices.

### **3. Formulation of the Country Programme**

Determination of UNICEF's strategic role in a national or local context follows the situation assessment and analysis process. The results of the analysis should produce a strong indication of UNICEF's strategic role in a given context. Although human rights cannot be individually prioritized, actions to address specific problems may need to be ranked in order of priority. Based on its mission and mandate, UNICEF is required to give priority to those who are deprived in a society. They are usually the poor whose most basic needs are still unmet and whose civil and political rights are either openly violated or ignored. There are many ways to establish a hierarchy of needs, and decisions should be based on a rational assessment and analysis of the problem and the strategic actions that will lead to social transformation.



## a) Suggested Methodology

### *Defining Different Strategies at Different Levels of Society*

The next step is to identify the resource-relevant strategies and actions to be taken at each level of society, from household to national level, that will be the most efficient and effective in building the individual and institutional capacity to fulfil obligations to children and women.

UNICEF programmes will increasingly have to show what mix of the three fundamental programme strategies - advocacy, capacity-building and service delivery - is being pursued to address the immediate underlying and basic causes of problems. Obviously, the actions aimed at addressing basic or structural causes of problems will often require longer term strategies. These various obligations to respect, protect, facilitate and fulfil rights should be explicitly defined and broadly understood among all programme partners.

### *Comparative Advantages and Disadvantage*

The choice of programme strategy also depends on two crucial, but often overlooked, considerations: the understanding of UNICEF's "core competencies" (absolute and largely fixed in the short-run but able to be modified, e.g., through the CPMP) and our "comparative advantages and disadvantages" (relative to existing or potential partners).

UNICEF needs to continue to learn to distinguish between what it can do best, and what it should persuade others to do. We may need to learn to be more selective in the range of our direct interventions and far more competent in influencing public policy, in developing partnerships and undertaking well-programmed advocacy. This kind of analysis should be based on critical self-examination of the strengths and weaknesses of our performance, systems and capabilities, and an understanding of the intentions and capabilities of other intervening organisations.

With this analysis, the country programming process will be able to develop a strategic view of how UNICEF cooperation can effectively assist a society to move in the directions indicated by CRC and CEDAW. The crucial issue is to ensure that the roles of others are complementary, since the range of children's and women's rights is too broad to be dealt with by any single actor working in isolation. Important points of reference in defining the programme strategy are the concluding observations of the CRC and CEDAW Committees.

### *Partners, Participation and Empowerment*

From a human rights perspective, broad participation is both a means and an end. The CRC and CEDAW stress participation rights in particular, since traditionally women and children are those most marginalized and excluded from the processes of mainstream society.

Rights are not realised in the things "we do for others." For UNICEF, this concept will entail a shift away from an emphasis on social mobilization, away from creating a

demand for goods, services and even rights to be granted or provided by “others.” It will require instead that we engage communities and individuals in discussing what those services will include, how they will be organized and the role of the State and/or others in service delivery and follow-up.

From a human rights perspective, poor people must be recognised as the key actors in their own development rather than as the beneficiaries of commodities and services provided by others. This is the essence of empowerment and for this reason, empowerment is not a “strategy” per se, but a necessary aspect of all strategies. UNICEF needs to ensure that the programmes we support develop genuine modes of partnerships and participation which include communities and local associations as full actors in their own development rather than as participants in projects which are planned and managed outside their sphere of influence.

Children’s participation rights include their involvement in the social, cultural, political spheres of life. One of the more meaningful participatory roles of youth is in helping determine their “best interests”. This is already happening in youth AIDS prevention programmes and increasingly in other programme areas. Participation is an end in itself, and we must help to develop programmes that have exactly this as the main objective.

