Policy on
Human Rights Based Approach

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1. INTRODUCTION

Transparency International Bangladesh (TIB) is an independent, non-government, non-partisan and non-profit organization with a vision of corruption free Bangladesh. TIB is committed to the values of democracy, justice, rule of law, transparency, accountability, integrity, courage and equitable right of every individual (irrespective of age, sex, religion, culture, sexual orientation, ethnic origin or any other marker of identity) which are the essence of human rights based approach. Corruption is a violation of people’s human rights and is an injustice. The United Nations Convention against Corruption (UNCAC) recognizes that corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. It is a key element in economic under performance and a major obstacle to poverty alleviation and development. Corruption has a distinct bias against the poor and socially excluded groups (e.g. women, indigenous communities, minorities etc.). They are most adversely affected by malpractices in terms of enjoyment of basic human rights e.g. education, health, justice, utilities and personal safety, as well as the delivery of services of standard quality, all of which are subject to unauthorized payments. Corruption fosters an environment characterized by uncertainty, unpredictability and declining moral values and disrespect for key institutions of accountability and the rule of law which in turn negatively impact on poverty and human rights. Therefore, the fight against corruption is central to the struggle for human rights.

A Human Rights Based Approach (HRBA) integrates international human rights standards and principles in development activities. By using HRBA, people living in particular risks are empowered so that they can claim their rights and the capacity of those who are obliged to respect, protect and fulfill those rights, are increased.

TIB is not human rights organization per se but applies a rights perspective in its work on anti-corruption for promoting good governance. TIB works with citizen’s groups to empower them so that they can hold state agencies accountable. The organization also advocates for the people who are victims of corrupt practices by exposing governance challenges in service sectors and public institutions and by proposing reforms. The concepts of good governance
and human rights are mutually reinforcing, both being based on core principles of participation, accountability, transparency and state responsibility. TIB operates on the basis of a number of key human rights principles including equality, transparency, participation and inclusion. This framework has been developed so that the existing practices and programmes are further synchronized with HRBA.

2. OBJECTIVE

The overall objective of this policy is to ensure alignment of TIB’s policies and programmes with HRBA principles.

3. PRINCIPLES GUIDING TIB’S HRBA

a. We promote inclusiveness, equality, non-discrimination, integrity, accountability and transparency in our policy and programmes;
b. We study and analyze structural and systemic causes of corruption that have both direct and indirect implications for human rights;
c. We engage with stakeholders including the poor, women, disadvantaged and marginalized groups for helping raise voice and demand for transparent, effective, accountable and gender-sensitive governance;
d. We build capacity of stakeholders, in particular, the poor, youth, women, and disadvantaged groups to resist corruption and discrimination that essentially deprives them of their rights.

4. INTEGRATING HRBA IN TIB’S PROGRAMMING

4.1 Institutional Arrangements (systems and processes)
4.1.1 Ensure an egalitarian, open and participatory working environment where all employees and relevant stakeholders shall work and interact with each other with utmost respect, decency and sensitivity;
4.1.2 Ensure that all organizational policies are developed in line with human rights principles. TIB’s strategies will include particular provisions that impinge on women, the poor, disadvantaged and marginalized groups;
4.1.3 Ensure that all employees are held accountable (regardless of position/grades and seniority) for their actions if they are contrary to principles prescribed in different policies;

4.1.4 Ensure equal opportunity in staff recruitment process at all levels and that no discrimination will be made on grounds of sex, race, color, age, religion, sexual orientation, disability or social and economic standing. Ensure affirmative action by giving preference to female and other candidates of disadvantaged and marginalized communities such as ethnic and religious minorities as well as persons with disabilities, when they perform at par with male counterparts;

4.1.5 Ensure that principles on gender relation envisaged in the Human Resource Manual is strictly followed;

4.1.6 Ensure that necessary measures are in place to prevent and redress sexual harassment in the workplace;

4.1.7 Ensure effective and objective implementation of Gender Strategy;

4.1.8 Ensure openness and information disclosure in line with TIB’s Information Disclosure Policy;

4.1.9 Take appropriate and effective measures to ensure that HRBA principles are incorporated in organizational policies, programme design and implementation consistent with the mandate of TIB.

4.2 How to incorporate HRBA in programmes

4.2.1 Programme/Project Design and Implementation

4.2.1.1 Strategically align human rights principles with project objectives, activities and results within the overall framework of TIB’s primary mandate and to the extent possible;

4.2.1.2 Undertake activities that would capacitate rights-holders in claiming their rights and duty bearers to discharge their responsibilities in upholding those rights without bias;

4.2.1.3 Use dialogues, engagement, advocacy and social accountability tools to help and incentivize rights holders hold duty bearers to be accountable;

4.2.1.4 Accelerate people’s participation in anti-corruption social movement through engagement with public authorities to promote transparent, accountable and effective service delivery;
4.2.1.5 Optimize TIB’s research strength and expertise within its mandate and capacity to monitor, assess and benchmark policy, practice and progress of the government in building effective, accountable and inclusive institutions for ensuring rights and entitlements of all citizens, including women, the poor, disadvantaged and marginalized groups.

