Integrating a Rights-Based Approach into the Work of MOSA

Workshop Manual

February 23 - 25, 2009

Bandung, Indonesia

Integrating a Rights-Based Approach into the Work of MOSA – Indonesia

Cover by Pamela Teitelbaum: Each of the circles represent a key element of a rights-based approach being integrated into the foundation of the social welfare system, represented by the orange block at the bottom of the page.

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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) 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 Indonesians in need through the adoption of a rights-based approach (RBA).

This workshop is deemed as one of the first steps in the Ministry's efforts to integrate human rights in its work.

Goal

The goal of this Workshop is to build the capacity of senior officials of MOSA to integrate human rights into the work of their institutions/directorates.

Objectives

The objectives of the Workshop are to enable participants to:

- Analyze issues and situations related to their work based on international and national human rights standards and mechanisms
- Identify strategies for integrating a rights-based approach into their work
- Determine how a rights-based approach can contribute to the broader goals of the RANHAM and determine next steps.

Participants

Approximately 45 participants are attending the Workshop. They 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.

Organizers will strive for gender balance among participants and ensure that the Workshop will actively explore social welfare issues as they pertain to both women and men.

Approach to the Workshop

This Workshop uses 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, case studies and plenary discussions.

The curriculum design model of the Workshop is based on principles of adult experiential learning. The underlying principle is that much of the content will come from the participants and that the Workshop will serve as a framework for drawing out their experiences. 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. Continued 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 women's human rights in particular and have experience working with diverse groups. Local experts will be invited as resource persons to give presentations and participate in discussions throughout the Workshop.

Gender Equality

Women and men, and girls and boys experience social welfare policies and programs differently; therefore, it is essential to include gender equality when addressing issues of social welfare using a rights-based approach. Gender equality is an instrumental value of human rights that is integrated throughout this program in order to recognize the different effects certain policies and practices may have on men and women, and girls and boys. Content and strategies for integrating the values of human rights into the social welfare context in Indonesia will be discussed.

About This Manual

This manual outlines the two and a half-day Workshop with objectives, descriptions of activities, and suggested time frames for each actitivity. There are Worksheets and Reference Sheets for several of the activities.

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

Foreign Affairs and International Trade Canada   Affaires étrangères et Commerce international Canada

Canada

Workshop Schedule

Day 1: Monday, February 23, 2009

9:30 – 11:00		Registration
11:00 – 12:00		Opening Ceremony
12:00– 13:00		Prayer Time and Lunch
13:00 – 14:00	Activity 1	Five Corners Introductions
14:00 – 15:00	Activity 2	Overview of the Workshop and Determining Guidelines for Effective Group Dynamics
15:00 – 15:30		Break and Prayer Time
15:30 – 15:50	Activity 3	Your Understanding of Human Rights
15:50 – 17:30	Activity 4	Underlying Principles of Human Rights

Day 2: Tuesday, February 24, 2009

8:30 – 9:00		Recap
9:00 – 10:00	Activity 5	Social Welfare Issues in the Context of Indonesia Parts A and B
10:00 – 10:15		Break
10:15 – 12:00	Activity 5	Social Welfare Issues in the Context of Indonesia Part C
12:00 – 13:30		Prayer Time and LUNCH
13:30 – 15:00	Activity 6	Key Elements of a Rights-based Approach Presentation
15:00 – 15:30		Break and Prayer Time
15:30 – 16:30	Activity 7	International Standards and Mechanisms Presentation
16:30 – 18:30	Activity 8	Applying a Rights-based Approach in Your Work Part A and B (Continued on the morning of Day 3)

Day 3: Wednesday, February 25, 2009

8:30 – 9:00		Recap
9:00 – 10:00	Activity 8	Applying a Rights-Based Approach in Your Work Part C
10:00 – 10:30		Break
10:30 – 12:00	Activity 9	Next Steps
12:00 – 12:30		Prayer Time and Break
12:30 – 13:00		Evaluation
13:00 – 14:00		Closing Lunch

