

- » *Remedial Action* is “any activity aimed at restoring the dignity of people and ensuring adequate living conditions subsequent to a pattern of violation, in particular through putting pressure on/convincing authorities into taking the required measures and/or provision of rehabilitation, restitution, compensation and repair.”
- » *Environment-building* is “any activity aimed at fostering a social, cultural, political, institutional, economic and legal environment conducive to respect for the rights of the individual, in accordance with the letter and the spirit of the relevant bodies of law”.

Furthermore, there are five main modes of action that can be used by humanitarian agencies in the attempt to secure protection of rights:

- » Denunciation
- » Mobilization
- » Persuasion
- » Support to structures
- » Substitution

The first three modes of action do not involve direct assistance but are different means of pressure that aim to secure the compliance of the relevant authorities with international laws of civilian protection so as to prevent further violations. The fourth and fifth modes are ways of providing direct assistance to those surviving and recovering from violations.

Sectors of Assistance

Generally, DRC programmes of assistance fall within a total of ten sectors: Housing and small-scale infrastructure; Income generation through grant and micro-finance; Food security and agricultural rehabilitation and development; Displacement-related law and information; Social rehabilitation; NGO capacity development and networking; Humanitarian mine action; Information management and co-ordination; Emergency logistics and transport management, and Secondment of emergency personnel. All activities are implemented in close co-operation with Danida, UNHCR and ECHO among other donors. More information on our sectors is available at <http://www.drc.dk/relief-work/what-we-do/>.

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The Rights-based Approach

Background

Since 1990, the Danish Refugee Council has been undertaking assistance in conflict and post-conflict situations around the world, in places such as the Caucasus region, the Western Balkans, Afghanistan, Sri Lanka, the Horn of Africa, Central Africa, West Africa and the Middle East. Through this, a wealth of experience has been amassed, leading to the gradual refinement of operational strategies. The Rights-based Approach reflects that an increased focus on rights is necessary as a basis for DRC assistance and that the adherence to it is underpinned by its vision and mandate for international activities.

The Basis

There are a number of reasons why DRC is committed to defining its international assistance activities within the framework of a rights-based approach.

- » *Relevance*: A common international legal regulative framework within which actors can be held accountable for their actions is very useful in a context where conflicts often transcend national borders and may involve both state and non-state actors.
- » *Legitimacy*: The majority of States have ratified the various relevant conventions and legal instruments and their actions are therefore bound by these.
- » *Abuses*: Civilians have become targets and not only victims of violence. Hence, it is imperative to increasingly focus on and respond to the violation of rights that in turn results in vulnerabilities.
- » *Added value*: it provides structure and focus in the analysis of a given rights situation and clarifies DRC's role in comprehensive displacement situations; it anchors DRC programmes in a wider context; it defines needs within a human rights context; it encourages a more comprehensive stakeholder analysis; it provides authoritative arguments for advocacy purposes; it highlights new/greater variety of modes of action; it adds an element of accountability; and it facilitates a stronger focus on sustainability.

“...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...”

Principles

The commitment of DRC to a rights-based approach implies integrating the following five principles in its assistance programmes:

- » *Expressly apply international legal principles/framework*: this obliges DRC to take into account and make explicit reference to, and design assistance within a framework of, the relevant international and national legal standards and conventions applicable to the situation in question.
- » *Empowerment*: this obliges DRC to factor in strategies and approaches that build the capacity of people (rights-holders) to claim or enjoy their rights.
- » *Participation*: this obliges DRC to support and ensure that rights-holders are given a voice on matters that concern them. Participation should be free, active, and meaningful.
- » *Non-discrimination and vulnerable groups*: this obliges DRC to avoid any biases or discriminatory practices when delivering assistance, and to pay special attention to vulnerable groups.
- » *Accountability*: this obliges DRC, on the one hand, to promote accountability towards those for whom we work and, on the other hand, facilitate/support to ensure that duty-bearers are also held to account.

As a self-mandated key stakeholder in any given situation, the particular role and responsibility of DRC in promoting the protection of rights is to:

- » focus on the challenges of making duty-bearer stakeholders take up their responsibilities to protect people affected by war, conflict, during displacement and after;
- » fill-in as much as possible when the duty-bearers are unwilling or unable to do so;
- » encourage and support “rights-holders” to claim and enjoy their rights.

Stakeholders

Within a rights-based approach, stakeholders can be categorised into the following four groups:

- » *Primary stakeholders/Rights-Holders* are the intended beneficiaries of an action (Internally Displaced Persons; Refugees; human rights defenders - either the population or the organisation they may form).
- » *Duty-bearer stakeholders* are those who are responsible for the respect, the protection and the fulfilment of the rights of primary stakeholders. They are state and government bodies; certain UN bodies (for instance, UNHCR in the case of refugees); non-state actors/opposition armed groups in certain situations; and ICRC, which has a specific role in relation to International Humanitarian Law (IHL).
- » *Key stakeholders* are those who can significantly influence the protection of primary stakeholders. They include other UN bodies; other governments and multilateral institutions (both as donors and as policy makers); armed opposition groups; NGOs (national and international); churches; religious institutions; local

leaders etc.

- » *Other possible stakeholders*: Corporations; mass media etc.

Rights-based Analysis

When formulating the objectives and outlining the activities for a particular project or programme, the focus should be maintained on the following:

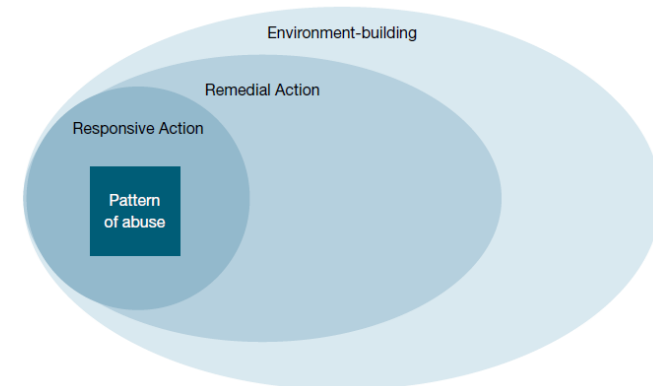
- » Why certain people/groups’ rights are being violated/the root causes?
- » Who is responsible for addressing the rights violations?
- » What are they doing to address their responsibilities?
- » What can we do to support, facilitate and/or fill in?

A RBA designed programme or project will often, in addition to addressing the identified problems by more traditional service delivery, include elements of:

- » Capacity building (of both rights-holders, duty-bearers and other key stakeholders);
- » Strengthening of structures, mechanisms and dialogues for rights-holder and duty-bearer interaction; and
- » Advocacy on violations.

The “Protection Egg”

When it comes to implementation, a focus on rights and responsibilities can result in a number of different activities targeting different stakeholders in various ways.



The abuse or right violation is at the centre of the “Egg”. The three spheres or levels of protective action float from here:

- » *Responsive Action* is “any activity undertaken in connection with an emerging or established pattern of violation and aimed at preventing its recurrence, putting a stop to it, and/or alleviating its immediate effects”.