Human Rights in Social Work: Integrating a Rights-Based Approach into Social Work



Workshop Manual May 7-9, 2010 Yogyakarta, Indonesia









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Equitas – International Centre for Human Rights Education

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Introduction

This workshop is the result of collaborative efforts between Equitas - International Centre for Human Rights Education and the Ministry of Social Affairs (MOSA or DEPSOS) of Indonesia. It began with the participation of MOSA representatives in Equitas activities that focused on the implementation of Indonesia's National Action Plan on Human Rights (RANHAM 2004 – 09) which was followed by a request for assistance in integrating human rights in the Ministry's work.

In November 2008, Equitas conducted a needs assessment session with several MOSA agencies that included the Centre for Education and Research, the Directorate General of Social Assistance and Social Security, the Directorate General of Social Services and Rehabilitation, and the Directorate General of Social Empowerment. While the exercise showed that human rights is not new to a number of participants, there was an expressed need to obtain a deeper understanding of human rights and how they apply to social welfare; particularly in relation to reinforcing MOSA's efforts to improve its response to Indonesian society through the adoption of a rights-based approach (RBA).

In February 2009, MOSA senior officials (lecturers of the School of Social welfare; staff of the Training Centres under the Board of Education and Research for Social Welfare; staff of the MOSA Directorates of Social Services and Rehabilitation, of Social Assistance and Social Security, and of Social Empowerment) participated in a workshop on integrating a rights-based approach into social work.

Some participants from that workshop participated in a TOT from May 3-5 2010 and they will act as facilitators for this workshop. This workshop is similar to the February 2009 workshop and serves as an introduction to what the rights-based approach means to social work.

Goal

The goal of this TOT workshop is to build the capacity of MOSA staff to integrate a rights-based approach into social work.

Objectives

By the end of the workshop, participants will be able to:

- 1. Analyze social work in relation to international, regional and national human rights norms, standards, and mechanisms.
- 2. Explain how to integrate a rights-based approach into social work.
- 3. Identify strategies for integrating a rights-based approach into their work.

Participants

Participants include lecturers of the School of Social Welfare; staff of the Training Centres under the Board of Education and Research for Social Welfare; staff of the MOSA Directorates of Social Services and Rehabilitation, of Social Assistance and Social Security, and of Social Empowerment; as well as social workers from civil society.

Approach to the Workshop

This workshop is based on a participatory approach to learning. A basic assumption in this approach is that much of the content comes from the participants and that the workshop serves as the framework for drawing out this content. There will a combination of small group work, presentations by resource persons, and plenary discussions. Participants and facilitators will commit themselves to engage in a process of mutual teaching and learning.

The emphasis is on practical application and on the development of strategies for action. Continuous reflection and evaluation are central to the learning process. There will be debriefing and evaluation sessions at the end of each day and recaps at the beginning of each day to establish the linkages between the activities.

The facilitators are skilled in adult education methods, knowledgeable about human rights and social work.

About the Organizers

This Workshop is organized by MOSA and Equitas – International Centre for Human Rights Education.

MOSA

The Ministry of Social Affairs (MOSA) of Indonesia maintains the development of a social welfare system that equips all its citizens through programs and policies to be a part of a national movement that values social welfare.

The Ministry of Social Affairs works towards improving the dignity and quality of human life. Its mandate is to invest in Indonesian society through the development of initiatives that maintain an active role in community development and social welfare. The work of MOSA also ensures and enforces prevention and control of social problems, resulting from industrialization, socio-economic crisis, globalization and information flow. MOSA develops information systems to support its work in social protection and social welfare. Finally, MOSA builds social cohesion by providing social care to vulnerable citizens in the spirit of social solidarity and partnership.

Equitas

Equitas – International Centre for Human Rights Education has been working on capacity-building programs in Indonesia since 1997. The organization was established as a non-profit, non-governmental organization in 1967 by a group of leading Canadian scholars, jurists and human rights advocates with a mandate to advance democracy, human development, peace and social justice through educational programs.

Since then, Equitas has become a global leader in human rights education. Equitas' capacity-building programs in Canada and abroad have assisted civil society organizations and government institutions to participate effectively in human rights debates, to challenge discriminatory attitudes and practices and to advance important policy and legislative reforms to enhance human rights protection and fulfillment.

Equitas' regional human rights education programs currently focus on developing knowledge, strengthening skills and promoting action around the following themes: the creation and strengthening of independent national human rights institutions; training for NGO trainers; training in human rights advocacy and monitoring; the protection of particular groups in society, including women, migrant workers, children and youth, minorities; and the promotion and protection of economic, social and cultural rights.

Acknowledgements

This workshop is made possible thanks to the financial support of HIVOS.

Schedule

Time	Activity	Title	Objectives
	7.6		
Day 1: May 7			
9:00 – 9:30		Registration	
9:30 – 10:00		Opening Ceremony	
10:00 – 10:30	Activity 1	Introductions	To get to know each other better.
10:30 - 10:45		Break	
10:45 – 11:15	Activity 2	Overview of the Workshop	To provide an overview of the content of the workshop and the participatory approach, and to determine guidelines for building effective group dynamics.
11:15 – 12:15	Activity 3	Understanding Human Rights and Human Rights Principles	To reflect on their personal notion of human rights. To explore the underlying principles of human rights.
12:15 – 13:00	Activity 4	Social Welfare Issues in Indonesia	To explore the social welfare issues in the context of Indonesia.
13:00- 14:00		Lunch	
14:00 – 15:00	Activity 4	Continued	
15:00 – 15:15		Break	
15:15 – 16:45	Activity 5	Elements of a Rights- Based Approach	To examine the key elements of a rights-based approach (RBA) and how it is used to address social welfare issues.
16;45 – 17:00		End of Day Evaluation	To evaluate the day's activities.
Day 2: May 8		T =	
8:30 – 9:00		Recap	
9:00 – 10:30	Activity 6	Social Work in International Human Rights Law	To analyze the international human rights framework as it applies to national laws and social welfare in Indonesia.
10:30 – 10:45		Break	
10:45 – 11:30	Activity 6	Continued	