Day 1: Monday, February 23, 2009

Time	Activity	Title
9:30 – 11:00		**Registration**
11:00 – 12:00		**Opening Ceremony**
12:00– 13:00		**Prayer Time and Lunch**
13:00 – 14:00	**Activity 1**	**Five Corners Introductions**
14:00 – 15:00	**Activity 2**	**Overview of the Workshop and Determining Guidelines for Effective Group Dynamics**
15:00 – 15:30		**Break and Prayer Time**
15:30 – 15:50	**Activity 3**	**Your Understanding of Human Rights**
15:50 – 17:30	**Activity 4**	**Underlying Principles of Human Rights**

Overview of Day 1

The aim of Day 1 is to help participants develop a common understanding of the principles and values that inform social welfare and human rights. They will also explore the definition of human rights and the importance of gender equality as an instrumental value of human rights. These discussions will lay the foundation for examining how to best integrate a rights-based approach to social welfare.

Activity 1   Five Corner Introductions

Objective

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

Time

60 min

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.

45 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.

15 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.

End of Activity ■■■

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

Objective

To provide participants with an overview of the content of the Workshop and the participatory approach, and to determine guidelines for building effective group dynamics

Time

60 min

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.

30 min | **Part A Presentation and Discussion**
The Workshop organizers present the overall goal and objectives and description of the Workshop content.

The facilitator then leads a discussion about the Participatory Approach and the Learning Spiral.

Participatory Approach and the Learning Spiral
Diagrams 1 and 2 in **Reference Sheet 1** illustrate two curriculum design models. The facilitator discusses the models with you.

Questions to consider:
- What is the most important difference between these two models?
- Which of the two models are you most familiar with?
- Why do you think the "Learning Spiral" was chosen as the design model for this workshop?

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).

Continued

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.

End of Activity ▮▮▮

DIAGRAM 1: The Expert Model
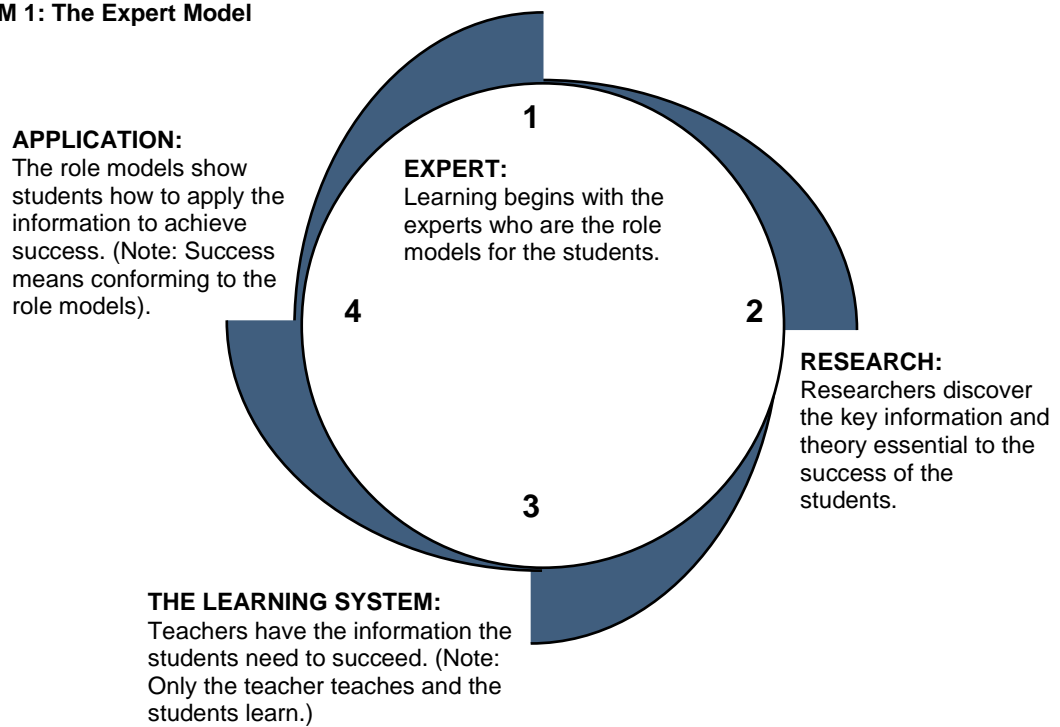
APPLICATION:
The role models show students how to apply the information to achieve success. (Note: Success means conforming to the role models).

