

# PROMOTING GOVERNANCE AND HUMAN RIGHTS

■ TRÓCAIRE'S POLICY & STRATEGY | 2011-2016



**TROCAIRE**  
Working for a Just World

**Cover Photo:** Beatrice Abee speaks out at a community meeting held to discuss community priorities in Pageya Parish, Koro Sub County, northern Uganda.

This meeting was facilitated by Trócaire partner Gulu NGO Forum.

Photo: Alan Whelan / Trócaire

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# LIST OF ACRONYMS

ASEAN	Association of South East Asian Nations
AIDS	Acquired Immune Deficiency Syndrome
CSA	Conflict-Sensitive Approach
CSO	Civil Society Organisation
CPRC	Chronic Poverty Research Centre
EU	European Union
GBV	Gender-Based Violence
GHR	Governance and Human Rights
HIV	Human Immunodeficiency Virus
HRD	Human Rights Defender
RBA	Rights-based Approach
NGO	Non-Governmental Organisation
PO	Programme Officer
SLT	Strategic Leadership Team
TNC	Transnational Corporation
UK	United Kingdom
UN	United Nations
UPR	Universal Periodic Review
USA	United States of America

# FOREWORD

Work on Governance and Human Rights goes to the core of Trócaire's mandate. In their pastoral letter on the founding of Trócaire (1973), the Catholic Bishops of Ireland ended with a prayer that God would never let people grow accustomed to the injustice and inequality that exist in this world or grow weary in the work of setting it right. Almost forty years after the founding of Trócaire, this spirit remains steadfast in the work of Trócaire, its partners and its supporters.

More recently, Pope Benedict has underscored the importance of working for justice in his papal encyclical, *Caritas in Veritate*, where he says: 'Charity goes beyond justice, ... but it never lacks justice... if we love others with charity then first of all we are just towards them. Not only is justice not extraneous to charity, not only is it not an alternative or parallel path to charity; justice is inseparable from charity, and intrinsic to it. Justice is the primary way of charity.'

Over the past four decades, we have seen horrific injustices and human rights abuses committed in many countries. These abuses were perpetrated against people because they were vulnerable, poor and unable to defend their rights or because they threatened the vested interests of the powerful. We have seen some perpetrators brought to justice after long, hard struggles by survivors and their families. We have witnessed governance deteriorate in many countries and then begin to improve, albeit slowly, as principles of democracy and rule of just law gradually become more embedded in national and global politics. We have also seen powerful third parties, including states, the private sector and multilateral agencies, distort these processes either out of narrow political and economic interest or ill-judged policy decisions. Throughout this changing context, we have strived to work alongside communities and our partner organisations to promote, protect and defend the rights of the most vulnerable. We believe that we have had an impact in this work. However, the ever-changing context challenges us to constantly renew our focus so as to be as effective as possible.

This Policy and Strategy is framed within our overall organisational commitment to working for justice, human rights and empowerment of the most vulnerable to be the authors of their own development. It builds on these fundamentals to set out a concrete and coherent programme of work in Governance and Human Rights, focusing primarily on participatory and accountable governance and on access to justice. This Policy and Strategy also prioritises work on gender equality, recognising that the exclusion of women and girls and violations of their rights are a fundamental part of the structural injustices which we address.

This statement that ‘the abuse and oppression of poor and vulnerable people is an intolerable outrage’<sup>1</sup> is at the heart of Trócaire’s work in general and this Policy & Strategy in particular. This document gives concrete expression to our commitment to working on Governance and Human Rights in a focused and effective manner. I am confident that it will be delivered with passion and professionalism by Trócaire’s staff and our partners.



Justin Kilcullen  
Director

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<sup>1</sup> See Section 3: Rationale, Principles and Approach

# EXECUTIVE SUMMARY

Governance and Human Rights (GHR) is one of five core organisational programmes<sup>2</sup> established under *Trócaire's Strategic Framework 2006 – 2016: Mobilising for Justice*. The purpose of this Policy and Strategy is to provide clarity around the focus and direction of Trócaire's work in the area of Governance and Human Rights. It is primarily intended to guide programme staff at field level in designing and implementing high-quality programmes which are coherent with organisational objectives.

The Context Analysis highlights some of the most important factors that affect the environment for our work on Governance and Human Rights. Deepening poverty in the poorest regions and increased exclusion of the most vulnerable are key characteristics of a world in which resources are abundant but unjustly distributed and managed. Injustice against women and girls is particularly acute, with gender-based violence adding to the structural inequalities that keep women and girls poor and unable to influence the decisions that affect their lives. Destructive conflict, at state and social level, is both a cause and a consequence of poor governance. Endemic corruption is corroding social values and reducing the resources available to meet people's basic needs and rights. Trends in democratisation are both positive and negative. On the one hand social mobilisation is on the increase, while on the other hand there is a deepening of authoritarianism and repression in many contexts, with human rights defenders in particular being under threat. Internationally, the framework for human rights is expanding, but the post-9/11 environment has further contributed to a securitisation of aid and a more constrained environment for protection of human rights.

For Trócaire, governance describes the institutional context within which human rights are achieved or denied. It is about how power and authority are exercised in the management of a country's affairs and resources. Crucially, it is about whether the most marginalised are empowered to participate meaningfully in decision-making. In our work therefore, we focus on the empowerment of the poorest and most marginalised people to achieve their rights through their own agency. This work is rooted in a rights-based approach to development and in Catholic Social Teaching.

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<sup>2</sup> There were six programmes until 2010, when Environmental Justice was merged with Sustainable Livelihoods.

Taking a rights-based approach means that we put human rights at the centre of development and that we strive to ensure that universally recognised standards of human rights are promoted and upheld. This approach to development work is given added depth and meaning through the application of the values inherent in Catholic Social Teaching (CST). This means, for example, that the responsibility of each actor is derived not only from a legal framework, but from their moral relationship with others.

We have a particular emphasis on the role of the state, as the state is primarily responsible for ensuring respect, promotion, protection and fulfilment of rights. We do not disregard the importance of actors such as the private sector and multilateral institutions. However, our focus in terms of demanding accountability will be on the state, which has a duty to protect citizens against human rights abuses by third parties (including the private sector and multilateral bodies) through appropriate policies, regulation, and adjudication.

**Trócaire's approach to Governance and Human Rights is based upon a belief that empowerment, participation and accountability are essential to the achievement of justice and human rights for the most excluded.**

**In brief, the GHR programme focuses on changing the structures and processes of governance that perpetuate and deepen injustice, poverty, exclusion and abuses of human rights. We work to empower poor and marginalised people to participate in governance processes, claim their rights and demand accountability from the state.** Given the depth of the inequalities facing women, we have a particular focus on empowering women to promote, defend and achieve their rights.

We have two major work areas:

- **Participatory and accountable governance**, which focuses on empowering poor and marginalised people to participate in structures and processes of governance in order to influence decisions on how power is used and resources are managed. This work takes place at local level in particular, but also at national level.

- **Addressing systemic and targeted violations of human rights against vulnerable groups** (or 'Access to Justice'<sup>3</sup>). This focuses in particular on egregious abuse of human rights that are condoned or tolerated by the state. In this work we seek to empower people to prevent the violation of their rights, and if their rights have been violated, to seek redress. We also support partner organisations to monitor, document and advocate on human rights abuses with a view to achieving an end to impunity and observance of international human rights law.

We also work specifically on:

- **Gender equality**, with a focus on empowering women to participate in decision-making processes that affect their lives at community and higher levels.
- **Conflict**, focusing on applying a conflict-sensitive approach to all our programming and pro-actively promoting peace where the context requires it.