Time	Activity	Title	Objectives
11:30 – 13:00	Activity 7	Focus Area: Rights- Based Approach to Gender and Social Work	To examine the importance of analyzing gender in a rights-based approach to social work.
13:00 – 14:00		LUNCH	
14:00 – 15:30	Activity 8	Focus Area: Rights- Based Approach to Social Work and Marginalized Groups	To examine how a rights-based approach to social work can ensure the realization of the rights of marginalized groups.
15:30 – 15:45		Break	
15:30 – 16:45	Activity 9	Applying a Rights- Based Approach in Your Work	To practise addressing social welfare issues using a rights-based approach.
16:45 – 17:00		Day 2 Evaluation	To evaluate the day's activities.
Day 3: May 9			
8:30 – 9:00		Recap	
9:00 – 10:30	Activity 9	Continued	
10:30 - 10:45		Break	
10:45 – 13:00	Activity 10	Identifying and Measuring Results	To identify specific results of integrating a rights-based approach to social work.
13:00 – 14:00		Lunch	
14:00 – 15:00	Activity 11	Planning and Next Steps	To develop a plan for sharing the training plans developed during this meeting and discuss follow up to this meeting.
15:00 – 15:30	Activity 12	Evaluation and Closing	To evaluate the workshop.

Activity 1 Five Corner Introductions

Objective

To get to know each other and begin to explore some of the underlying values of human rights.

Time

30 min (10:00 – 10:30)

Description

This activity is divided into two parts.

In **Part A**, the facilitator will invite participants to form groups to do a "getting to know you" activity.

In **Part B**, the facilitator will then lead a short debriefing of the content and process of the activity.

20 min Part A Introductions

The facilitator presents the following values written on large sheets of paper and posts them in different places around the room:

- Empathy
- Respect
- Equality
- Social responsibility
- Dignity

Briefly reflect on the values posted and then go and stand by the value that is most important to you.

Introduce yourself (name, city/province, organization) to the other participants gathered around the same value.

Take about 5 minutes to discuss among yourselves the reasons why you chose this particular value.

The facilitator then has each group, in turn, introduce their group members and explain the reasons the different group members selected that particular value.

10 min Part B Group Discussion

The facilitator has participants discuss the relevance of these values in social welfare. He/She also briefly explains that these values will be further explored later on in the workshop during the discussions about human rights.



Activity 2 Overview of the Workshop and Guidelines for Effective Group Dynamics

Objectives

To provide participants with an overview of the content of the Workshop and the participatory approach.

To determine guidelines for building effective group dynamics.

Time

30 min (10:45 – 11:15)

Description

This activity is divided into two parts.

In **Part A**, the facilitator will present an overview of the workshop.

In **Part B**, participants will determine guidelines for working effectively as a group during this workshop.

15 min Part A Presentation and Discussion

The workshop organizers present the overall goal and objectives and description of the workshop content.

15 min Part B Large Group Brainstorm and Discussion

The facilitator leads a brainstorming session to identify behaviours that either help or interfere with the effective functioning of a group.

As the participants provide ideas, the facilitator lists these in two different columns on flipchart paper (i.e., behaviours that interfere with the effective functioning of the group are listed in GREEN in one column and those that help group process are listed in RED in the second column).

Together with your facilitator, develop a number of guidelines for working effectively as a group. The facilitator writes the guidelines agreed to on flipchart paper and posts them in the room for the remainder of the workshop. It is important that all members of the group, including the facilitators, feel comfortable with the guidelines and commit to respecting them.



Activity 3 Understanding of Human Rights and Human Rights Principles

Objectives

To have participants reflect on their personal notion of human rights.

To have participants explore the underlying principles of human rights.

Time

1 hr (11:15 – 12:15)

Description

This activity is divided into five parts.

In Part A, participants will reflect on the meaning of human rights.

In **Part B**, participants will share their ideas with the large group.

In **Part C**, participants will work in small groups to reflect on some basic human rights principles which inform the Universal Declaration of Human Rights (UDHR).

In **Part D**, small groups will present the results of their discussions to the larger group.

In Part E, the facilitator will lead a large group discussion.

5 min Part A Individual Work

What do "human rights" mean to you? Give some examples. Write your ideas in the space below.

10 min Part B Large Group Discussion

The facilitator leads a large group discussion and asks you to share some of your ideas with the group. Refer to **Reference**Sheet 1 for more definitions of human rights.

10 min Part C Small Group Work

The facilitator assigns your group two of the human rights principles listed in **Reference Sheet 2.** Review the descriptions of the principles provided in the Reference Sheet and add your own ideas. Prepare to explain the terms to the larger group.

20 min Part D Small Group Presentations

Your group will give a 5-minute presentation on the principles you have been assigned.

15 min Part E Large Group Discussion

The facilitator leads a large group discussion on the interpretations and applications of the terms. He/She asks the following questions:

- What do these principles mean in your context? (e.g., equal participation of men and women in decision-making on policy change)
- How are these principles applied in the context of social welfare in Indonesia? (e.g., policies on social services assistance for the dif-abled)
- What are some barriers to their full application? (e.g. cultural norms and practices)
- How do these human rights principles address individual values and needs and collective values and needs?



Reference Sheet 1: Human Rights Definitions

Human Rights in Indonesian Law

Legislation No. 39 of 1999: Human Rights Act in Chapter I General Provision Article 1 has a definition on human rights:

Human rights mean a set of rights bestowed by God Almighty in the essence and being of humans as creations of God which must be respected, held in the highest esteem and protected by the state, law, Government, and all people in order to protect human dignity and worth.

UN Definition

Human rights are commonly understood as being those rights which are inherent to the human being. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, sex, language, religion, political or others opinion, national or social origin, property, birth or other status.

Human rights are legally guaranteed by human rights law, protecting individuals and groups against actions that interfere with the fundamental freedoms and human dignity.

