

The Human Rights Based Approach (HRBA)

OVERVIEW

What is it?

Human rights are for all people, in all their diversity. All human beings are born free and equal in dignity and rights, and should be free to live their chosen life, thrive socially and economically, and participate in public affairs. Sustainable Development Goals are grounded in human rights and the human rights based approach supports their realisation.

The human rights based approach (HRBA) is a methodology that applies five working principles to human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data. By applying these principles, the HRBA identifies states and their institutions as duty-bearers that are accountable for respecting, protecting and fulfilling human rights. The HRBA addresses individuals as rights-holders and empowers them to know, to claim and to enjoy their human rights.

The international human rights framework and its principles lie at the heart of the HRBA. A HRBA supports partner countries in fulfilling their human rights obligations and commitments in accordance with the legally binding human rights treaties and conventions they have ratified.

The aim of the HRBA is to strengthen the capabilities of both duty-bearers and rights-holders towards the realisation of human rights as well as to address challenges such as gender inequalities, climate change and environmental degradation, violations of the rights of the child, preserving peace and security, and managing migration or responding to crises, such as pandemics.

The HRBA is based on the fundamental principles of human rights:

- Universal, because they apply to all human beings;
- Indivisible, because they all have equal importance and cannot be ranked, whether economic, political, civil, cultural or social;
- Inalienable, because they cannot be taken away; and
- Inter-dependent, because they influence each other and cannot be fully enjoyed independently.

What can it be used for?

The HRBA methodology applies to all EU external actions, in whatever sector or whatever country. The HRBA guides all interventions under the NDICI – Global Europe, this includes blending proposals and guarantees. Through the application of the HRBA, our interventions will deliver more relevant and sustainable results.

The human rights based approach looks at:

The objectives: All interventions, policies and technical assistance should advance the realisation of human rights, including women's rights and labour rights. No matter the sector, country or stakeholder involved, the HRBA targets the respect, protection and fulfilment of human rights for women and men, girls and boys, in all their diversity.

The processes: While the HRBA builds on the human rights standards and principles of the Universal Declaration of Human Rights (UDHR), it ensures that all processes used in programming, designing and implementing EU external action, promote fundamental human rights and freedoms. The HRBA applies the five working principles: a) applying all human rights for all; b) meaningful and inclusive participation and access to decision-making; c) non-discrimination and equality; d) accountability and rule of law for all; and d) transparency and access to information supported by disaggregated data.

The outcomes: The outcomes of interventions should contribute to the development of the capabilities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to know, claim and enjoy their human rights.

When can it be used?

The HRBA places equal importance on the processes of how interventions are programmed, designed and implemented and the objectives. This includes blending operations and guarantees. While strengthening national ownership and meaningful participation, the HRBA equally address the purposes, and outcomes of EU external actions.

Interventions target inequalities and human rights violations by strengthening the capacities of both rights-holders and duty-bearers. The rights-holders have entitlements and claims regarding their human rights. They are active contributors to development processes, and not just passive beneficiaries. The duty-bearers are governments and state institutions with the obligations to respect, promote, protect and fulfil human rights.

Who can use it?

The HRBA should be applied by staff working in EU external action. It could also be used by, practitioners in Member States and the EU's development and implementing partners. Ideally all development actors in all sectors and thematic areas should be inspired by the HRBA.

What are its strengths?

The HRBA is anchored within a framework of laws, norms, standards and principles, as agreed internationally and as enshrined in the core human rights treaties. The HRBA upholds the universality of human rights and reminds States to respect the legally binding human rights treaties they have ratified.

The approach aligns entirely with EU commitments to leave no one behind and reduce inequalities, including gender inequality, and to combat discrimination on all grounds. The HRBA has the tools to tackle human rights violations and to address multiple and often intersecting discriminations faced by persons living and working in vulnerable situations.

The HRBA focuses on how to address power imbalances, sources of discrimination and the drivers of inequalities, especially in its most extreme forms. Consequently, the HRBA applies to all sectors and thematic areas and addresses the root causes of discrimination and inequalities.

The HRBA strengthens inclusive and meaningful participation throughout the entire cooperation cycle in order to understand the transformative pathways for change, to identify priorities and work together with all stakeholders on sustainable solutions. The HRBA watches over the participation of those persons and groups living in most vulnerable situations, as persons with disabilities, LGBTIQ persons, indigenous peoples, persons belonging to minority ethnic groups or other minorities.