Monitoring and evaluation in this programme area will follow the organisational model, wherein every programme must have a baseline and a strong monitoring and evaluation framework, against which progress is measured on an annual basis. All country-level GHR programmes will report annually against indicators which relate to the Outcomes that are set out in this Policy & Strategy. These annual programme reviews will be analysed at country and global level and changes in strategy or emphasis will follow where appropriate. The Governance and Human Rights Unit will report annually to the Strategic Leadership Team (SLT) against a three-year framework of deliverables as set out in the Implementation Plan for the Strategic Framework (Phase II: Feb. 2011 – Feb. 2014). A major review of this programme will be carried out in 2015, in preparation for the development of a new Strategic Framework for Trócaire in 2016.

This Policy & Strategy was developed through the active collaboration of all Governance and Human Rights programme staff, along with a cross-organisational Working Group and the members of the Leadership Forum, which brings together overseas and Ireland-based managers. A survey of Governance and Human Rights Programme Officers (PO) was carried out in 2009. At the global GHR meeting in Guatemala in October 2010, the core elements of the Policy & Strategy were refined. All of these inputs combined to shape the final Policy & Strategy.

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<sup>3</sup> The term 'Access to Justice' is commonly used in Trócaire as a term which captures this overall area of work. However, it can be also interpreted narrowly to describe only the legal dimension of this programme area. Therefore care needs to be taken to understand it in the appropriate context.

# 1 | PURPOSE OF THE POLICY & STRATEGY

The purpose of this Policy and Strategy is to set out a vision for Trócaire's work in the area of Governance and Human Rights and to provide clarity around the focus and direction of our work in this area.

It is primarily intended to guide programme staff in the development and management of programmes at field level. It will bring coherence to this work at an organisational level, enabling us to deepen expertise in our core areas of work, learn from our experiences and improve our programming and advocacy work. The policy clarifies the key concepts that underpin our work.

It sets out Objectives and Outcomes against which we will hold ourselves accountable. It is the basis for planning, monitoring, reviewing and evaluating our work in this programme area.

Having a clear Policy and Strategy will enable us to improve our accountability to beneficiaries, partners, funders and other stakeholders. It will also help us to communicate to a broad range of audiences in Ireland and beyond, in order to build understanding of and support for Trócaire's work.

# 2 | CONTEXT ANALYSIS

This section highlights some of the most important contextual factors for Trócaire's work on Governance and Human Rights.

## 2.1 Poverty, Inequality and Exclusion

According to the measure of people living on less than \$1 a day, a billion people worldwide live in extreme poverty. This is a manifestly unjust situation in itself, which should cause outrage in a world in which the financial, technological and intellectual resources for poverty reduction are clearly available. However, poverty is about much more than a low income. When poor people are asked to define it for themselves, poverty is described as voicelessness, powerlessness and exclusion from decision-making.<sup>4</sup> As the Chronic Poverty Research Centre has found:

*'Chronically poor people have no meaningful political voice and lack effective political participation. The societies they live in and the governments that exercise authority over them do not recognise their most basic human rights' (CPRC, p.1).*<sup>5</sup>

Poor women and girls are the most likely to experience chronic poverty. This means that they are trapped below the poverty line with little immediate prospect of escape.<sup>6</sup> Numerous other groups experience systematic exclusion and consequent chronic poverty.<sup>7</sup>

Injustice is both at the root of poverty and compounds poverty. Article 1 of the Universal Declaration of Human Rights states that: 'All people are born free and equal in rights and in dignity'. Injustice and inequality are not only an affront to our common humanity, they also destroy social cohesion, increase the likelihood of social and state-level conflict, and trap people in poverty from one generation to the next.

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<sup>4</sup> Narayan, D. et al (2001), *Can Anyone Hear Us? Voices of the Poor*, World Bank, Washington DC.

<sup>5</sup> The Chronic Poverty report 2008-09, p.1, CPRC, [www.chronicpoverty.org](http://www.chronicpoverty.org).

<sup>6</sup> The Chronic Poverty Report 2008-09, Summary, p.2.

<sup>7</sup> For example: members of certain ethnic, religious, indigenous, nomadic and caste groups; refugees and internally displaced people; people with disabilities; people living with HIV; people with ill-health; the young; the old; and other groups who are discriminated against in specific contexts.

Poverty and inequality are not accidents of fate. They are the results of specific power relations and policy decisions which are discriminatory, exclusionary and unjust. It is this injustice that underpins poverty, and that Trócaire addresses in its work.

## **2.2 Gender, Power and Accountability**

The impact at individual and societal level of discrimination against women and girls is particularly serious. Women's limited decision-making power within the household is illustrative of deeply embedded patriarchal cultures and values which limit women's influence at all levels. Women are less likely to be involved in decision-making roles in local community fora and in the civil service. Men outnumber women in parliament by four to one globally. At a practical level, this means that policies are developed and budgets agreed which do not take into account the different needs and priorities of men and women and which therefore perpetuate multi-generational poverty, given the direct impact of a mother's welfare on her children's life chances.

Accountability means that decision-makers must answer to those who are affected by their decisions. Building women's and men's capacity to recognise the injustices that affect women, to hold decision-makers to account and to achieve gender-just changes in policies and practice is critical.

## **2.3 Violence and Conflict**

Violent conflict forms a devastating backdrop to the daily lives of millions of people throughout the developing world, and is both a cause and a consequence of poverty, inequality and poor governance. There are 25 million people displaced within their own countries worldwide, and an estimated 20 million more directly affected each year by war.<sup>8</sup> Currently, almost all of the 27 countries in which Trócaire works are either in ongoing conflict, are in post-conflict situations or are highly vulnerable to violent conflict. While state-level conflicts have decreased in the last decade, social conflict is on the increase.

Women, men and children are affected in different ways by conflict. Men and boys have been especially targeted for forced conscription, abduction and assassination. Women and girls are particularly vulnerable to gender-based violence (GBV), including rape as a weapon of war, forced prostitution and sexual slavery. In post-conflict societies, the normalisation of violence often leads to continued violence, especially against women, and impunity for such acts.<sup>9</sup>

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<sup>8</sup> Cairns, Ed (2008), *Insecurity in an Unequal World*, Background paper for From Poverty to Power, Oxfam International, 2008, p.1.

<sup>9</sup> Trócaire Gender Policy, p. 8.

Violence can become endemic in post-conflict societies, particularly where the grievances that were at the heart of the conflict have not been adequately addressed, and where there are no new viable livelihoods for young men who previously lived from war. The trauma of past conflict affects populations for generations and undermines the social cohesion that is necessary for people to live secure lives in peaceful, stable and socially just states.

Where institutions for achieving redress (i.e. rule of law, traditional justice mechanisms) are inadequate or seen as unfair, violence can easily take root. What often lies at the root of conflict and violence is the inability of States to provide effective, accountable institutions which ensure that: power and resources are equally shared; grievances are peacefully resolved; laws are just; and that the rule of law is applied to all. The impact of conflict and violence can further undermine a government's capacity to provide these essential public goods.

To achieve long-term, sustainable peace, the injustice at the root of conflict and the impunity that perpetuates it must be addressed. For Trócaire, working in a context of violent conflict means that we have to take a conflict-sensitive approach to our work, ensuring that our programmes minimise harmful conflict and proactively promote dialogue and conflict resolution where the context requires it.

## **2.4 Corruption**

Corruption – or the abuse of entrusted power for private gain – puts a massive strain not only on resources for development but on trust between a state and its citizens.<sup>10</sup> The poorest people and those with least power are the hardest hit by corruption. Petty corruption, such as the illegal charging of 'fees' for public services or the failure of state employees to turn up for work, deprives vulnerable people of basic services, deepens exclusion and contributes to tension and social violence. Grand corruption involves large-scale transfers of wealth from the state or private sector (such as through bribes for contracts and access to resources) to well-connected members of the élite. Corruption is facilitated by a lack of institutional accountability and is most effectively tackled through increasing transparency and empowering citizens to hold members of the executive, legislature and judiciary (including public officials at all levels), to account.<sup>11</sup>

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<sup>10</sup> The term citizenship is used in an active sense and goes beyond the notion of the legal status given by states; it applies to everybody (including stateless people). See Glossary (Annex 1).