Legal Character of Rights

In legal terms, human rights typically contain the following components:

- Subject (such as an individual or a group of individuals), entitled to the right recognized in a legal rule (as a "right-holder") and to take permissible action to secure the right (in other words, trying to claim the right).
- Duty-holder (mostly a state), obliged to either fulfill the subject's demands or to create the conditions which are necessary for their realization.
- Object, describing the content of any given right and any corresponding duties, as a reflection of the values and needs protected.
- Implementation, namely a range of measures which aim to realize the right in question domestically and to monitor the process through domestic or international procedures and institutions.

References:

Human Rights: A Basic Handbook for UN Staff, OHCHR, UN Staff College Project 1999 p. 3.

Drzewicki, K. "Internationalization of human rights and their juridization," in An introduction to the international protection of human rights: a textbook, Hanski, R. and Siksi, M. (eds), Abo Akademi, Abo, 1999, pp25-47.

Reference Sheet 2: Human Rights Principles

- 1. **Universality**. Human rights are universal. All people everywhere in the world are entitled to them. Universality refers to certain moral and ethical values shared in all regions of the world, which governments and communities should uphold. The universality of rights does not mean, however, that they cannot change or that they are experienced in the same manner by all people. The universality of human rights is encompassed in the words of Article 1 of the UDHR: "All human beings are born free and equal in dignity and rights."
- 2. **Human dignity**: Human dignity affirms that all people deserve to be respected simply because they are human beings. Regardless of age, culture, religion, ethnic origin, colour, sex, sexual orientation, language, ability, social status, civil status or political convictions, all individuals deserve respect.
- 3. **Inalienability**. Human rights are inalienable. This means that rights belong to every person and cannot be taken away, surrendered or transferred.
- 4. **Indivisibility**. Human rights are indivisible. This refers to the equal importance of each human right, whether civil, political, economic, social or cultural. All human rights have equal status, and cannot be positioned in a hierarchical order. A person cannot be denied a right because someone decides it is 'less important' or 'nonessential'. The principle of indivisibility was reaffirmed by the 1993 Vienna Declaration.
- 5. **Interdependency**. Human rights are interdependent. This refers to the complementary framework of human rights law. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. For instance, fulfillment of the right to health may depend on fulfillment of the right to development, to education or to information. Similarly, the loss of one right detracts from other rights.
- 6. **Equality**. The principle of equality refers to the notion that all human beings are entitled to the same human rights without distinction. Equality does not necessarily mean treating people the same, but rather taking whatever steps are necessary to promote a more just society for all.
- 7. **Non-discrimination**. Non-discrimination is integral to the concept of equality. The principle of non-discrimination encompasses the notion that people should not be treated differently based on arbitrary and impermissible criteria. Discrimination based on grounds of race, colour, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, social or geographic origin, property, birth or any other status established by international human rights standards, violates human rights.

8. Responsibility (and Accountability and Rule of Law):

- Individual responsibility: Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.
- Government responsibility: human rights are not gifts bestowed at the pleasure of governments. Nor should governments withhold them or apply them to some people but not to others. When they do so, they must be held accountable.

States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Individuals, the media, civil society and the international community play important roles in holding governments accountable for their obligation to uphold human rights.

 Other responsible entities: Every organ of society, including corporations, nongovernmental organizations, foundations, and educational institutions, also shares responsibility for the promotion and protection of human rights.

References:

Flowers, N. (2000). The Human Rights Education Handbook: Effective Practices For Learning, Action, and Change. Minneapolis, MN: University of Minnesota.

Ravindran, D. J. (1998). <u>Human Rights Praxis: A Resource Book for Study, Action and Reflection</u>. Bangkok, Thailand: The Asia Forum for Human Rights and Development.

Mertus, J. et al. (1999). <u>Local Action/Global Change: Learning About the Human Rights of Women and Girls</u>. UNIFEM.

UNFPA. (2006). <u>UNFPA and Human Rights: Human Rights Principles</u>. Available online: http://www.unfpa.org/rights/principles.htm.

Activity 4 Social Welfare Issues in the Context of Indonesia

Objective

To explore social welfare issues in the context of Indonesia.

Time

1 hr 45 min (12:15 – 13:00 and 14:00 – 15:00)

Description

This activity is divided into three parts.

In **Part A**, the facilitator will present an overview of social welfare issues in Indonesia.

In **Part B**, participants will work in small groups to identify the approach taken to address each social welfare issue.

In **Part C**, the facilitator will lead a large group discussion.

20 min Part A Brainstorm

The facilitator randomly divides participants into small groups of ten. He/She provides each group with metacards and markers.

With the members of your small group, brainstorm the following question: What are the current social welfare issues in **Indonesia?** Each group brainstorms the question and writes words describing the issues on the metacards.

The facilitator asks each group to post the results of their brainstorm on the wall. He/she then groups them thematically and asks them to confirm the list issues.

25 min Part B Small Group Work

The facilitator divides participants into groups according to their work at MOSA (e.g., participants from each Directorate form their own group. The participants from the School of Social Work and the Training Centres divide themselves among the existing groups) or other social work undertaken in the field.

The facilitator assigns one or two issues to each group. With the members of your group complete Worksheet 1.

Part C Presentation and Large Group Discussion

Each small group presents the results of their discussion to the large group (5 min each).

A resource person briefly provides an overview of the national social welfare context of Indonesia.

He/she presents:

1 hr

- An overview of the historical developments of the social welfare system in Indonesia
- The framework of existing national social welfare provisions for implementing social welfare programs.

Following the presentation there is a question and answer period.

End of Activity

Worksheet 1 Approach to the Issues

Issues	Describe what approach is used to develop policies and programs to address the issues below
Issue 1:	
Issue 2:	

Activity 5 Elements of a Rights-Based Approach

Objective

To have participants examine the key elements of a rights-based approach (RBA) and how it is used to address social welfare issues.

Time

1 hr 30 min (15:15 – 16:45)

Description

This activity is divided into two parts.

In **Part A**, the facilitator will lead a large group discussion on rights and needs.

In **Part B**, the facilitator/resource person will present the key elements of a rights-based approach.