1

EXPERT:
Learning begins with the experts who are the role models for the students.

4

2

RESEARCH:
Researchers discover the key information and theory essential to the success of the students.

3

THE LEARNING SYSTEM:
Teachers have the information the students need to succeed. (Note: Only the teacher teaches and the students learn.)

Source: Arnold, R., et al. (1991). *Educating for a Change*. Toronto: Between the Lines. Adapted with permission from the Doris Marshall Institute for Education and Action.

Continued

DIAGRAM 2: The Learning Spiral
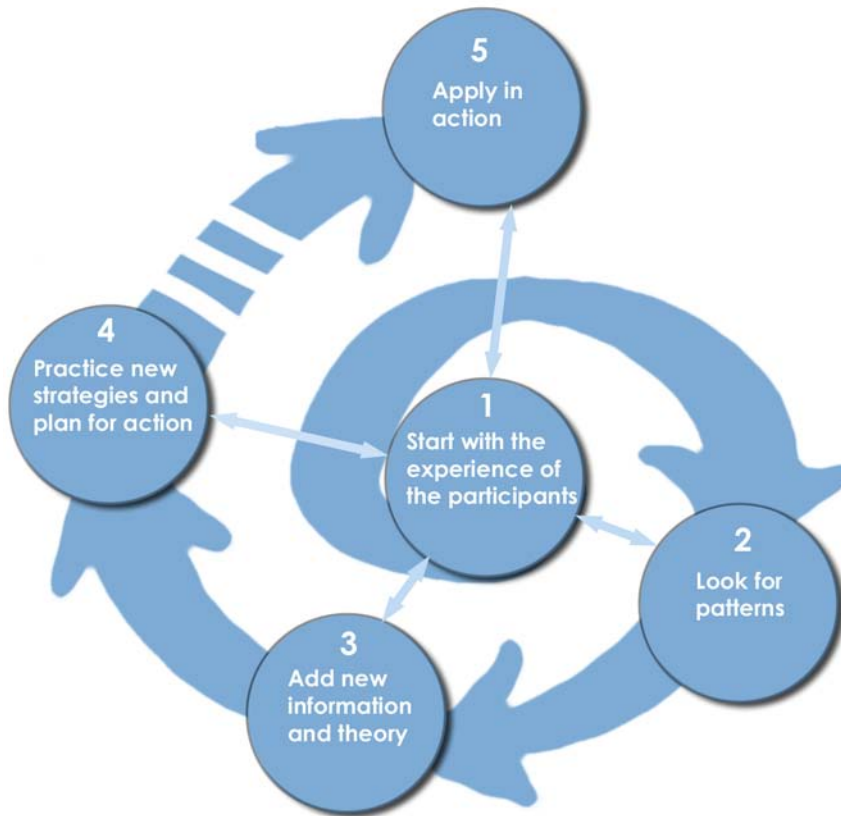
Source: Arnold, R., et al. (1991). Educating for a Change. Toronto: Between the Lines. Adapted with permission from the Doris Marshall Institute for Education and Action.

1. Learning begins with the experience and knowledge of the participants.

2. After the participants have shared their experience, they analyze that experience and look for patterns (i.e., what are the commonalties? what are the patterns?).

3. To complement the knowledge and experience of the participants, new information and theory from experts are added or new ideas are created collectively.

4. Participants need to practice what they have learned, practice new skills, develop strategies and plan for action.

5. Afterwards (usually when they return to their daily work) they apply in action what they have learned.

Reflection and evaluation are built into the workshop design, and are carried out throughout the entire workshop.

Activity 3   Your Understanding of Human Rights Values

Objective

To have participants reflect on their personal notion of human rights

Time

20 min

Description

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

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

5 min

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

_____

_____

_____

15 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.

End of Activity ■ ■ ■ ■

Activity 4 — Underlying Principles of Human Rights

Objective

To have participants explore the underlying principles of human rights

Time

1 hr 40 min

Description

This activity is divided into two parts.

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

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

20 min

Part A Small Group Work
The facilitator assigns your group two of the human rights principles listed in **Reference Sheets 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. **Reference Sheet 3** provides a brief description of gender equality; please review this in preparation for the discussion in Part C.