<sup>11</sup> It may also involve working for greater transparency and accountability in the private sector.

## 2.5 Democratisation and Empowerment

Recent decades have seen rapid growth in the number of formal electoral democracies in the world.<sup>12</sup> Many aid agencies aim to bring about change in the lives of marginalized people through supporting the development of democratic institutions of government. Yet, around the world these institutions are often the ones poor people distrust the most. A key challenge therefore is the construction of new relationships based on justice and human rights between ordinary citizens - especially the poor and excluded - and government at all levels.<sup>13</sup>

Decentralisation of power from central to lower levels of government has been a strong trend in democratisation and development for over a decade. Decentralisation can facilitate the empowerment of citizens by bringing the institutions that affect their lives closer to them and by creating formal structures for people to engage with elected leaders and public servants. However, research indicates that, in and of itself, decentralised government is no more likely to be more accountable to citizens than centralised government.<sup>14</sup> It can consolidate élite capture and local inequalities, including the exclusion of women. Local elections can fuel tensions and conflict with negative impacts on the population.

In response to the perceived crisis of democracy, numerous experiments are underway that are developing new forms of citizen participation, on the one hand, and of government responsiveness on the other.<sup>15</sup> These are not to replace representative democracy, but to deepen it. The aim is to create more direct mechanisms for ensuring citizen voice in the decision-making process which are deliberative, empowered and inclusive. The proposition is that participatory, rights-bearing forms of citizenship will contribute to more responsive and accountable forms of governance, which in turn will be pro-poor.

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<sup>12</sup> For example, in 2005, 121 countries worldwide were classified by Freedom House as democracies, as opposed to only 76 in 1990. From: Horner, L. (2008), *How and why has multiparty democracy spread over the past 100 years, and what difference has it made to the lives of the poor?*, Background Paper for *From Poverty to Power*, Oxfam International, 2008, p. 2.

<sup>13</sup> John Gaventa, in *Accountable and Participatory Governance*, report of the Trócaire/ IDS workshop held in Dublin from 6 – 8 July 2009

<sup>14</sup> DFID, *The Politics of Poverty: Elites, Citizens and States*, Findings from ten years of DFID-funded research on Governance and Fragile States, 2000 – 2010: Synthesis Paper, pg. 47.

<sup>15</sup> Particularly in emerging economies such as those of Brazil, India and South Africa.

## 2.6 Closing of Civil Society Space

The development of more empowered, participatory citizens and civil society organisations is not always seen as positive by powerful actors however. Indeed, there is an escalating trend in the closing of space for civil society in many countries, particularly for those whose work challenges injustice. Many governments have recently moved to restrict operational and political space for civil society, for example through restrictive legislation against civil society, especially NGOs, and the criminalisation of civil society activists for advocacy activities.<sup>16</sup> Attacks on Human Rights Defenders (HRDs) are increasing at an alarming rate. Human Rights Watch have documented an increase in murder, detention, harassment and other direct attacks on HRDs, as well as documenting the impact of restrictive legislation on civil society.<sup>17</sup>

In some contexts, space for civil society is opening up. This has been the case in the aftermath of a major emergency (e.g. in Burma after Cyclone Nargis) or where there has been a significant change in political context. In these cases, it is important to recognise such shifts and support local civil society to make the best use of such developments. In many contexts, people's legitimate aspirations for more democratic forms of government are being expressed through both traditional forms of protest, and through increasing use of internet and mobile technology to organise and mobilise for change. This points to a future where ease of access to information could radically transform political structures in short timeframes.

Trócaire now has a field presence in 27 countries. On the one hand our knowledge and understanding of complex environments is much more acute. On the other hand, we are more limited in how visible we can be on human rights issues, given the security implications for our staff on the ground and the potential impact on our ability to fulfil programme activities, including delivery of humanitarian assistance. Our mandate nonetheless remains clear and relevant: working for justice through empowerment and accountability. This means that supporting citizens and HRDs to challenge injustice and the abuse of human rights is a core part of our work.

## 2.7 International Politics and Human Rights

In the past decade, there have been significant shifts in international politics which have important implications for accountability of states on human rights. These shifts influence the space that exists for civil society to hold states to account at national and international level for human rights abuses.

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<sup>16</sup> Trócaire and CAFOD concept note for research: Strategic Responses to Collapsing Civil Society Space

<sup>17</sup> Roth, K. (2010), 'The Abusers' Reaction: Intensifying Attacks on Human Rights Defenders, Organisations and Institutions', Human Rights Watch.

The positive changes include:

- The establishment of the International Criminal Court in 2002 (in spite of the abstention of key states such as the USA);
- The UN Declaration on Human Rights Defenders, and EU and Norway Guidelines on Human Rights Defenders;
- The introduction of the Universal Periodic Review (UPR) Mechanism as part of the work of the UN Human Rights Council;
- The UN agreement in 2005 around the Responsibility to Protect;
- The adoption of the UN Ruggie Framework in 2008 on human rights and transnational corporations (TNCs) and other business enterprises.

The negative trends are generally rooted in the reaction by Western powers to the 9/11 attacks and the counter-reactions by other states. These trends include:

- The embedding of a security agenda in foreign policy post-2001 amongst many major donors and the subsequent 'securitisation' of aid;
- The fact that the effectiveness of the UN Human Rights Council as an accountability mechanism is compromised as a result of the tendency of its members to protect close allies;
- The argument by many ASEAN and African Union states that state sovereignty outweighs the responsibility to protect citizens in oppressive states;
- The decline in moral authority of the USA in particular on human rights issues.

## **Conclusion**

In conclusion, the context for Trócaire's work on Governance and Human Rights presents challenges and opportunities. The closing of civil society space and targeting of human rights defenders is of grave concern. The changing nature of conflict also presents many challenges, as state-level conflict leaves behind a legacy of trauma and deep social tensions. Women and girls are increasingly targets of violence and abuse, both as ordinary citizens and civil society activists. The constrained financial climate further increases the vulnerability of poor women, men, boys and girls to abuses of their rights and limits Trócaire and our partners' responses to some degree. There are also opportunities in this rapidly changing context however. The growing social mobilisation of citizens to defend rights and to bring about a deeper, more participatory form of democracy is a significant phenomenon.

This sits alongside the many ongoing processes of decentralisation which provide avenues for work on accountable and participatory governance at local level. The international framework for human rights is also expanding, leading to greater scrutiny of states' human rights records and increasing the opportunities for civil society to engage their governments in dialogue on the basis of agreed international standards. These challenges and opportunities combine to reinvigorate our work for justice through the Governance and Human Rights programme.

# 3 | RATIONALE, PRINCIPLES AND APPROACH

## 3.1 Rationale

The struggle for justice lies at the heart of all of Trócaire's work and is especially central in our work on Governance and Human Rights. The abuse and oppression of poor and vulnerable people is an intolerable outrage. Everyone has the right to live in freedom from want and freedom from fear. Everyone has the right to have a say in the decisions that affect their lives. The mandate for our Governance and Human Rights work is clearly reflected in Trócaire's Mission:

*Trócaire envisages a just and peaceful world where people's dignity is ensured and rights are respected; where basic needs are met and resources are shared equitably and in a sustainable manner; where people have control over their own lives and those in power act for the common good<sup>18</sup>*

This Mission requires us to empower the poor and marginalised so that they can claim and defend their human rights. It equally requires us to hold those in power to account for the decisions that are made and the impact of those decisions on vulnerable people. Social justice can only exist when human rights are respected and governance is transparent, accountable, responsive, equitable, sustainable and participatory.<sup>19</sup>

For Trócaire, Governance is the institutional framework in which human rights are denied or achieved.<sup>20</sup> Governance is in part the exercise of power or authority in the management of a country's resources and affairs. It is about the way in which public institutions operate (including parliament, executive, judiciary, line ministries, decentralised authorities etc.) and their basis in laws and rules (Constitution, Acts, regulations, policy decisions etc.). It includes the interaction between people, private institutions and public bodies and the power relations on which this rests.