30 min

Part A Large Group Discussion

The facilitator leads a large group discussion by asking the following questions:

- What is the difference between a right and a need?
- Do you think that human rights are universal (applicable to everyone)? Why or why not?
- Should human rights address men's and women's issues differently? Why or why not?

1 hr

Part B Large Group Discussion

"Social welfare [or social protection as referred to by the International Labour Organization (ILO)] has, from its conception, been a human rights profession, having as its basic tenet the intrinsic value of every human being and as one of its main aims the promotion of equitable social structures, which can offer people security and development while upholding their dignity."

United Nations Centre for Human Rights, Professional Training Series No.1

– Human Rights and Social welfare, Geneva, 1994, p.3

A resource person briefly presents an overview of a rights-based approach by addressing the following questions:

- What is social protection (social welfare)?
- What are the key elements of a rights-based approach?
- What are the key contributions of a rights-based approach to social protection?
- If RBA offers normative standards and principles, analytical tools and operational guidance, what are some examples of how it

can inform the design, implementation and evaluation of social welfare policies and programs?

A resource person presents a rights-based approach to social protection and provides an example of how this approach can be applied (see **Reference Sheets 3 – 4**).

End of Activity

Reference Sheet 3: Rights-Based Approach

A **human right** is something everyone is entitled to simply because they are a human being. Human rights belong to every individual, man or woman, girl or boy, infant or elder simply because he or she is a human being. A human right is what enables me to live in dignity.

Once something is defined or identified as a right it means that:

- There is an obligation on the part of the government (duty-bearers) to respect, promote, protect, and fulfill the rights of its citizens (rights-holders)
- The right can be enforced

A **right is different from a need**. A need is an aspiration. A need can be legitimate however; it is not necessarily associated with a government obligation. Satisfying a need cannot be enforced. A right entails a government obligation and can be enforced. Rights are associated with "being". Needs are associated with "having".

Rights Approach	Needs Approach
 Rights are realized Rights always imply duties and obligations Rights are universal Rights can only be realized by attention to both outcome and process All rights are equally important Rights empower individuals and groups Rights entitle individuals to social welfare assistance Rights focus on structural causes and their manifestations 	 Needs are met or satisfied Needs do not imply duties or obligations Needs are not necessarily universal Basic needs can be met by goal or outcome oriented strategies Needs can be ranked in hierarchical priorities Needs imply that individuals and groups are objects of social welfare interventions Needs imply that individual needs are deserved Needs focus on immediate causes of problems

The Rights-Based Approach (RBA):

- Is founded on the conviction that every human being, by virtue of being human, is a holder of rights.
- Assumes that all human beings, including children should have equal opportunity to realize their full developmental potential.
- Involves a process of empowering those who do not enjoy their rights to claim their rights. It does not involve charity or simple economic development.
- Integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development programs, social programs and other programs.
- Supports the concept that all people, regardless of age, gender, race, religion, ethnicity, social status or any other difference, have a basic right to life with dignity.

 Ensures that programs address all aspects of life (for example, from ensuring basic survival through meeting psychological needs). They are holistic and inclusive.

The **key elements of a rights-based approach** can guide the content and practice of your work. A human rights situational analysis should be based on accepted human rights principles.

These elements include:

1. Participation

- Aims for a high degree of participation, from communities, civil society, minorities, indigenous peoples, women, children and others.
- Sees youth and children as active participants in finding constructive solutions.

2. Increased levels of Accountability

- Identifies claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).
- Identifies the positive obligations of duty-holders (to protect, promote and provide) and their negative obligations (to abstain from violations).

3. Non-discrimination

 Gives particular attention to discrimination, equality, equity and marginalized groups. These groups may include women, minorities, indigenous peoples and prisoners. A rights-based approach requires that the question of who is marginalized here and now be answered locally.

4. Move from dependency to **Empowerment**

- Focuses on beneficiaries as the owners of rights and the directors of development instead of the objects of programs and actions to address their needs.
- Gives people the power, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies.
 Places a higher emphasis on the strengths of individuals and communities including children to play a more active part in the societies in which they live.

5. Direct **Links** to rights

- Establishes direct links to international, regional and national human rights instruments.
- Considers the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social.

Rights-Holders and Duty-Bearers

A rights-based approach is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It focuses on developing the capacities of **duty-bearers** to meet their obligations and to **rights-holders** to claim their rights.

In human rights language, a rights-holder:

- Is entitled to rights
- · Is entitled to claim rights
- Is entitled to hold the duty-bearer accountable
- · Has a responsibility to respect the rights of others

Consequently, those who have the obligation to respect, protect, and fulfill the rights of the rights-holder are **duty-bearers**.

The overall responsibility for meeting human rights obligations rests with the state. This responsibility includes all the organs of the state such as parliaments, ministries, local authorities, judges and justice authorities, police, teachers or extension workers. All these are legal duty-bearers.

Every rights-holder has the responsibility to respect the rights of others. In this sense you can say that every individual or institution that has the power to affect the lives of rights—holders is a moral duty-bearer — the greater the power the larger the obligation to fulfil and especially to respect and protect the human rights of others. In this sense private companies, local leaders, civil society organizations, international organizations, heads of households, and parents, and in principle every individual are moral duty-bearers. You should remember that the state as a legal duty-bearer also has a duty to regulate the actions of moral duty-bearers — e.g. parents, companies etc. — to ensure that they respect human rights.

Rerferences:

Kirkemann Boeson, J., Martin, T., *Applying a Rights –Based Approach: An Inspirational Guide for Civil Society*, www.human rights.dk, 2007: p.10-11

UNICEF Canada, Children's Rights, CIDA, Continuous Learning Human Resources, December 2001.

UNESCO, The Human Rights Based Approach and the United Nations System: Desk Study prepared by André Frankovits, UNESCO 2006:p54

World Health Organization, 25 Questions & Answers on Health & Human Rights, Health & Human Rights Publication Series, Issue No. 1, July 2002.

Rios-Kohn, Rebecca, A Review of a UNICEF Country Programme, Based on Human Rights: The Case of Peru, UNICEF, November 2001.

