



Development Done Right

Advancing
Women's Status
by Operationalizing **Human Rights**

Manjushree M. Badlani and Richard Strickland
International Center for Research on Women

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During the early 1990s, the International Center for Research on Women (ICRW) began to discuss development programs in relation to women's human rights and to document current practices that impede the realization of those rights. These discussions were based on the belief that a rights-based approach to development may provide the means both to combat notions of women's unequal worth that are embedded in cultural norms and institutional practices, and also to advocate that citizenship and participation be fully extended to women.¹

In 1997, the New York office of the Ford Foundation supported ICRW to convene a symposium series to evaluate applications of human rights principles to the advancement of women and the promotion of equitable gender relations. ICRW's research programs on women and HIV/AIDS, family planning and reproductive health services, and violence against women provided the basis for this exploration.

In 2001, the Ford Foundation's India Office supported further work on a rights-based approach to development by sponsoring a special version of ICRW's long-running Visiting Fellows program, which grants developing country researchers and practitioners a sabbatical to allow them to work on a project of their own in ICRW's Washington office. The Ford-India sponsored Visiting Fellows program supported five Indian scholars and activists in examining how a rights-based approach could enhance development outcomes and promote gender equity.

In February 2003, ICRW held a day-long workshop in New Delhi to review the findings of the Fellows' work and explore both challenges and possible next steps for operationalizing human rights to effect a rights-based approach to development. The diverse audience in attendance included scholars, activists, practitioners, and policymakers. The findings of the Visiting Fellows and the deliberations at the workshop provide insight into how to implement a rights-based approach to development, and they also raise a variety of issues for further study.

ICRW India Fellows 2002



The Fellows explored human rights in the context of informal employment, basic education, domestic violence against women, and natural resource management. They presented their findings at the New Delhi workshop in three sessions: "Globalization and the Informal Economy: Addressing the Deficit of Workers' Rights," "Making Exclusion Visible: Affirming Girls' Right to Education," and "Equal in Dignity and Rights: From Domestic Violence to Natural Resource Management." The main themes that emerged from the work of the Fellows and workshop discussions are described below.

¹ Huq, Shireen. 2001. "Gender and citizenship: what does a rights framework offer women?" *IDS Bulletin*, vol. 31, no. 4, pp. 74-82.

Addressing the Deficit of Workers' Rights

ICRW Fellow Jeemol Unni of the Gujarat Institute of Development Research focused on informal sector workers, a growing number of whom are women, as a disadvantaged group in order to determine ways to transform the rhetoric of human rights into direct action for different groups of these workers in specific settings. Unni's study focused on the self-employed (such as street vendors); dependent producers (working from home but dependent on someone else for raw materials and marketing); and wage workers (such as domestic workers—those hired to provide services for an individual, working out of that individual's home). Across these groups, she considered worker rights with respect to the right to work, the right to safe work, the right to minimum income, and the right to social security.

The study mapped the relevant policies for each group of workers. Unni's findings underscore the important complementary role of social reproduction in relation to economic and market forces. Unni also suggests the relevance of rights-based measures that facilitate social reproduction and aid in the realization of the rights of informal sector workers. A rights-based approach focuses attention on the claims of women and informal workers in relation to macro-level social and economic policies, and can bring national and international pressure to bear in shaping those policies to address the concerns of informal labor. This requires an institutional framework that ensures voice and representation for women and informal workers in the social dialogue of development.

Discussions at the workshop highlighted important nuances that would need to be considered if informal workers are to realize their rights. These include recognizing:

- the processes that lead to the inequality between formal sector employees and informal workers;
- that distinctions between formal and informal sector categories are not hard and fast and that people—especially rural women—may move back and forth between the two or co-exist in the two;
- the diversity of women's employment experiences in urban and rural areas;
- that the shortage of employment opportunities in rural areas is a consequence of the government's failure to address the basic right to work; and
- that many informal workers work illegally, thereby losing access to labor-related rights and protections as stipulated by law or in labor codes.