<sup>18</sup> Trócaire's Strategic Framework 2006 – 2016, *Mobilising for Justice*

<sup>19</sup> See Glossary (Annex 1) for an elaboration of Trócaire's definition of governance.

<sup>20</sup> Institutions encompass not only formal bodies and processes, but informal power relations in society which determine how things happen and who benefits or loses.

Crucially, it is about the mechanisms and processes through which citizens and groups can articulate their interests, exercise their rights, influence policy-making and seek redress for injustices. Achieving better governance therefore means enabling people to see themselves as citizens with rights and responsibilities and to organise collectively to create more responsive and participatory democracies.

Within Catholic Social Teaching, central importance is placed on the reform of unjust structures which undermine the common good. Unjust governance, poverty, conflict and abuse of human rights go hand in hand. People are poor and their rights are denied because they lack 'voice' and the power to claim their rights. Poverty cannot be eradicated without addressing the underlying structures of governance that perpetuate inequality and injustice. Empowerment of the poor and marginalised to challenge such inequality and injustice and to claim their human rights is the key to achieving the eradication of poverty and fulfilment of human potential.

### **3.2 Principles**

This policy reiterates that Trócaire's core values of Solidarity, Participation, Persistence, Courage and Accountability underpin both our programmes and the relationships with our partners. In addition to the qualities related to these values as expressed in the 2006 – 2016 Strategic Framework, for the Governance and Human Rights programme the values bring added meaning, as follows:

- Solidarity means that we work actively to support the poorest communities as well as human rights defenders, to protect them from human rights violations and to help them seek redress when they suffer abuses.
- Participation is more than a value in our work on Governance and Human Rights - it is both an objective in itself and a strategy to achieve concrete changes in policy & practice.
- Persistence recognises that the change we are trying to bring about is transformational and long-term in nature. There are no technical fixes for issues which are rooted in politics and power relations. We commit to monitoring progress against these longer-term objectives in a practical way, while keeping sight of the vision of change we set out to achieve.
- Courage means that we will take on advocacy initiatives on human rights and governance issues, in close consultation with partners and being mindful of security risks to partners or Trócaire staff.
- Accountability means that we steward the resources entrusted to us carefully and that we will work hard to improve our accountability to partners, beneficiaries, donors and other stakeholders.

## **3.3 Our distinctive characteristics**

### ***3.3.1 Trócaire as an agency of the Catholic Church***

Trócaire's founders, the Bishops Conference of Ireland, gave the organisation a strong mandate to work on justice and peace in the Pastoral letter on the founding of Trócaire (1973).<sup>21</sup> This mandate, together with the wider social teaching of the Church, provides the foundation to our work. We undertake to root our work in the social teaching of the Church, which provides a clear mandate for addressing poverty reduction through the lens of power and participation. Pope Benedict, in *Caritas et Veritate*, has said that every Christian is called to strive to achieve a common good through the practice of a charity which can be institutional in nature and have justice at its heart: 'The more we strive to secure a common good responding to the real needs of our neighbours the more effectively we love them. Every Christian is called to practice this charity, in a manner corresponding with his vocation ... this is the institutional path – we might also call it the political path – charity, no less excellent and effective than the charity which encounters the neighbour directly' (*Caritas in Veritate*, 7).

Being a Catholic Church agency gives us an opportunity to work with individuals and communities at a grassroots level who are motivated by a belief in justice to work for a fairer distribution of power and resources in their society. In particular, we often work with the Justice and Peace Commissions of the Catholic Church who have been and continue to be instrumental in bringing about radical shifts in the way poor and vulnerable people are treated by powerful state and non-state forces and in achieving recognition and justice for those whose rights have been violated.

### ***3.3.2 Trócaire's rights-based approach***

Trócaire sees the full realisation of human rights as the ultimate goal of development. This is based on the belief that human beings' inherent dignity entitles them to a set of rights that cannot be given up or taken away. Trócaire's perspective is based on a development rights analysis, interpreting human rights in its broadest sense to cover political, civil, economic, social, cultural and collective rights, and on an appreciation of Catholic Social Teaching on rights.

A human rights based approach to development is founded on the understanding that individuals and groups are holders of human rights as set out in international human rights, humanitarian and refugee law; that these rights are universal and

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<sup>21</sup> Bishops of Ireland on Development – Pastoral Letter of the Bishops of Ireland on the Establishment of Trócaire, the Irish Catholic Agency for World Development, 1973.

inalienable (they apply to everyone equally and they can't be taken away); and that it is the duty of states<sup>22</sup>, primarily, to ensure these rights are respected, protected and fulfilled. This strengthens our work in two regards: firstly, at a local level, in supporting communities to hold their states accountable for the fulfilment of their human rights; and secondly, at an international level, in advocating for the global community to agree and adhere to the highest standards and practices in the protection of human rights. We believe that the frontiers of work on human rights changes over time, and so for example, we work to achieve the right to participate as the entry point to achieving all other rights.<sup>23</sup>

Being an agency rooted in Catholic Social Teaching deepens our perspective, as we view the fulfilment of human rights as a moral as well as a legal obligation. We base our work for the achievement of rights on the dignity of the human person: 'The movement towards the identification and proclamation of human rights is one of the most significant attempts to respond effectively to the inescapable demands of human dignity (Compendium of the Social Doctrine of the Church, no. 152).' Catholic Social Teaching also emphasises the indivisibility of rights: 'Human rights are to be defended not only individually but also as a whole; protecting them only partially would imply a kind of failure to recognize them. .. These rights apply to every stage of life and to every political, social, economic and cultural situation. Together they form a single whole, directed unambiguously towards the promotion of every aspect of the good of both the human person and society.' (Compendium of the Social Doctrine of the Church, no. 154).

### ***3.3.3 The partnership model***

Alongside a justice and rights-based approach, Trócaire's commitment to partnership with local civil society defines our approach to development. We work to: 'promote and support the evolution and growth of a strong, vibrant, effective and independent civil society in the South that represents the views of people living in poverty and marginalisation, and advocates for their rights and interests.'<sup>24</sup> We believe that this approach offers the best long-term strategy for addressing poverty, as citizens take on active roles in creating more accountable and responsive states. It involves not simply working through southern civil society organisations, but strengthening southern organisations so that they can create change in their own societies. This model is rooted in our core values as outlined above and in the principle of subsidiarity in Catholic Social Teaching.

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<sup>22</sup> Note that the state has a duty to protect citizens against human rights abuses by third parties through appropriate policies, regulation, and adjudication.

<sup>23</sup> See the Rights-based approach Concept Note in Annex 2 which was developed in tandem with this Policy & Strategy.