Institute for Child Rights & Interagency Coalition on AIDS and Development, Filling the Gaps: Using a Rights-based Approach to Address HIV/AIDS and its Effects on South African Children, Youth and Families, Care and Support Guidelines, 2001.

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The Danish Institute for Human Rights. (2007). Applying a Rights-Based Approach: An Inspirational Guide for Civil Society. Available online:

http://www.humanrights.dk/files/pdf/Publikationer/applying%20a%20rights%20based%20approach.pdf.

Reference Sheet 4: A Rights-Based Approach to Social Protection

What is social protection?

"According to the International Labour Organization (ILO), social protection is conceived as having four components, namely, social security systems (statutory employer-related benefits), universal social benefit systems (benefits for all), social assistance systems (poverty alleviation in cash and in kind for all in special need) and private benefit systems (employer related or individual benefits) (ILO 1997: 5-6)."

Linda Low, Social Protection in the "New" Economy

Taken from source: http://www.unescap.org/drpad/publication/bulletin%202002/ch2.pdf

Rationale for Integrating a Rights-based Approach into Social Protection

- RBA strengthens the normative case for social policy and social protection. It offers
 normative standards and principles, analytical tools and operational guidance,
 which are relevant in both justifying social protection measures and information
 their design, implementation and evaluation.
- Social protection policies and programs can support the realization of human rights for the poorest and most vulnerable.
- The range of social protection instruments (e.g. insurance schemes, public works, food aid, targeted cash transfers or social funds) are seen as grounded in social justice and the equal rights and entitlements of those that benefit from social welfare protection, not only as humanitarian concerns or charity.

Key contributions of a Rights-based Approach to Social Protection

- Considers social welfare to be a right and entitlement, and not just charity
- Places clear obligations on states to guarantee the social welfare of its citizens
- Uses a range of international human rights standards to justify the protection of the social welfare of citizens, starting with those related to social security but broadening out to all human rights
- Highlights the core obligations and minimum standards that can be expected, as well as the specific requirements for vulnerable groups
- Uses a range of human rights principles to justify social protection and also influence the design of schemes (e.g. equality and non-discrimination, participation and accountability)
- Places citizenship, and the importance of understanding social and political contexts, at the centre of the justification and delivery of social welfare protection

Continued

Reference Sheet continued

- Requires a focus on the ability of citizens to claim their social welfare entitlements
- Focuses on accountability mechanisms, and institutional capacity, to guarantee the appropriate design and delivery of social welfare policies and programs
- Links demand-side with supply-side considerations, when social welfare can often appear to be more technical and supply-side focused

Activity 6 Social Work in International Human Rights Law

Objective

To analyze the international human rights framework as it applies to national laws and social welfare in Indonesia.

Time

2 hrs 15 min (9:00 – 10:30 and 10:45 – 11:30)

Description

This activity is divided into four parts.

In **Part A**, a resource person will provide an overview of international and national human rights law.

In Part B, there will be a question and answer period.

In **Part C**, participants will identify relevant national laws that apply to social work.

In **Part D**, each group will present their findings to the large group and the facilitator and resource person will lead a large group discussion.

30 min Part A Presentation

A resource person provides an overview of international human rights law and its relation to national laws. Some of the specific topics addressed are:

- International human rights and social work (refer to Worksheet 2 for a table identifying the links)
- State obligations (respect, protect, fulfill). Refer to Reference Sheet 5.
- Minimum core standards
- Progressive realization of ESC rights
- Justiciability of ESC rights
- Relation between international, regional and national norms, standards, and mechanisms

30 min Part B Question Period

The resource person answers questions from participants.

45 min Part C Small Group Work

The facilitator divides participants into four small groups and assigns a series of rights to examine in Indonesian law. Using **Worksheet 2** as a guide, each group must prepare to present a summary of their discussion to the large group in **Part D**.

Group 1:

- Social security
- Standard of living: health, food, clothing, housing

Group 2:

- Child birth
- Maternal leave benefits
- Children and young persons
- Child protection from economic and social exploitation
- Child labour

Group 3:

- Decent work
- Education
- Water

Group 4:

- Equality and non-discrimination
- Gender equality
- Participation
- · Personal security and justice
- Fundamental freedoms

30 min Part D Group Presentations

Each group presents the salient points of their discussion to the large group (5-10 min per group). The facilitator and resource person lead a large group discussion.

Questions to consider:

- How will knowledge of international human rights law improve MOSA's work?
- Does the international framework of state obligations, minimum core standards, and progressive realization offer a useful framework for MOSA's work? If yes, how?



Worksheet 2: Selected Human Rights Relevant for Social Protection

The following table identifies some of the key human rights standards relevant for social protection.

Tthe following laws apply to social work at the national level. Where do they fit within the table? Are there additional laws not included in this list?

NATIONAL LAWS

- 13. UU No. 7 Tahun 1984 : Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita
- 14. UU No. 11 tahun 2005 : Pengesahan Kovenan Internasional Hak Ekonomi, Sosial dan Budaya
- 15. TAP MPR No. XVIII/MPR/1998: Hak Asasi Manusia
- 16. UU No. 3 Tahun 1997 : Pengadilan Anak
- 17. UU No. 39 Tahun 1999 : Hak Asasi Manusia
- 18. UU No. 1 Tahun 2000 : Penghapusan Bentuk-Bentuk Pekerjaan Buruk untuk Anak
- 19. UU No. 26 Tahun 2000 : Pengadilan Hak Asasi Manusia
- 20. UU No. 23 Tahun 2002 : Perlindungan Anak
- 21. UU No. 23 Tahun 2004 : Penghapusan Kekerasan Dalam Rumah Tangga
- 22. Keppres No. 50 Tahun 1993 : Komisi Nasional Hak Asasi Manusia
- 23. Keppres No. 40 Tahun 2004 : Rencana Aksi Nasional Hak Asasi Manusia 2004-2009
- 24. Perpres No. 65 Tahun 2005 : Komisi Nasional Anti Kekerasan Terhadap Perempuan

Right	UDHR	ICCPR and ICESCR	Other International	Indonesian Law
Social security	(Art 22) everyone, as a member of society, has the right to social security and is entitled to realization through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his	Article 9 'the right to everyone to social security, including social insurance	Key ILO social security standards:	