Workshop keynote speaker, A.K. Shivkumar, UNICEF/India

MAKING EXCLUSION VISIBLE

Affirming Girls' Right to Education

ICRW Fellow R. Akila, from Madras School of Economics, examined girls' exclusion from primary education in India. Four main themes emerged from her work:

- The fulfillment of the right to education for girls, by contributing to human development, social equity, and empowerment, is an excellent illustration of the benefits of integrating human rights and development.
- Despite universal, free, and compulsory primary education in India, there is still gender inequality with respect to access and completion.
- The recently adopted 93rd Amendment to the Indian Constitution concerning the fundamental right to education provides an opportunity to create new social attitudes and norms where education is recognized and accepted as a basic human right, rather than a choice that parents are entitled to make for their children.
- Ensuring that all girls have a viable opportunity to attend school will require greater state commitment, community sensitivity, and innovative interventions that respect the diversity among girls while promoting household recognition of and demand for the right to education.

ICRW Fellow Upala Bannerjee, from CIDA, examined several programs run by civil society organizations that address particular obstacles to girls' enrollment and retention in school. Her research analyzed the implementation and results of three alternative models for the provision of equitable education services:

- *Lok Jumbish* in Rajasthan involves community members in planning, designing, and monitoring the delivery of



Addressing the rights of informal workers (left to right): Jeemol Unni (ICRW Fellow), Nata Duvurry (ICRW staff), and Indu Agnihotri (Vivekananda College, Delhi University)

From Domestic Violence to Natural Resource Management

ICRW Fellow Pradeep Panda of the Centre for Development Studies in Trivandrum explored how a rights-based approach to development might support the prevention of domestic violence against women. Violence against women has increasingly been perceived as a human rights issue, prohibited by international human rights law and derived fundamentally from deep-rooted gender discrimination. Panda cited three means,

- education, which promotes local “ownership” of services and, as a consequence, boosts enrollment and retention rates.
- *Sankalp* in Uttar Pradesh focuses not only on changing adults’ attitudes and norms toward education, but also addresses their issues of livelihood security, aiming to foster an enabling environment that supports greater enrollment and retention among children across the community.
- *The Education Guarantee Scheme* in Madhya Pradesh employs a partnership between civil society organizations and the state government to determine community-centered, rights-based strategies relevant to the local context to provide primary education to all children.

Bannerjee concluded that demand-driven models of education bring issues of service provision into the political discourse, something of increasing importance as government services in India continue to be decentralized. Demand-driven education also boosts the accountability of education systems at various levels (from the level of government to that of the teacher and the community) and shifts the ownership of education services to parents in ways that foster greater interest in the access to and quality of education provided.

Akila and Bannerjee’s work on education and the discussions at the workshop drew important lessons for implementing a rights-based approach to education in particular and development in general. Some of these include the following:

- It is essential to define and interpret any given right in order to parlay human rights principles into practice.
- There is a lack of consensus on the goals of education services as defined from a rights perspective.

- Case studies that document how a rights-based approach can be applied to education are critical.
- Social attitudes and cultural norms must be transformed in order to apply a rights-based approach and achieve the desired ends.
- In addition to issues of access, concerns of *quality* and *purpose* of education must be addressed. These are not currently discussed in the 93rd Amendment.
- The prevailing alternative models of education services, some of which may be operating contrary to a rights-based framework and actually institutionalizing inequality rather than reducing it, must be analyzed.



ICRW Fellows R. Akila (foreground) and Upala Bannerjee, presenting on girls' right to education

delineated by international human rights law, by which states may deal with violence against women committed by private actors:

- *Due diligence* describes the minimum effort a state must undertake to fulfill its responsibility to protect individuals from abuses of their rights.
- *Equal protection of law* holds the state responsible for any discrimination in law enforcement demonstrated in cases of violence against women.
- *Domestic violence as torture* draws upon human rights instruments addressing torture as a means of intervening in cases of domestic violence.

When these state interventions fail, the occurrence of domestic violence represents a violation of numerous social and economic rights for women.

In studying survey data from Kerala on the prevalence of gender-based violence, Panda observed a strong correlation between ownership of property by a woman and reduced incidence of physical and psychological violence, supporting assumptions that realization of the right to property ownership enhances a woman's bargaining power, dignity, and sense of self-worth.

Conclusions from Panda's work and discussions at the workshop point to some changes and steps needed to combat domestic violence:

- Transform attitudes in order to create support for women's acquisition of land, housing, and other immovable assets.
- Collect qualitative data from women to help illustrate the extent and severity of domestic violence.
- Motivate the state to address violence against women from a human rights perspective, and to promote human development in a way that fosters the integration of gender and human rights into development.
- Alter male attitudes and social norms that perpetuate violence against women.