40 min

Part B Small Group Presentations
Your group will give a 5-minute presentation on the principles you have been assigned.

40 min

Part C Large Group Discussion
The facilitator leads a large group discussion on the interpretations and applications of the terms. He/She then 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)
- Why is gender equality a basic value of human rights? (e.g., lead to the elimination of sex-based discrimination in society: workplace, schools, etc.)
- How are they 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?

End of Activity ▮▮▮▮

Equality

The equality concept expresses the notion of respect for the inherent dignity of all human beings. As specified in Article 1 of the Universal Declaration of Human Rights, it is the basis of human rights: "All human beings are born free and equal in dignity and rights."

Non-discrimination

Non-discrimination is integral to the concept of equality. It ensures that no one is denied the protection of their human rights-based on some external factors. Reference to some factors that contribute to discrimination contained in international human rights treaties include: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The criteria identified in the treaties, however, are only examples; it does not mean that discrimination is allowed on other grounds.

Inalienability

The rights that individuals have cannot be taken away, surrendered, or transferred.

Responsibility

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.

Individual responsibility: Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.

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

Universality

Certain moral and ethical values are shared in all regions of the world, and governments and communities should recognize and uphold them. The universality of rights does not mean, however, that the rights cannot change or that they are experienced in the same manner by all people.

Human dignity

The principles of human rights are founded on the notion that each individual, regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability or social class, deserves to be honored or esteemed.

Indivisibility

Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.

Interdependency

Human rights concerns appear in all spheres of life -- home, school, workplace, courts, markets -- everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights.

Sources:

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

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

Reference Sheet 3   Gender Equality

 "One of the central principles human rights law has established is that all human beings, women included, are equal and should not be subjected to discrimination

The human rights obligation to eliminate sex-based discrimination against women in order to achieve gender equality has been at the centre of international human rights from the beginning.

The UDHR, ICCPR, ICESCR, and other core treaties contain clear statements on women's right to be free from discrimination. The centrality of this concern was made abundantly clear by the adoption of CEDAW. The core international human rights standards, taken together, provide a powerful normative framework for advancing gender equality.

CEDAW is an "anti-discrimination" treaty, meaning that in CEDAW gender inequalities are understood to have been produced by sex-based discrimination. The State obligations imposed by CEDAW are primarily obligations to eliminate the many different forms of gender-based discrimination women face.

Rather than considering equality in formalistic and legalistic terms, and saying that laws and policies ensure equality between men and women simply by being gender-neutral, CEDAW requires that the actual impact and effect also be considered. Under CEDAW, the State has to do more than just make sure there are no existing laws that directly discriminate against women. It must also make sure that all the necessary arrangements are put in place that will allow women to actually experience equality in their lives."

Taken from: United Nations Development Fund for Women (UNIFEM), CEDAW and the Human Rights Based Approach to Programming, UNIFEM, 2007

Day 2: Tuesday, February 24, 2009

Time	Activity	Title
8:30 – 9:00		**Recap**
9:00 – 10:00	**Activity 5**	**Social Welfare Issues in the Context of Indonesia Parts A and B**
10:00 – 10:15		**Break**
10:15 – 12:00	**Activity 5**	**Social Welfare Issues in the Context of Indonesia Part C**
12:00 – 13:30		**Prayer Time and LUNCH**
13:30 – 15:00	**Activity 6**	**Key Elements of a Rights-based Approach Presentation**
15:00 – 15:30		**Break and Prayer Time**
15:30 – 16:30	**Activity 7**	**International Standards and Mechanisms Presentation**
16:30 – 18:30	**Activity 8**	**Applying a Rights-based Approach in Your Work Part A and B** **(Continued on the morning of Day 3)**

Overview of Day 2

The aim of Day 2 is to have participants examine social welfare issues in Indonesia. During the activities, participants will examine the key elements of a rights-based approach and the national social welfare policies and programs of MOSA. Participants will also explore international human rights standards and mechanisms. They will then determine how it applies to social welfare in the context of Indonesia by examining social issues using a rights-based approach.