Right	UDHR	ICCPR and ICESCR	Other International	Indonesian Law
Standard of living: Health Food Clothing Housing	dignity and the free development of his personality (Art 25) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.()	Article 11 1. The States Parties to the present Covenant recognize the right of everyone to an <i>adequate standard of living</i> for himself and his family, including adequate <i>food, clothing</i> and <i>housing</i> , and to the continuous improvement of living conditions (). 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from <i>hunger</i> , shall take, individually and through international co-operation, the measures, including specific programmes, which are needed ICESCR 12 (heath)	Benefits Convention, 1969 (No 130) • Maintenance of Social Security Rights Convention, 1982 (No 157) • Employment Promotion and Protection against Unemployment Convention, 1988 (No 168) • Maternity Protection Convention, 2000 (No 183) CEDAW (Art 11.1.e social security; 11.2.b maternity benefits, 13 family benefits, 14 benefits for rural women) CRC 26 (social security including social insurance) ILO health dimensions of social security CERD 5 CRC 6 (survival and development of child), 24 (health) and 27 (standard of living, material and support programmes in relation to nutrition, clothing and housing) CEDAW 11 (employment and social security), 12 (health), 13 (other economic and social rights) 14 (rural women) World Conferences e.g. Durban 2000, Rome 1996 (Food security) MDG 1 (hunger) MDG 4, 5, 6 (heath) MDG 7 (slum dwellers) World Conference (Habitat II)	
Mothers and children	(Art 25 continued) Motherhood and childhood	ICESCR 11 (food) Article 10' The States Parties to the present Covenant recognize that: +	CEDAW 5b (maternity as a social function), 6 (trafficking), 11 (various	
Child birth	are entitled to special care and assistance. All children,	The widest possible protection and assistance should be accorded	maternity related benefits CRC 3 (best interests of the child),	

Right	UDHR	ICCPR and ICESCR	Other International	Indonesian Law
Maternal leave benefits Children and young persons Child protection from economic and social exploitation Child labour	whether born in or out of wedlock, shall enjoy the same social protection	to the <i>family</i> , which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses. 2. Special protection should be accorded to <i>mothers</i> during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits. 3. Special measures of protection and assistance should be taken on behalf of all <i>children and young persons</i> without any discrimination for reasons of parentage or other conditions. Children and young persons should be <i>protected from economic and social exploitation</i> . Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of <i>child labour</i> should be prohibited and punishable by law.	11 (illicit transfers), 19 (physical or mental protection), 21 (adoption), 23 (mental and physical disability) 32 (labour), 34 (sexual exploitation and abuse), 35 (trafficking), 36 (other exploitation), 39 (recovery of victims) ILO social security family benefit standards ILO child labour protection (no 138 and 182)	
Decent work	Art 4 (prohibition slavery) Art 23 (right to work, equal pay, just remuneration supplemented by other	ICESCR Art 6, 7, 8 ICCPR Art 8	Various ILO standards: Forced labour: (29 and 105), Freedom of association (87), collective bargaining (98)	

Right	UDHR	ICCPR and ICESCR	Other International	Indonesian Law
	means of social protection, trade unions) Art 24 (rest and leisure)		1998 Core Labour Standards 1995 World Summit on Social Development CEDAW 11 (employment) CERD 5 CRC (protection economic exploitation and hazardous work)	
Education	Art 26	ICESCR 13, 14	CRC 28, 29 CERD 5 CEDAW 10 World Conferences e.g. Dakar 2000 MDG 2 (universal primary education)	
Water		ICESCR General Comment 15	CEDAW 14h (sanitation and water supply for rural women)	
Equality and non-discrimination	Art 2	ICESCR and ICCPR Art 2 ICCPR 14 (equality before the law), 26 (equal protection of the law and protection against discrimination), 27 (rights of persons belonging to minorities)	All, Conventions protecting particular groups include • UN Convention on the Rights of the Child (CRC) • UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) • UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) • ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries • UN Minority Rights Declaration • UN Disability standards • UN Migration Convention	
Gender equality	Art 2 (general), 16 (marriage)	ICESCR and ICCPR Art 2 (general) and 3 (equal rights of men and women), ICCPR 23 (equal rights in relation to marriage)	All of CEDAW, including • Art 2 (condemns all discrimination and requires measures) • Art 4 (special measures protecting maternity are not discriminatory)	

Right	UDHR	ICCPR and ICESCR	Other International	Indonesian Law
			15 (equality before the law / equal legal capacity of men and women) 16 (equality in marriage)	
Participation	Art 21 (take part in government)	ICCPR Art 25 (political participation)	Declaration on the Right to Development CEDAW Art 7 CRC 12 (expressing views) 17 (information) CERD 5	
Personal security and justice	Art 3 (life, liberty, security), 5 (prohibition of torture), 6,7,8,9,10,11 (various aspects of access to justice)	ICCPR 9 (liberty and security) ICCPR 14 (equal access to justice)	CERD, 5 CEDAW 15 CRC 37 (liberty and freedom from torture), 40 (penal law) Convention against Torture	
Fundamental freedoms	Art. 18 (thought, conscience, religion); 19 (opinion and expression), 20 (assembly/association)	ICCPR 19 (opinions), 21 (assembly), 22 (association)	CERD Art 5 CRC Art 13 (expression), 14 (thought, conscience, religion), 15 (assembly)	

Reference Sheet 5: State Obligations Regarding Social Welfare

The obligation to **respect**: states are required to refrain from interfering in a manner that negatively affects the realization of a right, e.g. the right to housing is violated by arbitrary forced evictions by a state. With regards to social protection, states are obliged not to act in ways that can cause risks or enhance the vulnerability of poor people, for example, they should not use excessive force which may lead to death or bodily harm, or should not prevent poor people from organizing to claim their social entitlements.

The obligation to **protect**: states have to prevent violations by third parties, e.g. states have to ensure that private sector employers respect basic labour standards, which is highly relevant for social protection, as a number of schemes are related to formal employment status. Social protection could encompass a broader conception of protection, for example family protection against domestic violence and other abuses or protection of human life or dignity during conflict).