The HRBA strengthens the capabilities of states/duty-bearers to fulfil human rights obligations and gender equality commitments. It raises the rights-holders' awareness of their human rights, strengthens their capabilities to claim their rights and empowers them to enjoy their human rights.

The HRBA underscores the importance of disaggregating data by sex, age and disability in order to enable monitoring and evaluation of the commitments made throughout the intervention cycle.

What are its limitations?

The HRBA addresses political sensitive issues that in some countries are difficult to promote, for example the rights of LGBTIQ persons. Cultures and societies differ in values and norms, especially regarding gender equality. This can generate tension and resistance, internally at organisational level, as well as at intervention level. In order to address these challenges, the HRBA stresses the importance of consultation and dialogue, throughout the entire intervention cycle to find feasible, consensual solutions to the problems identified together with the different stakeholders.

PRACTICAL APPLICATION

Key elements

By applying the five working principles, we ensure that human rights are considered throughout the whole intervention cycle.

- Applying all human rights for all;
- Meaningful and inclusive participation and access to decision-making;
- Non-discrimination and equality;
- Accountability and rule of law for all;
- Transparency and access to information supported by disaggregated data.

These principles should be rigorously applied throughout the programming, design and implementation phases and across all sectors. Gender equality should be mainstreamed throughout these working principles. The working principles are equally relevant to the process and aims of any intervention. . All working principles are equally important.

Applying all human rights for all

This principle acknowledges that human rights are legally binding state obligations. It calls for considering all human rights for all. When the EU is fighting poverty to advance the right to an adequate standard of living, it can only be effective if it also considers that everybody has the right to work, to a clean environment and to health. It does not mean that an action should focus on all human rights, but rather on understanding the linkages and interdependence of the human rights at stake. Human rights standards from treaties, laws and related recommendations, as well as information from monitoring mechanisms and reviews, shall be used to define and advance the outcomes of the intended intervention. Reference should be made to the human rights systems at UN, regional and national levels, as well as to its outputs (for example reports, concluding observations, recommendations).

Meaningful and inclusive participation and access to decision-making

Ensuring participation entails a shift from perceiving stakeholders as passive actors to rights-holders and duty-bearers and active agents in development processes. Active, inclusive, free and meaningful participation is both a means as well as an end in itself. It is putting rights-holders at the centre of our action by empowering them to identify and help address the main obstacles and structural barriers impeding them from enjoying their human rights. This working principle calls for the explicit active engagement of all individuals and groups, including children and youth. In many cases, access to decision-making processes can only be granted by representation which is why the participation principle places a special emphasis on invigorating civil society organisations, including women's organisations, trade unions and worker's representative bodies, as well as other representative bodies, including parliaments.

Non-discrimination and equality

All human beings in all their diversity are entitled to the protection and enjoyment of their human rights. In practice, this means interventions must assess patterns of inequality and discrimination in terms of protection, advantages and opportunities. This working principle also means identifying those who are facing unequal access to and control of resources, goods and services. Non-discrimination is a legal obligation and requires the state to address it with specific laws, policies and institutional measures, including budget allocations. States are required to actively combat discrimination and inequality and EU External Action must address all forms of discrimination. For instance people with disabilities are at risk of being discriminated against, and as the EU has ratified the Convention on the Rights of Persons with Disabilities (CRPD), special attention has to be paid to these risks.

The application of the principle of non-discrimination goes hand in hand addressing equality, including the obligation to mainstream gender equality in EU External Action.

Accountability and rule of law for all

Inherently linked to the other principles, accountability means upholding state institutions to their highest standards in realising and protecting people's human rights, and promoting accessible, transparent and effective mechanisms of accountability. States are accountable for respecting the rule of law. The principle entails ensuring that rights-holders have the ability to claim their rights and seek justice, redress or compensation for violations, through accountability mechanisms, including through the justice system for all. There is a range of different stakeholders that can play an important role in ensuring accountability and transparency, including state institutions (duty-bearers): parliaments, supreme audit institutions, ombudspersons, national human rights and gender equality bodies and anti-corruption commissions, as well as other actors independent from the state, including civil society, private enterprises and the media.

Transparency and access to information supported by disaggregated data

This entails making information on policies and interventions understandable and accessible to all stakeholders. It promotes the right to freedom of information. State institutions become more accountable with transparent, reliable and trustworthy information, available via accessible channels and access to information regimes. The principle promotes the availability of disaggregated data, especially sex and age disaggregation. It ensures that data is also related to groups in more vulnerable situations.