Activity 5	Social Welfare Issues in the Context of Indonesia

Objective

To have participants explore the social welfare issues in the context of Indonesia

Time

1 hr 15 min

Description

This activity is divided into three parts.

In **Part A**, the resource person will present an overview of the basic values and principles of human rights.

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. (10 min)

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.

40 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).

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

Continued

45 min   **Part C Presentation and Large Group Discussion**
(20 min) A resource person briefly provides an overview of the national social welfare context of Indonesia.

He/she presents:

- 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.
- How MOSA fits within the broader context of the RANHAM.

(25 min) Question and Answers

End of Activity ■■■

Worksheet 1   Approach to the Issues

Issues	Describe what approach is used to develop policies and programs to address the issue(s) identified below?
Issue 1: _____	
Issue 2: _____	

Activity 6	Key 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

Description

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 on:

- 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?

60 min   **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?

Continued

A resource person presents a rights-based approach to social protection and provides an example of how this approach can be applied to the issues of poverty using the example in **Reference Sheet 6**. (See **Reference Sheets 4 – 6**)

End of Activity 🟧🟧🟧

A **human right** is something I am entitled to simply because I am 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".

- Human rights are **universal.** They are the birthright of every member of the human family. No one has to earn or deserve human rights.
- Human rights are **inalienable**. You cannot lose these rights anymore than you can cease to be a human being.
- Human rights are **indivisible**. You cannot be denied a right because someone decides it is less important or non-essential. HR should be addressed as an indivisible body, including civil, political, social, economic, cultural and collective rights.
- Human rights are **interdependent**. All human rights are part of a complementary framework. Human rights concerns appear in all spheres of life: home, school, and the workplace. Human rights violations are interconnected; loss of one right detracts from other rights. Similarly promotion of human rights in one area supports other human rights.

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

Moving from Needs to Rights

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.

- Includes principles of equality and equity, accountability, empowerment and participation.

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).

Continued

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.

Information on a Rights-based Approach has been adapted from:

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 Affects on South African Children, Youth and Families, Care and Support Guidelines*, 2001.

UNHCR website, http://www.unhchr.ch/development/approaches-04.html

Reference Sheet 5   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

Rational 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

- 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

Taken and adapted from source: http://www.odi.org.uk/resources/details.asp?id=1078&title=rights-based-approaches-social-protection
Piron, Laure-Hélène, *Rights-based Approaches to Social Protection,* Overseas Development Institute, London, UK, 2004, pp. 3 – 4

Instructions for the Facilitator

- Begin by eliciting some examples of the effects of poverty on individuals and communities

- Together with the participants determine possible rights-based responses using the process outlined below.

- Remind participants that when applying a rights-based approach it is important to use as the foundation the basic principles, which include equality and equity, accountability, empowerment and participation.

- Then have participants discuss how to address the issue of poverty using a rights-based response. For example:

  - Use human rights as a framework for poverty alleviation.

  - Assess and address the human rights implications of any policy, program or legislation aimed at poverty alleviation.

  - Make human rights an integral dimension of the design, implementation, monitoring and evaluation of poverty related policies and programs in all spheres including political, economic and social.

- Suggested formats to record the information from your discussion as well as examples are provided below. Use a separate flipchart paper for each column.

Effects of Poverty on Individuals and Communities include:	A Rights-based Response to Poverty should include:
- homelessness - sense of powerlessness - hunger - ill health - lack of schooling - major cause of malnutrition - drug & alcohol abuse - physical and sexual abuse - lack of child care	- Direct links to rights - Increased levels of Accountability - Move from dependency to Empowerment - Participation - Non-discrimination

- Take participants through the different elements in column two of the chart above and have them provide examples. Suggested answers are provided below.

EXAMPLE OF A RIGHTS-BASED APPROACH TO POVERTY

A rights-based response to poverty involves: using the measures for protection laid out in international agreements covenants and declarations and incorporating them into plans, policies and programs with the overall aim to realize all human rights for all people.

Source: 1st SADC Conference on Community Home Based Care 5th - 8th March 2001

Continued

Applying this approach to the issue poverty involves:

1. **Participation**

   - The right to be heard—allowing people to organize, to speak out and to take part in decisions that affect their lives.