The obligation to **fulfil**: states have to take appropriate legislative, administrative, budgetary, judicial or other measures to ensure the full realization of the right, e.g. states have to provide essential primary health care or free and universal primary education. Social protection schemes to provide minimum social security to all would come under this obligation – though the obligation does not necessarily mean that the state has to directly provide social protection; it can facilitate or encourage actions of third parties.

Obligation can be of **conduct**: states have to take the necessary steps to realize a particular right, e.g. adopt and implement an action plan to address maternal mortality. This would include an obligation to take steps towards ensuring the realization of social security and more broadly developing a social protection strategy.

Obligation can also be of **result**: states have to achieve specific targets to satisfy a specific standard, e.g. achieve the Cairo/MDG maternal mortality reduction target. States are obligated to actually ensure social protection in line with the policy and legislative framework they have adopted.

	Focus Area: Rights-Based Approach to Gender and Social Work
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Objective

To practise addressing social welfare issues using a rights-based approach to gender and social work

Time

1 hr 30 min (11:30 – 13:00)

Description

For this activity and the next one on a RBA to marginalized groups, the facilitators lead participants through practical steps to applying a rights-based approach to social work issues.



Activity 8 Focus Area: Rights-Based Approach to Social Work and Marginalized Groups

Objective

To apply a rights-based approach to social work and marginalized groups.

Time

1 hr 30 min (14:00 – 15:00)

Description

The facilitators lead participants through practical steps to applying a rights-based approach to social work and marginalized groups.



Activity 9 Applying a Rights-Based Approach in Your Work

Objective

To practice addressing social welfare issues using a rights-based approach

Time

2 hrs 45 min (15:30 – 16:45 on May 4 and 9:00 – 10:30 on May 5)

Description

There are many social issues that are plaguing society today as a result of phenomena such as: globalization; industrialization; privatization; environmental degradation; and cultural practices.

Marginalized groups, such as, children, women, elderly persons, dif-abled (disabled) persons, prisoners, refugees and migrants are most affected by social issues, such as: poverty, sex-based discrimination, racism, religion and environment and development, as well as other social welfare issues that have been identified in Activity 4.

You will explore these social welfare issues using a rights-based approach.

This activity is divided into three parts.

In **Part A**, participants will work in the same small groups as Activity 4 to examine one of the social welfare issues assigned to them.

In **Part B**, participants will present the results of their small group discussions.

In **Part C**, the facilitator/resource person will lead a large group discussion.

1 hr 15 min

Part A Small Group Work

The facilitator divides participants into small groups according to the same groupings during **Activity 4**.

Each small group reflects back on the results of their discussion from **Activity 4** using **Worksheet 1** as a reference.

With your small group, you will first examine the issue through its causes, symptoms and shortfalls, and then identify possible actions, groups affected and questions around gender. You will then apply the rights-based approach to address the issue assigned to your group:

- 1. With the members of your small group, review the key aspects of the social welfare issues in **Reference Sheet 6**, and identify those which apply to the issue assigned to your group.
- 2. Complete **Worksheet 3**, by answering the questions in your small group.
- 3. Select a reporter to prepare a 5-minute presentation of the results of your small group discussion. Use a flipchart version of **Worksheet 3** to prepare the presentation.

1 hr Part B Small Group Presentations

Each group, in turn, presents the results of their small group discussion to the large group. Each presentation should be 5 minutes. There will be a brief question and answer period following each presentation.

30 min Part C Large Group Discussion

The facilitators/resource persons synthesize the results of the small group presentations and provide commentary where gaps may exist. He/She will then lead a large group discussion using the following suggested questions:

- When examining the social welfare issue in your group, what new information did you obtain? Please explain.
- How do human rights standards directly affect your work?
- Is the human rights framework already integrated into the work that you do? Please explain.
- How would you develop policy and procedures using a rightsbased approach?
- How will you ensure service providers know and understand how to implement a rights-based approach at all levels (i.e., individual, societal and national)?



Reference Sheet 6: Social Issues and the National and International Human Rights Framework

Aspects of Social Issues

1. Poverty

- · Quality of life
- Food
- Employment
- Housing
- Health: physical and psychological
- Education
- Environment
- Access to property: land and housing
- · Other aspects including structural adjustment

2. Gender Discrimination

- Equality/inequality: health, education, work, pay, political participation, etc.
- Role models
- Competition versus complimentarity
- Cultural/traditional practices related to gender
- · Marriage and other forms of shared life
- Sexual orientation
- Child rearing
- Professionalism
- Other aspects...

3. Racism

- Hidden attitudes
- Open racist antagonism
- Integration: a multiracial society
- Voluntary segregation
- Imposed segregation
- Positive racial self-, or group-image
- Minority relations with the majority population and with other minorities (migrant workers, aboriginal groups, religious groups, etc.)
- Other aspects...

Continued

Reference Sheet continued

4. Religion

- Freedom of worship/restrictions on worship
- Development of sects and cults
- Fundamentalism and conservative trends
- Interreligious conflicts and violence
- Persecution and expulsion
- Secular/Religious States
- Conflict with national legislation
- Conflict with national/local customs
- Mixed marriages/mixed families
- Other aspects...

5. Environment and Development

- Population/demography
- Water
- Energy/Fuel
- Urbanization
- Resource management
- Consumption
- Toxic substances and hazardous waste
- Environment and development education
- Other aspects...

Adapted from: UN Centre for Human Rights, Professional Training Series No.1: Human Rights and Social welfare: A Manual for Schools of Social welfare and the Social welfare Profession, 1994 pp. 30 - 33

Worksheet 3 Addressing Social Welfare Issues Using a Rights-Based Approach

Social Welfare Issue assigned to your group: __ 1. Describe the approach outlined in Activity 4to address this issue: 2. Answer the questions below to begin the analysis of your group's social welfare issue Causes What are the main causes associated with this issue? **Symptoms** What are the visible signs in society? **Shortfalls** Identify where the social welfare system is not adequate? Possible Actions What kind of actions can be taken to improve the situation? Affected Group(s) Which groups are most affected by this social issue? Gender How are men and women experiencing this issue differently?