<sup>24</sup> Trócaire Civil Society Strengthening Policy, November 2006

### ***3.3.4 Trócaire's experience in Governance and Human Rights***

From the early years of Trócaire's existence work on governance and human rights has defined the organisation. In the 1970s and 1980s, Trócaire was heavily involved in the struggle against apartheid in South Africa. Trócaire brought the atrocious human rights abuses of US-backed regimes in Central America to the fore in this period, and in so doing helped form the critical consciousness of a generation of Irish people. Trócaire has long-term experience of working with people in conflict and post-conflict situations to document the human rights abuses that were carried out and to hold the perpetrators to account in national and international courts. This work continues to the present day in countries as diverse as Colombia, Zimbabwe and Israel / Occupied Palestinian Territories. Our work is not always welcomed, and Trócaire has learned that in order to protect the populations whom we aim to support, we must protect the Human Rights Defenders who work in our partner organisations. At a less public level Trócaire has supported transformative training and education processes for almost 40 years, enabling people to see themselves as citizens with rights and responsibilities and to organise collectively to create more responsive and participatory democracies. In the past decade, we have engaged heavily in the opportunities that have been sometimes presented by decentralisation of power to local levels. We have worked to build citizen capacity to monitor and influence public policy and the management of resources at a local and national level, leading to concrete changes in the lives of poor and marginalised people. We carry with us the values, experiences and lessons of the past in charting our way forward.

### ***3.3.5 Trócaire's commitment to addressing gender equality***

In its Strategic Framework 2006-2016, Trócaire committed 'to contribute to the elimination of gender inequalities and ensure that women and men have equal rights and opportunities in access to and control of resources and power'. This commitment informs all of our work. It is highly relevant in Governance and Human Rights work where poor women and girls are often the most vulnerable to poverty and violence and have least ability to protect themselves from abuse and further impoverishment, as they are excluded from decision-making at multiple levels in society. Trócaire has a commitment to support the empowerment of women across all of its programme areas, including Governance and Human Rights. This common agenda is important given that working in contexts where gender inequality is deeply culturally embedded is one of the primary challenges in development today.

### **3.3.6 Working for Justice and Peace**

Trócaire's mission statement commits the organisation to work not only for justice but also for peace. These have at times, in particular contexts<sup>25</sup>, been considered mutually exclusive goals. However, true justice is unattainable in a situation of ongoing insecurity and violence, especially where the destructive relationship between conflicting parties is not addressed. Correspondingly, true peace is unattainable where the injustice that is at the root of conflict persists. Such a situation can be termed a 'negative' peace in that it simply equates to the absence of violence. In other words, it is conflict management as opposed to conflict resolution or transformation. It is therefore a long-term, sustainable and just peace (a 'positive' peace) which Trócaire seeks to achieve through its work. Such an understanding renders justice and peace as complementary, not alternative, goals.

Trócaire recognises that in order to achieve such a just peace, conflict (in the non-violent sense) is necessary. Conflict can be positive insofar as it is an essential stage in achieving social change, whereby oppressed and marginalised people demand accountability and justice from those in power. Nevertheless, all such conflict has the potential to become destructive and violent, and it is this type of conflict that Trócaire seeks to help prevent, mitigate and where possible resolve.

## **3.4 Approach**

Trócaire's approach to Governance and Human Rights is based upon a belief that empowerment, participation and accountability are essential to the achievement of justice and human rights for the most excluded. At the core of a rights-based approach to development is the obligatory role of the state to respect, protect and fulfil human rights.<sup>26</sup> This approach equally emphasises the rights of citizens to participate in holding states to account.

The GHR programme focuses on changing the structures and processes of governance that perpetuate and deepen injustice, poverty, exclusion and abuses of human rights. We work to empower poor and marginalised people to participate in governance processes, claim their rights and demand accountability from the state. Given the depth of the inequalities facing women, we have a particular focus on empowering women to promote, defend and achieve their rights.

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<sup>25</sup> For example where aspects of legal justice are dispensed with in favour of a political settlement to a conflict.

<sup>26</sup> Trócaire's focus in terms of demanding accountability will be on the state, which has a duty to protect citizens against human rights abuses by third parties (including the private sector, multilateral agencies etc.) through appropriate policies, regulation, and adjudication.

We have two major work areas:

- **Participatory and accountable governance**, which focuses on empowering poor and marginalised people to participate in structures and processes of governance in order to influence decisions on how power is used and resources are managed. This work takes place at local level in particular, but also at national level.
- **Addressing systemic and targeted violations of human rights against vulnerable groups** (or 'Access to Justice'<sup>27</sup>). This focuses in particular on egregious abuse of human rights that are condoned or tolerated by the state. In this work we seek to empower people to prevent the violation of their rights, and if their rights have been violated, to seek redress. We also support partner organisations to monitor, document and advocate on human rights abuses with a view to achieving an end to impunity and observance of international human rights law.

We also work specifically on:

- **Gender equality**, with a focus on empowering women to participate in decision-making processes that affect their lives at community and higher levels.
- **Conflict**, focusing on applying a conflict-sensitive approach to all our programming and pro-actively promoting peace where the context requires it.

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<sup>27</sup> The term 'Access to Justice' is commonly used in Trócaire as a term which captures this overall area of work.

# 4 | OBJECTIVE, OUTCOMES AND STRATEGIES

This section sets out the specific objective and outcomes we seek to achieve in our Governance and Human Rights work, and outlines the strategies we intend to use to achieve them. It breaks down each outcome area to describe the components that are often present in field programmes.

The bulk of the work under this programme is carried out under Outcome 1 and Outcome 2. It is important to note that an individual country-level programme will not cover all Outcome areas equally. Indeed, country level programmes will generally focus on either Outcome 1 or Outcome 2. All programmes will mainstream gender (Outcome 3) as a priority. Work on Conflict (Outcome 4) will be integrated in programmes as appropriate.

Of course, each country context is different and a combination of strategies from the two first outcome areas may sometimes be the best way to achieve the country-level programme objective. The fundamental principles are that a country-level programme must be: (1) coherent as a programme; (2) strategic in its response to the local context; (3) consistent with the overall objective in this policy; and (4) able to demonstrate clearly how it will contribute to the Objective and selected Outcomes in this policy.

It is important to also note that working for justice and human rights by empowering people to effectively influence the decisions that affect their lives is common to all of Trócaire's programmes.<sup>28</sup>

**What is distinctive about the GHR programme is that the work focuses on changing the structures and processes of governance that perpetuate and deepen injustice, poverty, exclusion and abuses of human rights.**

Notes on the distinction between a GHR and other programmes are included in relevant sections below.

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<sup>28</sup> The rights-based approach set out in Annex 2 applies not only to GHR work, but to all of Trócaire's work.

**Objective:** Citizens bring about more participatory, accountable and responsive governance, where states respect, protect and fulfil the human rights of the poorest and most marginalised people.

### **Outcome 1: Participatory and Accountable Governance**

Poor and marginalised people (especially women) are empowered to demand that states are more participatory, accountable and responsive.

**Strategy** - Trócaire will:

- Support partners to empower poor and marginalised people to participate in governance structures and processes, claim their rights and demand accountability from government (at local level in particular);
- Work with both men and women to promote changes in attitudes, behaviours and norms in order to achieve more equitable participation of women in decision-making;
- Support women to play effective and representative leadership roles in decision-making at community and higher levels;
- Support partners to engage with government in order to ensure those in authority are more responsive and accountable to poor and marginalised people;
- Build links between organisations at local and national level in order to achieve changes in laws, policies and processes which benefit poor and marginalised people.

This outcome area focuses on building citizen capacity to engage with the state in relation to decisions on how power is used and resources are managed. The bulk of this work takes place at a local level. However, each country programme focusing on this area will also include work on national<sup>29</sup> level policy-making, in order to maximise the impact of the programme.

The work under this outcome area will often involve citizen engagement with structures of decentralised governance and may also focus on processes to make elected representatives at local or national level more accountable to poor and marginalised people. It will often involve participatory processes around public resource management, such as social auditing or budget monitoring.

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<sup>29</sup> This may be adjusted to a sub-national level in situations where the state is very large. However, the programme logic still applies: there must be a strategic or policy level impact as a result of our work so that we are contributing to broader, long-term change.