The empowerment of children, their families and communities should certainly be an outcome of a rights-based programme approach. More than ever, country-level cooperation should emphasize the design of programmes that build strong communities and sustainable programme activity. Such an objective will probably require that country programme cooperation extends beyond community participation to community management of programmes and services, in partnership with NGOs, civil society organisations and local governance institutions. UNICEF cooperation in a number of countries is already focussed on building the capacities of local authorities and local governmental institutions, to better respond to increasing decentralization. Another emerging challenge for UNICEF cooperation is to help sub-national institutions to become better coordinators of child-centred and rights-enhancing programmes at community level.

#### *UNICEF Programming Perspectives on Rights*

UNICEF programmes of cooperation need to:

- Influence or convince governments and other actors to make the right choices, by avoiding actions and omissions that violate rights. All institutionalized forms of discrimination and the failure to enforce legislation, therefore, constitute serious failures on the part of a State
- Directly support other actions to help realise the rights of children and women;
- Empower poor people and particularly children to claim their rights, and help families, guardians, care givers and all responsible groups and bodies to meet their obligations to children and women.

#### *Specific Implicators for Advocacy*

As noted earlier, a rights-based approach will entail a greater focus on advocacy to bring about changes in national and sub-national policies. Advocacy is neither an external

Relations activity or an add-on to a sectoral intervention. It is a key programme component, based on accurate data regarding the rights situation in specific areas which is derived from systematic monitoring, and it forms a thread linking the various aspects of the entire programme.

As a key programme component, advocacy will demand new competencies. Staff may need to develop skills in public speaking, abilities to use the mass media, especially radio and television, effectively, and good presentation skills. The messages conveyed also must be clear.

UNICEF staff must play a crucial role in advocating for children's and women's rights in the context of the country programme and in influencing and contributing to national debates that shape public policy. This also relates to what national counterparts are prepared to say and do about children's and women's rights.

#### b) Ultimate Objective

The majority of children whose rights are seriously violated, ignored or only partially fulfilled are those who live in poverty. Their families, in general, are unable to enjoy their own rights or protect those of their children. A human rights approach to programming requires UNICEF to make the empowerment of poor families an explicit objective of our work, based on the recognition that poor people are potentially the key actors in their own development. Without the full engagement of the so called target population or beneficiaries, development will be elusive and human rights simply an aspiration.

### **C. Other Implications of a Human Rights Approach**

#### **1. Human rights programming and UN Reform**

According to the UN Charter, human rights are about respecting, protecting and fulfilling the inherent dignity of the individual as well as promoting the ability of each individual to reach his or her full potential, in the context of equality, self-determination, peace and security. Along with the Charter, the collection of international human rights instruments constitute a clear and compelling development agenda both for individual countries and for the UN system.

Duly ratified human rights conventions constitute legal obligations for a country. For the UN system, they define its ultimate purpose and rationale. In his "Programme for Reform" the Secretary-General acknowledges "that human rights are inherent to the promotion of peace, security, economic prosperity and social equity" and calls for the integration of human rights into all principal United Nations activities and programmes.

UNICEF, whose mission centres upon protecting the rights of children and women, is well placed to bring a human rights focus to the UN reform process. To this end, we need to apply what we have learned about the implications of rights-based programming to the broader UN reform effort and particularly to the UNDAF process at the country level. UNICEF must work to ensure that human rights instruments- especially the CRC and CEDAW-are the essential reference and framework for programming. Among other things, this entails:

- i) ensuring that the objectives and strategies of UN-supported programmes as outlined in the Country Strategy Note and/or the UNDAF document are informed by the general principles of human rights including the best interests of the child, non-discrimination, the right to participation and the right to life, survival and development;
- ii) ensuring that the indicators which serve as the basis for the Common Country Assessment (CCA) are desegregated by gender, age-group, physical location, ethnic group etc. in order to reveal disparities which could signal systematic patterns of discrimination and the need for special protection measures;
- iii) ensuring that the CCA indicators provide a basis for capturing the rights to participation and protection, for which traditional (sectoral) indicators are insufficient;
- iv) defining the scope and structure of the CCA in a way that facilitates an inter-sectoral analysis consistent with the indivisibility and interdependence of rights;
- v) helping the other agencies of the UN system to recognise the central importance of human rights to their own programmes.