Continued

Worksheet continued

Using a Rights-Based Approach address the social welfare issue assigned to your group				
Key Element	Integrate a rights-based approach for addressing this issue			
Participation Who is involved?				
Accountability Who are the duty-bearers?				
Who are the rights-holders?				
Non-Discrimination Who is affected?				
To what extent do the rights of women and girls require separate consideration from men and boys?				

Continued

Worksheet continued

Key Element	Integrate a rights-based approach for addressing this issue
Empowerment How are the duty-bearers and rights-holders empowered?	
How are (a) women and girls (b) men and boys being empowered to claim their rights?	
Link to Rights Which international instruments can be applied to this social issue?	
Which national laws apply to this social issue?	

Activity 10 Measuring the Impact of Integrating a Rights-Based Approach

Objective

To identify ways to measure the impact of integrating a rights-based approach to social work.

Time

1 hr 45 min (10:45 – 13:00)

Description

This activity is divided into three parts.

In **Part A**, the facilitator will present a framework for measuring results.

In **Part B**, you will work in small groups to identify results for related to specific social work issues.

In **Part C**, each group will present their findings to the large group and the facilitator will lead a large group discussion.

30 min

Part A Presentation on Results

In **Activity 5** we briefly examined results at different levels, namely changes at the individual, community, and broader societal levels. The facilitator goes through a specific example (**Reference Sheet 7**) of results and indicators for a project on the rights of disabled persons.

Questions to consider:

- Is this format (results-based management) familiar to some participants?
- How else is social work evaluated in order to identify results?

30 min

Part B Small Group Work

The facilitator divides participants into small groups. Each group identifies a common issue related to their work (use the issues analyzed in **Activity 9**) and develops possible activities and results for a project related to that issue (**Worksheet 4**).

Each group must prepare to present a summary of their work to the large group in **Part C**.

45 min Part C Group Presentations

Each group presents the salient points of their discussion to the large group (5-10 min per group). The facilitator leads a large group discussion.

End of Activity

Reference Sheet 7: Example of Results

Source: CIDA.

Purpose: To adopt a framework structure for the million and community and to establish a demo	Project Duration: 5 years		
 Inclusive Gender-Sensitive Education Training Modules for teachers, trainers and service personnel, developed and pre-tested. Pre-service and in-service training for teachers; In-house training for treatment of professionals. Consultations with national and international agencies on types of modules needed. Modules for inclusive education for long-distance learning developed & pre-tested. Research results & practice guides, published & widely disseminated. 	Outputs or Short-term Results: Pre-tested modules for inclusive education, used & applied. Improved capacity of teachers and treatment of professionals (M/F). Framework for inclusive education discussed with NGOs, govt., service orgs, teacher orgs. Better understanding of the needs and priority of women and men with disabilities.	Outcomes or Medium-term Results Framework structure for the inclusion of disabled persons (women and men) in academic institutions and community established and adopted. Demonstration model for inclusive education and health (including long-distance learning), adopted by target areas.	Code of practice sensitive to disabled and suitable to the country developed. Impact or Long-term Results • Code of practice sensitive to disabled and suitable to the country developed.
	Indicators: Program for use of modules (for teacher training, trainers and service personnel) in inclusive education practices, established. Teacher (M/F) satisfaction with training. Extent of consultative discussions on inclusive education. Satisfaction of disabled persons (M/F) with recommendations.	 Changes in curricula reflecting program/policy for inclusion of people with disabilities. # of educ. institutions (incldg. Long distance learning) using demo models for inclusive education. # of girls and boys with disabilities and their teachers included in various inclusive education programs. 	Satisfaction of disabled (M/F) with code of practice. Changes in attitudes of academic institutions and community.
	Beneficiary Reach: Direct Beneficiaries: • Women and men with disabilities. • Students (M/F). • Trainees and Trainers (M/F). • Service Personnel (M/F).	Direct Beneficiaries: • Women and men with disabilities in academic institutions and communities. • Girls and Boys with disabilities.	Indirect Beneficiaries: Women and men with disabilities Academic institutions. Community.

Worksheet 4: Practising Results

Issue to address:

Type of Project:			Project Duration:
Activities:	Outputs or Short-term Results:	Outcomes or Medium-term Results	Impact or Long-term Results
			-
	Indicators:		
	Beneficiary Reach:		
	Direct Beneficiaries:	Direct Beneficiaries:	Indirect Beneficiaries:

Activity 11 Planning and Next Steps

Objective

To have participants develop a plan for sharing the training plans developed during this meeting and discuss follow up to this meeting.

Time

1 hr (14:00 – 15:00)

Description

This activity is divided into three parts.

In **Part A**, the facilitator presents a summary of the workshop.

In Part B, participants work in small groups to discuss next steps.

In **Part C**, participants present according to their small group.

15 min Part A Large Group Discussion

An important objective of this training is to enable you to be able to take action when you return to your work at MOSA. This activity provides you with an opportunity to identify the next steps to this Workshop.

The facilitator briefly summarizes the work of the group during the past two and a half days.

30 min Part B Small Group Work

The facilitator divides participants into groups according to their work at MOSA.

- How do you foresee integrating a rights-based approach into your work at MOSA?
- What are the challenges to applying a rights-based approach into your work when you return to MOSA?
- What support would you need? From MOSA, other participants of the meeting and Equitas?
- To what extent are women's rights currently being denied or supported by existing laws, policies, programs, plans, budgetary allocations and cultural practices? How can integrating RBA into your work help to address these issues?

15 min Part C Small Group Presentations

Each small group will briefly present, in turn, the results of their small group discussions.



Evaluation

Objective

To evaluate what participants have learned and the success of the

Workshop

Time

30 min (15:00 – 15:30)

Description

The facilitators distribute the evaluation to you.

Complete the evaluation questionnaire and return it to the

facilitator.

Thank you for your participation in the workshop!

End of Workshop