4.2.2 Programme Monitoring and Evaluation through HRBA Lens

4.2.2.1 Develop appropriate HRBA-relevant tools to assess i) participation, voice and demand by rights-holders, ii) transparency and accountability of duty-bearers, and iii) behavioral change among stakeholders;

4.2.2.2 Apply participatory HRBA-relevant M&E tools in monitoring and evaluating programme interventions;

4.2.2.3 Undertake participatory review of programme interventions from HRBA perspective.

4.2.3 Capacity Building on HRBA

4.2.3.1 To identify training needs on HRBA, Training needs assessment will be conducted and based on identified needs capacity building initiatives will be undertaken;

4.2.3.2 Capacity building initiatives among staffs, core activists and other stakeholders through workshops, seminars, study circles etc. will be facilitated to change the attitudes and behaviors to promote and protect rights consistent with this policy;

4.2.3.3 Evaluation of HRBA trainings will be duly carried out.

5. ADOPTION AND REVIEW

5.1. This policy was adopted at the 99th meeting of the Board of Trustees of TIB held on March 13, 2019.

5.2. Unless warranted more frequently for any specific reason, this policy will be reviewed at least once in every five (5) years to accommodate emerging challenges.

Sultana Kamal
Chair, Board of Trustees
Transparency International Bangladesh
SOME RELEVANT DEFINITIONS USED IN THE DOCUMENT

1. **HUMAN RIGHTS**: Human rights are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, sexual orientation or any other status. Human rights are internationally agreed standards to protect human dignity. All human beings are equally entitled to human rights without any discrimination. These rights are all interrelated, interdependent and indivisible.

2. **HUMAN RIGHTS PRINCIPLES**:
   - **Universality and Inalienability** – Human rights are universal and inalienable. All people everywhere in the world are entitled to them.
   - **Indivisibility** – Human rights are indivisible. All human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights.
   - **Interdependence and Interrelatedness** – Human rights are interdependent and interrelated. Each one contributes to the realization of a person’s human dignity. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others.
   - **Equality and Non-discrimination** – All individuals are equal as human beings. No one, therefore, should face any discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, geographical origin, disability, property, or other status.
   - **Participation and Inclusion** – All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other excluded or marginalized groups.
   - **Accountability and rule of law** – States and other duty-bearers are responsible for ensuring the human rights. They have to comply with the legal norms and standards enshrined in international human rights instruments. Rights must be protected by both strong legislations as well as an independent judicial system to ensure that the law is fair and is applied on all people. If they fail to do so, individuals, the media, civil society and the international community play important roles in holding governments accountable for their obligation to uphold human rights.
3. **HUMAN RIGHTS BASED APPROACH (HRBA):** A human rights-based approach is 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. HRBA specifically entails holding the duty bearers accountable to their commitments that are obligatory under international Human Right standards and in their own legislation of a country. It also means empowering the rights holders to know their rights and enabling them to hold the state agencies accountable when rights are violated. Through this approach it is believed that the fulfilment of human rights is based on a relationship between the rights holders and the duty bearers.

4. **RIGHTS-HOLDERS:** All individual human beings are rights holders by virtue of being born and are entitled to the enjoyment of civil, political, social, economic and cultural rights – not as a favour or act of charity but as a right. Rights holders can also be groups as some rights can only be enjoyed collectively within the community (e.g. minorities, indigenous peoples etc.).

5. **DUTY-BEARERS:** Duty bearers are those actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty bearers. Some literature refers to these non-State entities as the moral duty bearer. For example: INGOs, NGOs, traditional and religious authorities are treated as moral duty bearers.

6. **THE OBLIGATION TO RESPECT:** The obligation to respect requires that the state and other duty bearers refrain from any act that violates human rights of individuals or groups under their jurisdiction. For example: State should refrain from carrying out forced evictions and not arbitrarily restrict the right to vote or the freedom of association.

7. **THE OBLIGATION TO PROTECT:** The obligation to protect requires that the state and authorities have a responsibility to prevent others from interfering with the enjoyment of the right. Example: State must ensure that parents do not prevent girls from going to school.
8. **THE OBLIGATION TO FULFILL:** The obligation to fulfill requires that the state and authorities have a responsibility to adopt appropriate measures towards the full realization of the right. Example: States should adopt measures aimed at improving people’s access to and utilization of resources and means to ensure their livelihood and provide essential health services such as primary care.

9. **GENDER RELATIONS:** Gender relations refer to relations between men and women that are socially determined by culture, religion, roles or socially acceptable ways of thinking. Gender relations are concerned with how power is distributed between the sexes. They create and reproduce systemic differences in men’s and women’s position in a given society. They define the ways in which responsibilities and claims are allocated and the way in which each are given a value.
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www.hrbaportal.org

www.sida.se/hrba