Partners will often work with communities to identify priorities that need to be addressed in local decision-making, e.g. local development plans and budgets, and will support communities to engage with local authorities to achieve fulfilment of those priorities. Work which links local to national levels often focuses on policy and advocacy on development planning and budget management or on formal processes of democracy (elections, decentralisation policy etc.).

In order to be effective, programming in this area may require work on access to information or citizen education in relation to rights and governance policies and processes. However, providing access to information or citizenship education is not seen as an end in itself, but as a means to empower people to take action in claiming their right to participate or to hold the state to account and it needs to be monitored against this objective. This work area may also involve working with one institution of the state (e.g. the judiciary) to ensure that another (e.g. local government) fulfils its obligations to deliver on a right: for example, the right to a particular service or to an inclusive and participatory process of governance.

In all of this work, gender equality should be to the fore. This means that analysis of women and men's<sup>30</sup> different roles, responsibilities and priorities underpins the work we support. This may result, for example, in work which prioritises gender equality, such as gender analysis of a government's plans and budgets. Work in this area should involve a particular focus on promoting women's empowerment in governance processes, from community to national levels. This involves empowering women to participate equally alongside men, and to take on leadership roles in decision-making structures at community and higher levels.

Gender equality work takes place at local level in particular but also at national level. It could involve focused work on: tackling women's literacy while educating and informing them of their rights and responsibilities as citizens; assessing the inhibiting and facilitating factors around women's engagement in local governance processes and taking action to address those; working with men as well as women to address the underlying social and cultural norms which sustain gender inequality and women's lack of voice and power; investing in leadership training and providing accompaniment to women to become leaders at community or political level.

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<sup>30</sup> The phrase 'women and men' should be assumed to also include 'girls and boys' where relevant.

## **Outcome 2: Addressing systemic and targeted violations of human rights against vulnerable groups** (or 'Access to Justice'<sup>31</sup>).

Poor and marginalised people are increasingly able to organise for the protection of their rights and to hold perpetrators to account for gross human rights violations which systematically target vulnerable groups.

**Strategy** - Trócaire will:

- Prevent violations of human rights, through work which increases awareness of rights among vulnerable populations and enables them to protect themselves and their communities from abuses;
- Support partners to work with people whose rights have been violated in a systematic and targeted manner, empowering them to seek redress through justice systems or other appropriate mechanisms;
- Support partners to effectively monitor, document and advocate on systemic human rights abuses with a view to holding perpetrators to account and achieving changes in laws, policies and practices that perpetuate impunity;
- Support national and international advocacy which increases accountability and compliance of states with international human rights and humanitarian law;
- Provide support to and carry out appropriate international advocacy on behalf of human rights defenders in order to ensure that they are able to fulfil their work securely.

This outcome area focuses on preventing and achieving redress for human rights violations against the most vulnerable, particularly where these violations are systemic and targeted at people who are vulnerable by virtue of their social status (e.g. women, members of a specific social group) or their role in society (e.g. human rights defenders).<sup>32</sup> It focuses in particular on egregious abuses of human rights that are condoned or tolerated by the state, and which will often be underpinned by political objectives. The specific rights being violated will often be civil and political in nature (i.e. the right to participate without repression or discrimination in the civil and political life of the state). However, states may violate other rights in the process, e.g. denying people land, property or access to basic services as part of a strategy of excluding them from power.

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<sup>31</sup> The term 'Access to Justice' is commonly used in Trócaire as a term which captures this overall area of work.

<sup>32</sup> The focus on a particular group(s) will depend on the country context, but there is an assumption that the programme pays particular attention to women and to human rights defenders.

In brief, work under this outcome area will focus on preventing gross human rights abuses, securing justice for those whose rights have been violated and achieving long-term change through reform to laws and state institutions.

At a local level, typical programme activities include: legal rights education for communities or other vulnerable groups; paralegal support to vulnerable groups; provision of mediation and legal aid, or referral to specialised agencies for these services. At a national level, work in this area often includes: monitoring, documentation and advocacy on human rights violations or on the administration of criminal justice (including trials and prison conditions); strategic interest litigation; and advocacy to achieve reform in laws or to institutions (e.g. judicial institutions or state security forces). It is important to note that stand-alone interventions in any of these areas, which are not part of a strategically focused programme, are not encouraged.

Advocacy at national and international level is very important in this outcome area. It is often linked to the monitoring of a State's obligations under international Human Rights and Humanitarian Law, and may involve engaging with regional or UN human rights accountability systems such as Treaty Bodies, the UN's Universal Periodic Review, country or thematic rapporteurs etc. Protecting human rights defenders and the space within which they operate is an important dimension to Trócaire's work in this outcome area.

Work on gender equality under this outcome area will include analysis of the different ways in which the rights of women and men are violated and the construction of appropriate responses. It will address the targeting of women who are vulnerable because of their role in society (e.g. women as human rights defenders and civil society activists, women as trade unionists etc.). It is possible that work on gender-based violence (GBV) would be included in this programme, if that work focuses on addressing impunity and ensuring access to justice for those affected by GBV.<sup>33</sup> However, such work may logically belong in a gender programme, and this will depend on the primary objectives of the overall country strategy. It is of paramount importance that there is collaboration across all relevant programmes so that mutually reinforcing strategies are implemented and that learning is shared and acted upon.<sup>34</sup>

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<sup>33</sup> Note that if a programme focuses on securing women's rights as an objective in itself, or on addressing GBV through an integrated approach which involves advocacy and service delivery, such work would typically fall under a Gender programme.

<sup>34</sup> See additional note on land and resource rights at the end of this section.

### **Outcome 3: Gender Equality**

Gender equality is mainstreamed effectively in all GHR programmes.

**Strategy** - Trócaire will:

- Build the capacity of partners to recognise the different ways in which injustices affect women and men, and to develop appropriate strategies in response to this analysis;
- Monitor and evaluate progress in mainstreaming at project, programme and organisational levels, sharing lessons learnt across GHR and other programmes.

This outcome captures our support to partners to mainstream gender in their work and our commitment to measuring progress in this area. This means that we will support partners to: look at their context and the issues that they intend to tackle from the perspective of both women and men; integrate this analysis into programme design; and continually monitor and review their work to assess how that work is responding to the different experiences and priorities of women and men. Work in this outcome area will involve using the Trócaire Gender Mainstreaming Resource Pack to guide mainstreaming and to help construct a benchmark for progress across all our programmes.

Note that this Outcome reflects a process to which we are committing in order to ensure that gender mainstreaming becomes firmly embedded in policy and practice in all our GHR work. Over time, it may arise that it is no longer necessary to measure progress against this Outcome, as the results of mainstreaming are reported under Outcomes 1, 2 and 4.

### **Outcome 4: Conflict**

Trócaire programmes and partners promote peace and contribute to reduced levels of destructive and violent conflict in target areas

**Strategy** - Trócaire will:

- Underpin work under Outcomes 1 and 2 with sound conflict analysis that identifies the interactions between local conflicts and Trócaire programmes, partners and projects;
- Adapt programme and project design based on conflict analysis to ensure programmes integrate a Do No Harm approach at a minimum;

- Respond proactively to conflict where context necessitates through supporting our partners to promote dialogue and consensus building and to facilitate conflict mediation and negotiation between conflicting parties (especially at local level).

This outcome area focuses on the integration of conflict sensitivity across Trócaire's Governance and Human Rights programming. This is in order to maximise the positive impact as well as minimise the potential negative impact of Trócaire-supported programmes and projects on local conflict dynamics. This is necessary in recognition of the fact that conflict of varying types and intensities is present in all of the countries where Trócaire works.