Adopting a human rights approach to the UNDAF process also requires recognising and respecting the distinction between the legal obligations of countries stemming from their ratification of human rights instruments and those political commitments they have undertaken in the context of global conferences or summits. These two sets of commitments, although distinct, are mutually reinforcing.

Finally, UNICEF needs to use the UNDAF process to help governments translate their international obligations under the conventions and their commitments arising out of the world conferences into national priorities and programmes of action.

## **2. Advancing the human agenda with the International Financial Institutions (IFIs) particularly the World Bank**

In addition to the UN Reform process, UNICEF's growing collaboration with the IFIs - especially the World Bank in the context of Sector Investment Programmes (SIPs) - represents another strategic opportunity for UNICEF to advance the human rights approach to development. In this connection, it is useful to keep in mind the following recent developments within the Bank which augur well for stronger UNICEF-Bank collaboration in the pursuit of rights-based development.

First, as the President of the World Bank noted in his November 1997 meeting with the United Nations Development Group, there has been an important evolution in the Bank's approach to Sector Investment Programs linked to the Bank's overarching goal of poverty alleviation. Rigid definitions of what constitutes a "sector" are giving

way to approaches that facilitate the integration of cross-cutting issues like gender discrimination, equity, participation. There is thus more “space” within the SIP policy dialogue for the systematic treatment of overarching issues like universality, non-discrimination, participation, best interests of the child, etc. This is particularly important for UNICEF because in many instances the SIP process is the main operational mechanism for UNICEF-Bank collaboration at the country level.

Second, there is a far-reaching process of decentralization under way within the Bank that involves a substantial devolution of decision-making authority to resident missions. This is illustrated by the greater role country directors are playing in the loan approval and implementation processes, particularly in terms of loans of up to \$ 5 million, which can now be approved within 60 days. This greater flexibility will make it easier for the Bank to collaborate with UN and other agencies on innovative pilot projects.

Third, there is the growing importance of the Country Assistance Strategy (CAS) which, in the context of Bank decentralization, is developed in substantial measure at the country level. As with the case of UNDAF, UNICEF must position itself to bring a human rights perspective to the policy dialogue and decisions surrounding the CAS.

## **Conclusion**

UNICEF is exploring the implications of rights-based programming through its focus on CRC and CEDAW. Increasingly, this exploration will take into account the comparative advantage of the organisation in the context of UNDAF which presents a range of strategic, conceptual and programmatic challenges. In place of a definitive conclusion, therefore, this paper ends by identifying several key issues integral to this ongoing debate.

First, in using human rights conventions as the foundation for development, the international community has to balance the wide scope of these instruments with the need to set clear and realistic programme objectives. What is required, therefore, are innovative strategies and interventions that will translate ethical and legal principles into practical programme activities with verifiable results.

Second, there is a need to explore different ways of conceptualizing rights which, at the same time, respects their indivisibility and interdependence. For example, organizing rights around the themes developed by the Committee on the Rights of the Child can help to provide a coherent and manageable structure, making them more understandable and “user-friendly” tools. While it is clear that rights-based development must be holistic and integrated, it is less evident how this can be operationalized in a context of limited resources, multiple actors, and growing demands.

Third, with the rights approach, the ultimate “results” of development efforts may be longer in coming and harder to measure and quantify. It will thus be necessary to re-examine and modify our traditional monitoring mechanisms indicators, information system, etc. while preserving efficiency and effectiveness.

Finally, the issue of how development should address those rights that are politically sensitive, and hence controversial, merits further discussion. As in other areas of international law, human rights raise questions about the limits and scope of national accountability. When a government ratifies an international human rights instrument, it commits itself as well as all actors in society - the media, NGOs, civic associations, schools, development partners, and others - ensuring that those rights are recognised, respected and fulfilled. In this way, the rights approach to programming implies that national governments will expand the scope of participation to encompass society as a whole, assuming collective responsibility for both the fulfilment and monitoring of rights.