Sustainable of programs in communities depends on ownership and participation by the community and government institutions.

2. Increased levels of **Accountability**

   - State parties must ensure the fundamental right of everyone to adequate food, clothing and housing, and to the continuous improvement of living conditions.

A rights-based approach increases accountability by identifying specific duties (actions) and those duty-bearers (actors). As a result, intervention is no longer based on organized aid, but on obligation enabling a more transparent monitoring process.

3. **Non-Discrimination**

   - The right to services — ensuring the provisions of health, education and other services be available to all.

Inherent dignity of every human being without distinction and equality between men and women are basic principles of human rights. Therefore a rights-based approach automatically ensures that everyone is a subject of rights regardless of age, sex, ethnicity, religion, political status, etc.

4. Move from dependency to **Empowerment**

   - The right to sustainable livelihood—addressing basic needs such as food, shelter and clean water

This approach eliminates the sense of powerlessness among people by enabling them to actively exercise their basic human rights.

5. Direct **Links** to rights

   - Right of men and women and children to enjoy the full range of economic, social and cultural rights

Establishing direct links to rights helps to ensure Government's obligation to ensure economic, social and cultural rights.

Source: Human Rights in Development: How do rights-based approaches differ and what is the value added? www.unhchr.ch/development/approaches-0.7.html

Activity 7   International Standards and Mechanisms

Objective

To have participants explore the international human rights framework as it applies to the social welfare context of Indonesia

Time

60 min

Description

Presentation and Large Group Discussion

(30 min) A resource person briefly provides an overview of the national social welfare context of Indonesia.

He/she will present a brief description of:

- How the existing international standards (i.e. UDHR, CEDAW, CRC, ICESCR, ICRPD, ICRMW, and their Optional Protocols and the Declaration on the Rights of Indigenous Peoples) and mechanisms apply to the context of social welfare in Indonesia
- The obligations of the state upon ratification of the international instruments by providing examples

(30 min) Question and Answers

End of Activity ■ ■ ■ ■

Activity 8   Applying a Rights-Based Approach in Your Work

Objective

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

Time

3 hrs

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 5.

You will explore these social welfare issues using a rights-based approach. Refer to Activity 6 for the key elements.

This activity is divided into three parts.

In **Part A**, participants will work in the same small groups as Activity 5 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 will lead a large group discussion.

Continued

60 min   **Part A Small Group Work**

The facilitator divides participants into small groups according to the same groupings during Activity 5. He/she provides each participant with a copy of the national provisions and international instruments listed in **Reference Sheet 7**.

Each small group reflects back on the results of their discussion from **Activity 5** 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 7,** and identify those which apply to the issue assigned to your group.

2. Complete **Worksheet 2,** 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 2** to prepare the presentation.

60 min   **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.

60 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 rights-based 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)?

End of Activity ■ ■ ■

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

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

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

INTERNATIONAL INSTRUMENTS

- Universal Declaration of Human Rights
- Convention on the Elimination of Discrimination Against Women
- Convention on the Rights of the Child
- International Covenant of Economic, Social and Cultural Rights
- International Convention on the Rights of Persons with Disabilities
- International Convention on the Rights of Migrant Workers
- Declaration on the Rights of Indigenous People

All national and international resources listed above were taken from the DEPLU web site in Bahasa Indonesia: http://www.deplu.go.id

Worksheet 2   Addressing Social Welfare Issues Using a Rights-Based Approach

Social Welfare Issue assigned to your group: _____

1. Describe the approach outlined in Activity 5 to 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

3. 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

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?*	

Day 3: Wednesday, February 25, 2009

Time	Activity	Title
8:30 – 9:00		**Recap**
9:00 – 10:00	**Activity 8**	**Applying a Rights-Based Approach in Your Work Part C**
10:00 – 10:30		**Break**
10:30 – 12:00	**Activity 9**	**Next Steps**
12:00 – 12:30		**Prayer Time and Break**
12:30 – 13:00		**Evaluation**
13:00 – 14:00		**Closing Lunch**

Overview of Day 3

The aim of Day 3 is dedicated to participants presenting the results of their work on applying a rights-based approach to social welfare issues. They will then reflect on how to transfer their learning about a rights-based approach into their social welfare work at MOSA.