ICRW Fellow Chhaya Kunwar of the Himalayan Action Research Centre examined women's access to and control over natural resources, their ownership and use of agricultural land, and their participation in public decisionmaking in the Hindu Kush Himalayas. Kunwar

cited various challenges to the realization of women's rights, including:

- gaps between macro-level policies and micro-level outcomes;
- the sustainability of long-term strategies in the realization of rights;
- the slow pace of social transformation and behavioral change; and
- broad discrepancies between the environmental priorities of countries of the North and South that ultimately affect these women's access to natural resources.



Section of the audience at the workshop

The following recommendations emerged from Kunwar's presentation at the workshop and the discussions that followed:

- Efforts are needed to guarantee women's representation on boards, commissions, and other bodies concerning issues of land and property rights, natural resources, and rural development.
- National and international policies and programs concerning natural resources must consider the aspirations, priorities, and concerns of poor people, the majority of whom are women.
- National and multilateral institutions must ensure that environmental policies and rural development strategies do not violate the human rights of the poor.

Kunwar's work also raised questions for further exploration:

- What are the distinctions between state policies (with the presumed intention of establishing standard rights for all citizens) and the actual fulfillment of human rights?
- Should human rights be defined at the local level or by institutions that establish policies and programs?
- What is the distinction between ownership rights and usufruct rights (where applicable)?
- What are ways to foster cooperation between women and men to work toward better management of the environment?

CONCLUSIONS AND SUGGESTED NEXT STEPS

The work of the ICRW Fellows, as summarized in the New Delhi workshop, offers a framework for development, based on international human rights standards, that promotes and protects human rights. The Fellows' conclusions emphasize the value of rights-based approaches in raising levels of accountability in the development process and also point to ways in which standards set by international human rights treaties can be translated into locally determined benchmarks for measuring progress.

The Fellows' presentations also suggest various ways in which rights-based approaches promote empowerment by supporting actions that give people—women as well as men—the power, capacities, capabilities, and access needed to change their own lives, improve their communities, and shape their futures. Such actions rely on basic issues of participation, access to development processes, institutions and resources, and non-discrimination.

The Fellows' findings direct attention to the areas where linking economic development and the principles of a rights-based approach can effectively challenge discriminatory norms and practices that impede the advancement of women's status. The findings also suggest practical measures that can be taken at various levels to promote such a linkage and build evidence of applications of a rights-based approach to development.

Each Fellow's work also suggests that social and political processes influence how women's claims are—or can be—reflected in the definition, interpretation, or implementation of rights. The Fellows sought to identify how gender is related to empowerment and women's involvement in different arenas of negotiation, and to the ways in which women's claims are processed into particular outcomes according to various patterns of authority and power determined by gender relations.

For additional information, contact:

Manjushree M. Badlani

International Center for Research on Women (ICRW)
1717 Massachusetts Avenue, NW – Suite 302
Washington, DC 20036, USA

Phone: (202) 797-0007

Fax: (202) 797-0020

E-mail: manju@icrw.org

Web: www.icrw.org

Finally, at an operational level, all of the Fellows explored ways in which the human rights dimension of development can be used to identify new and significant entry points for

actions by civil society actors, governments, and development agencies to strengthen the capacity of communities—of women and men alike—to attain secure and sustainable livelihoods.

After all, in simple terms, human rights are about ensuring dignity, equality, and security for all human beings. What is not simple is determining how to identify human rights issues in daily life and the actions required to make specific human rights real. The work of the Fellows helped to meet this challenge and suggested avenues for further research and conceptual development. In this regard, it is instructive to remember the words of Eleanor Roosevelt in 1958, in her capacity as Chairperson of the U.N. Commission on Human Rights:

Where, after all, do universal human rights begin? In small places, close to home—close and so small they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.



ICRW and Ford Foundation staff discuss next steps in the concluding panel

ICRW's International Fellowship Program

Initiated in 1983, ICRW's International Fellowship Program provides development professionals and researchers from developing countries with the opportunity to spend time in Washington, DC to gain policy and project perspectives on the gender dimensions of development. Fellows conduct independent research, meet with officials at donor and development agencies, and hone their skills in a number of areas including research design, data analysis, and program development. Since 1986, Ford Foundation regional offices have supported the program, which has sponsored approximately 50 fellows—women and men—from all over the world.