Trócaire and its Governance and Human Rights partners must therefore operate with an awareness of and sensitivity to how this conflict interacts with core work under Outcomes 1 and 2. The practical implications of this will vary according to the context. However, some degree of conflict analysis is necessary in all countries where Trócaire works. Depending on the resources available and the contextual necessity (i.e. the scale and intensity of the conflict issues), this can range in nature from a largely internal, desk-based exercise to an externally facilitated and participatory dialogue with a range of stakeholders.<sup>35</sup> At the very least, this conflict analysis must enable Trócaire and its partners to avoid inadvertently exacerbating destructive or violent conflict through its GHR work. This is essentially a 'Do No Harm' approach similar to that already applied in Trócaire's humanitarian work. Such an approach involves the adaptation of programme design and project activities in order to render them more conflict sensitive. Examples of this include ensuring partners and target groups are as representative as possible of the local population.

Whilst conflict can be positive, where it is non-violent and reflects efforts to make progress towards more just societies, all conflict also has the potential to become destructive and violent. As such a Do No Harm approach necessitates risk analysis and management, especially in relation to advocacy activities. This is not in order to be less outspoken but rather to ensure that those undertaking such activities are aware of the potential consequences and that contingency plans are in place to deal with any negative fallout.

In particularly volatile contexts, conflict analysis may reveal the need for a pro-active effort on the part of Trócaire and its partners to promote peace and resolve conflict. As a first step this may involve capacity building for partners in techniques for promoting dialogue and facilitating conflict mediation and negotiation.

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<sup>35</sup> See Trócaire's Conflict Sensitivity Toolkit for guidance on how to conduct a Conflict Analysis.

Such techniques may then be applied in a range of conflict scenarios. One example would be where there are divisions within the local population or civil society that prevent consensus forming around issues of common interest. Another example would be where there is conflict between citizens and their government that prevents constructive engagement on governance and human rights issues. Typically, Trócaire partners engage in conflict mediation and resolution at a local level, as opposed to state level interventions. The extent of such direct peacebuilding work may vary over time depending on changes in the context. For example it may be scaled-up around politically sensitive events such as elections. In particularly insecure contexts, reducing conflict and building trust between specific actors (community, local authorities etc.) may be necessary before undertaking work under Outcomes 1 and 2. Trócaire's work may also include providing support to those affected by violent conflict, e.g. through trauma counselling and psychosocial support.

As with other outcome areas, Trócaire and partners will integrate gender issues into conflict sensitivity analysis, identifying how women and men are affected differently by conflict and adapting project and programme design as appropriate.

Finally, whilst acknowledging that there are many resource organisations working on conflict worldwide, Irish organisations may be able to make a relevant contribution to partners' work. Where appropriate therefore, Trócaire will seek to establish links and promote mutual learning between partners working on conflict issues overseas and organisations working for peace, justice and reconciliation in Ireland.

**Note on land and resource rights:** common elements of all Trócaire programming include awareness raising on rights issues, mobilising people to take action in defence of their rights and supporting them to reap the benefits of those actions. Under Livelihoods and Environmental Justice, Trócaire aims to increase the capacity of poor, marginalised and vulnerable people to secure a sustainable and just livelihood. In some contexts, communities will need to get access to resources such as land and water in order to achieve secure livelihoods. Work on resource rights which has livelihood security as its overall objective belongs in a Livelihoods programme therefore. Work on resource rights which focuses on accountability (such as revenue transparency) or impunity and redress for survivors of human rights violations related to land, would generally belong in a GHR programme. Ultimately, the primary objective of the programme will determine the organisational classification of that programme. However, what is most important that there is collaboration across programmes so that mutually reinforcing strategies are implemented and that learning is shared and acted upon.

# 5 | LEARNING AND REVIEW

The following accountability and learning processes will be applied to this programme:

1. A revised set of common organisational outcome level and field-programme (PPD) level indicators will be agreed for the GHR programme, building on existing indicators.
2. At field level, GHR programmes will meet the following mandatory requirements:
  - Every programme will develop a baseline at the start of a new programme phase;
  - Every programme will have a clear monitoring and evaluation framework (which links to the organisational outcome level indicators) against which progress can be assessed;
  - Every programme will be evaluated in line with Trócaire's evaluation policy.
3. Annual reviews under this thematic programme area will be carried out at country level. Field staff will report against the organisational level outcome indicators and their own programme level indicators.
4. These annual reviews will inform strategic discussion with field staff and managers on the direction of programmes at country level, and on key areas that need to be addressed.
5. The annual reviews will also feed into an institutional assessment of progress in this programme area, captured in the Annual Global Report.
6. The Governance and Human Rights Unit will report annually to the Strategic Leadership Team against a three-year framework of deliverables as set out in the Implementation Plan for the Strategic Framework (Phase II: Feb. 2011 – Feb. 2014).
7. A major review of this programme will be carried out in 2015, in preparation for the development of a new Strategic Framework for Trócaire in 2016.

# ANNEX 1 | GLOSSARY

## Governance

Governance is the institutional framework<sup>36</sup> in which human rights are denied or achieved. It is in part the exercise of power or authority in the management of a country's resources and affairs. It is about the way in which public institutions operate (including parliament, executive, judiciary, line ministries, decentralised authorities etc.) and their basis in laws and rules (Constitution, Acts, regulations, policy decisions etc.). It also includes the interaction between people, private institutions and public bodies and the power relations on which this rests. Crucially, it is about the mechanisms and processes through which citizens and groups can articulate their interests, exercise their rights, influence policy-making and seek redress for injustices. Achieving better governance therefore means enabling people to see themselves as citizens with rights and responsibilities and to organise collectively to create more responsive and participatory democracies.

## Trócaire's vision of governance

For Trócaire, governance is of a high standard when it is:

- *Transparent* - decisions are made subject to informed discussion and debate, and the final decisions are accessible to all citizens, both women and men<sup>37</sup>;
- *Accountable* - decision-makers are willing to answer to those who are affected by their decisions; women and men are capable of putting forward their point of view and demands for change; sanctions exist for decision makers who do not apply these principles;
- *Responsive* - decision-makers act upon the inputs and demands of citizens in a meaningful, positive and timely way;
- *Equitable* - decisions are taken with a focus on the needs of the poorest women and men, and resources are shared so that all in society can access them equally;
- *Sustainable* - consideration is given to the long-term impact of decisions (e.g. potential to result in conflict; risk to the environment; incurring debt for future generations);

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<sup>36</sup> Institutions encompass not only formal bodies and processes, but informal power relations in society which determine how things happen and who benefits or loses.

<sup>37</sup> 'Women and men' should be read as referring also to girls and boys where appropriate. For brevity, only women and men are mentioned in the above text.

- *Participatory* - decision-making follows the principal of subsidiarity. Women and men not only take part, but have influence over the decisions which are made affecting their lives, their implementation and evaluation. Conditions are created for women and men to participate in decisions that affect their lives through open, transparent processes.

## **Empowerment**

Working with individuals to enable them to realise the power they have within themselves, and to claim their rights. Empowerment involves knowledge, reflection and action; it involves the recognition and understanding of a problem in the context of one's rights, and the capacity to demand these rights. An essential feature of empowerment is organising in solidarity with others to claim rights collectively.

## **Impunity**

Exemption from punishment, penalty or harm in respect of actions committed.

Too often, perpetrators of abuses of human rights suffer no consequences for their actions: in the absence of investigation and prosecution of grave abuses against civilians, the message is sent that these crimes are tolerated. Trócaire believes in the consistent application of the rule of law to all members of society, to ensure that those responsible for violations – especially the senior decision-makers – are held to account.

## **Violent conflict**

Conflict usually refers to violent or armed conflict, and is often politically motivated. Some different types of conflict encountered by Trócaire are:

- **Violent militarised conflict:** involves state or non-state military interventions e.g. government-rebel clashes.
- **Non-militarised conflict:** conflicts which are violent but not necessarily militarised. For example, random or organised crime, confrontations between extractive companies and protestors; land grabbing, social cleansing, domestic violence and tribal or communal violence.