Activity 9   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 30 min

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.

45 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?

30 min

Part C Small Group Presentations
Each small group will briefly present, in turn, the results of their small group discussions.

End of Activity ■■■

Evaluation

Objective

To evaluate what participants have learned and the success of the Workshop

Time

30 min

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 ■ ■ ■

Appendix 1   Taking the Human Rights Temperature of Your Work and Work Environment

Taking the human rights temperature of your work and your work environment helps you to critically reflect on your work in social welfare keeping the rights-based approach in mind. It also helps you to assess the human rights climate at the institutional level.

Completing the Human Rights Temperature Questionnaire takes approximately 30 minutes, and can be completed once you return to your work.

When you are completing the questionnaire, keep in mind the following questions:
- How does your work appear to be adhering to or promoting human rights principles?
- Does the institution/organization you work in reflect a rights-based environment? If not, how do you explain the existence of such problematic conditions?
- Should a rights-based approach be included in social welfare curricula?
- Can you apply what you learned today in your daily work?

THE QUESTIONNAIRE
Instructions

Take the human rights temperature of your work. Read each statement and assess how accurately it describes the human rights climate of your work in the blank space next to it. When you complete the questionnaire add up your score to determine your overall assessment score.

Rating Scale

1 - no/never
2 - rarely
3 - often
4 - yes/always

Rating	Questions
	1. My work enables a safe and secure environment. (Art. 3 & 5)
	2. All clients receive equal information and encouragement about their opportunities. (Art. 2)
	3. Clients are not discriminated against because of their life style choices, such as manner of dress, associating with certain people. (Art. 2 & 16)
	4. My work enables equal access, resources, activities, and scheduling accommodations for all individuals. (Art. 2 & 7)
	5. When someone demeans or violates the rights of another person, the violator is helped to learn how to change his/her behavior. (Art. 26)
	6. Members of my institutions/organisation care about my full human as well as professional development and try to help me when I am in need. (Art. 3, 22, 26 & 29)
	7. When conflicts arise, we try to resolve them through non- violent and collaborative ways. (Art. 3, 28)
	8. Institutional policies and procedures are implemented when complaints of harassment or discrimination are submitted. (Art. 3 & 7)

Rating	Questions
	9. Someone accused of wrong doing is presumed innocent until proven guilty. (Art. 11)
	10. My personal space and possessions are respected. (Art. 12 & 17)
	11. My work enables clients to have the liberty to express their beliefs and ideas (political, religious, cultural, or other) without fear of discrimination.(Art. 19)
	12. My work enables clients to express their culture and religion through various forms of expression without fear of discrimination or reprisal. (i.e., dress codes, symbols, and literature) (Art. 19, 27 & 28)
	13. My work enables clients to have the opportunity to participate (individually and through associations) in democratic decision-making processes to ensure their personal security and that of their community. (Art. 20, 21, & 23)
	14. My work enables clients the right to form associations within their community to advocate for their rights or the rights of others. (Art. 19, 20, & 23)
	15. Members of my institution encourage each other to learn about societal and global problems related to justice, ecology, poverty, and peace. (Preamble & Art. 26 & 29)
	16. Members of my institutions/organisation encourage each other to organize and take action to address societal and global problems related to justice, ecology, poverty, and peace. (Preamble & Art. 20 & 29)
	17. Members of my institutions/organisation are able to take adequate rest/recess time during the work day and work reasonable hours under fair work conditions. (Art. 23 & 24)
	18. Employees of my institutions/organisation are paid enough to have a standard of living adequate for the health and well-being (including housing, food, necessary social services and security from unemployment, sickness and old age) of themselves and their families. (Art. 22 & 25)
	19. I take responsibility in my work to ensure other individuals do not discriminate and that they behave in ways that promote the safety and well being of my clients and community. (Art. 1 & 29)
	The Human Rights Climate of Your Work **(TEMPERATURE POSSIBLE = 76 HUMAN RIGHTS DEGREES**

Adapted from:D. Shiman & K. Rudelius-Palmer, Economic and Social Justice: A Human Rights Perspective (Minneapolis: Human Rights Resource Center, University of Minnesota, 1999)