Governments who have ratified the Convention on the Rights of Persons with Disabilities (CRPD) are obliged to collect data on persons with disabilities in a transparent way. On the other hand, access to information for persons with disabilities means that information should be provided in various formats (written, audio, easy-to-read, sign language, etc.) and that consultation mechanisms should be inclusive and accessible (for example meetings are organised in accessible buildings).

Requirements

It requires an analysis of human rights at stake in the country, of the capabilities of stakeholders, of the context and policy analysis. The HRBA requires applying the five working principles throughout the whole intervention cycle.

Data/information

No matter what sector or context, always begin by identifying the human rights at stake. The UN Office of the High Commissioner for Human Rights (OHCHR) provides key information on the human rights and gender equality situation of all UN member states. This repository includes reports on the implementation of the international human rights treaties. Reports provide valuable information and recommendations on how human rights abuses and gender inequalities could be addressed:

- [The Universal Periodic Review](#) compiles detailed information on the human rights situation [per country](#), including inputs from stakeholders and the UN system. The UPR is a state-driven process allowing countries to issue [recommendations](#) and report on actions taken to improve the human rights situation. This is also a valid entry point for political and policy dialogue. UN Web TV broadcasts sessions of the UPR Working groups (see for example the [Malawi Review - 36th Session of Universal Periodic Review on UPR Webcast](#)).
- [UN Treaty Bodies](#) – issue reports or ‘concluding observations’ on the implementation of ratified treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#)), the Convention of the Rights of the Child or the Convention on the Rights of Persons with Disabilities. Click [here](#) to access the country reports.
- Reports from [UN Special Procedures](#) – for example the country visits by [the Special Rapporteur on the situation of human rights defenders](#), the [Independent Expert on the enjoyment of human rights by persons with albinism](#), or the [Special Rapporteur on human rights and the environment](#).
- The [OHCHR](#) website also provides relevant information in the “[List of Issues](#)”. Find information on the topics of [Human Rights Indicators](#), [Migration](#), [Water](#) or [Privacy and digital data](#), for example. This website also holds recent information of specific groups, such as [Indigenous peoples](#), [Children deprived of liberty](#) or [Persons with disabilities](#).
- Monitoring ILO Convention by Country: [Regular reporting: ratified conventions \(Art.22/35\)](#).
- Country data can also be found in the [Voluntary National Reviews \(VNR\) on the implementation of the 2030 Agenda](#) and national reports on the implementation of the [Beijing Declaration](#).
- National statistical offices
- National Human Rights Institutes ([NHRI](#))

Time

N.A.

Skills

N.A.

Facilities and materials

See ref to the HRBA Toolbox also online HRBA Toolbox (coming soon)

Financial costs and resources

N.A.

Tips and tricks

Checklist for applying the HRBA in the logical framework:

- Does the overall objective orient towards the realisation of human rights, especially for women and men living in vulnerable situations?
- Is at least one of the specific objectives/outcomes gender sensitive (meeting the requirements of the GAP III and the OECD G-Marker 1 (see annex 1)?
- Do the intervention and corresponding activities respond to the interests, needs and capacity gaps of the rights-holders (especially women and groups in vulnerable situations) and duty-bearers (including oversight institutions, human rights institutions, and gender machinery) detected during the context analysis?
- Does the intervention promote meaningful and inclusive participation of rights holders?
- Does the intervention contribute to reinforce duty-bearers transparency and accountability?
- Are the measures envisaged to mitigate risks in line with human rights and gender equality principles, including measures for the private sector and anti-corruption?

- Are indicators disaggregated at least by sex, age and disability, and any other relevant category when relevant and possible?
- Are there indicators measuring progress towards gender equality objectives and specifically addressing disparities? Which disparities were established in the context analysis?
- Are indicators included to measure progress in applying the HRBA working principles?

RESOURCES

Where to find it

The European Commission, 2021. [Commission Staff Working Document - Applying the Human Rights Based Approach to international partnerships](#) 

The European Commission, 2021. [The Human Rights Based Approach Toolkit](#)

Complementary guides, methodologies and tools

The European Commission, 2023: [Leaving no one behind - Disability inclusion in EU external action](#)

The United Nations Sustainable Development Group, 2003. [UN Common Understanding on the Human Rights Based Approach](#)

The United Nations - Human Right Council. [Universal Periodic Review](#)

INTPA Academy training: [The Human Rights Based Approach Virtual Toolbox](#)