## **State level conflict**

Conflict in which at least one of the main parties is a state. This can mean inter-state conflict (Ethiopia and Eritrea, for example), or conflict between the army of one state and irregular armed forces either within that state (as in Colombia) or in another territory (UK or US forces in Afghanistan).

## **Social conflict**

Conflict which occurs beneath the level of the state, and does not involve a national army. It may be more or less organised; between rival armed factions or gangs, or sudden outbursts of violence involving large numbers of people.

## **Conflict-sensitive approach (CSA)**

CSA means that a development organisation understands the issues that divide societies, and the power relations underpinning these divisions so that they can implement their ongoing development or humanitarian work in such a way as to promote peace and not exacerbate conflict.<sup>38</sup>

## **Corruption**

Corruption is the abuse of entrusted power for private gain. *Petty corruption* involves small-scale abuses, such as the illegal charging of ‘fees’ for public services or the failure of state employees to turn up for work. *Grand corruption* involves actions which enable large-scale transfers of resources, usually from the public sector to private individuals or organisations. This can include unfair awarding of contracts or other decision making that favours private interests over public interests.

## **Human rights-based approach**

See description in Annex 2.

## **Democracy / Democratisation**

The term ‘democracy’ is generally understood as Western-style liberal democracy in which leaders are elected by citizens to act on their behalf. Formal liberal democratic institutions are protected by a constitution and usually include: elected representatives; free, fair and regular elections; freedom of expression; access to alternative, independent sources of information; freedom of association; and inclusive citizenship.

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<sup>38</sup> See Trócaire’s Conflict Sensitivity Toolkit, available from the GHR Unit.

## **Citizen**

A citizen is a person with rights and responsibilities. The term citizenship is used in an active sense; it refers to the capability of every person to claim his or her own rights, and to contribute to his or her society's life. It therefore goes beyond the notion of the legal status given by states; it applies to everybody (including stateless people).

## **Gender equality<sup>39</sup>**

Gender equality or equality between men and women refers to the equal enjoyment by women, girls, boys and men of rights, opportunities, resources and rewards. Equality does not mean that women and men are the same but that their enjoyment of rights, opportunities and life chances are not governed or limited by whether they were born male or female.

## **Gender analysis**

Gender analysis is a systematic way of looking at the different impacts of development, policies, programmes and legislation on women and men that entails first and foremost collecting sex-disaggregated data and gender sensitive information about the population concerned.

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<sup>39</sup> See Trócaire's Gender Policy for a full Glossary of gender-related concepts and terms.

# ANNEX 2 | A CONCEPT NOTE ON THE RIGHTS-BASED APPROACH

‘Trócaire’s perspective is based on a development rights analysis, interpreting human rights in its broadest sense to cover political, civil, economic, social, cultural and collective rights. Trócaire will continue to work in solidarity with people living in poverty and who are marginalised. Our work will empower poor communities and individuals to know and claim their rights and to participate in decisions that affect them. We will work to ensure that states and others responsible for protecting and fulfilling human rights are held accountable. We will continue to prioritise advocacy and campaigns at local, national and global levels to change the structures and policies that deny people their rights.’

*Section 5.1.6 from Trócaire’s Strategic Framework 2006-2016: Mobilising for Justice*

## 1. Introduction

Trócaire sees the full realisation of human rights as the ultimate goal of development. This is based on the belief that human beings’ inherent dignity entitles them to a core set of rights that cannot be given up or taken away. These rights are enshrined in the international human rights framework, and are achieved by individuals acting together in full awareness of their rights and responsibilities.

Being an agency rooted in Catholic Social Teaching (CST) deepens our perspective on the rights-based approach to development, as we view the fulfilment of human rights as a moral as well as a legal obligation. These two approaches are mutually reinforcing and find their expression practically in the way that Trócaire carries out its work. This note deals largely with the more formal implementation of the rights-based approach which is linked to international human rights standards and norms, however, it is to be seen in the context of the values and concepts which allow Trócaire to work on rights in a broader, more holistic, sense. A detailed analysis of the essential attributes of CST and how they relate to a human rights-based approach was set out in a paper written as part of the preparation of Trócaire’s Strategic Framework (2006 – 2016).<sup>40</sup>

<sup>40</sup> ‘Harnessing Trócaire’s Unique Vision – Contribution of the Faith-based organisation Task Group to the Trócaire Strategic Planning Process’, December 2005.

## **2. A rights-based approach to development**

Under a human rights based approach, the plans, policies and practises of development are anchored in a system of rights and corresponding obligations established by international law.

The focus is on raising levels of participation and accountability in the development process by identifying rights-holders (and their entitlements) and corresponding duty-bearers (and their obligations). There is a strong emphasis on the obligations of duty-holders to respect, protect and fulfil human rights. The obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Moreover rights-based approaches take into account the duties of the full range of relevant actors, including individuals, states, local authorities, private companies, aid donors and international institutions.

Rights-based approaches give preference to strategies for empowerment. The focus is on people as the holders of rights and the agents of development. RBAs stress participation and accessibility (access to development processes, institutions, information and redress/complaints mechanisms). Particular attention is given to issues of inequality, discrimination and vulnerability of particular groups, especially women.

## **3. The framework established by international law**

International human rights law (and international humanitarian and refugee law) is the basis of a human rights based approach to development. The international legal framework is extensive, and useful resources are available elsewhere<sup>41</sup>, so this short note does not go into detail about international human rights law. Some elements worth noting are:

- The founding human rights document is the Universal Declaration of Human Rights (UDHR).

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<sup>41</sup> The UN Office of the High Commissioner for Human Rights (OHCHR) has responsibility for information on international human rights law and architecture: the texts of all treaties as well as information on monitoring mechanisms are available on their website here: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

Read the Trócaire Access to Justice Programming Resource for more information on the global human rights framework. A further useful briefing paper for NGOs on the UN human rights system can be found here: [http://www.un-ngls.org/IMG/pdf/Final\\_Logo.pdf](http://www.un-ngls.org/IMG/pdf/Final_Logo.pdf)

- Along with the UDHR, the “core” human rights treaties are considered to be the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of all forms of Racial Discrimination (CERD); the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the International Convention Against Torture (CAT); the International Convention on the Rights of the Child (ICRC); the International Convention on the Protection of the Rights of Migrant Workers (RMW); the International Convention on the Rights of People with Disabilities (CRPD), and the International Convention for the Protection of all Persons from enforced Disappearances (CPED)
- Human rights in conflict are governed by International Humanitarian Law (IHL) defined mainly by the Geneva Conventions and the Hague Conventions. These Covenants and Conventions are accompanied by a number of Optional Protocols.
- The rights of refugees are governed by the UN Convention Relating to the Status of Refugees.
- The Responsibility to Protect is the principle by which the international community shares the responsibility (which rests principally with individual states) for the protection of civilians from genocide, war crimes, crimes against humanity and ethnic cleansing. It is enshrined in UN Security Council Resolution 1674 (2006), and can be invoked to call for urgent interventions in sovereign states to protect civilians from gross human rights violations.
- The rights of workers and some specifically vulnerable groups (including indigenous people) are governed by Conventions and Standards of the International Labour Organisation (ILO).<sup>42</sup>
- There is an accountability infrastructure for protecting and promoting human rights internationally through the UN. A number of geographic regions also have human rights charters and mechanisms for implementing these. Of relevance to Trócaire are the African Charter on Human and People’s Rights; the American Convention on Human Rights and the Association of Southeast Asian Nations (ASEAN) Charter.<sup>43</sup>

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<sup>42</sup> These are of particular relevance in seeking human rights accountability from business actors: see the Trócaire Business and Human Rights Advocacy Resource

<sup>43</sup> There is no ASEAN Human Rights Convention as yet although there is a working group to establish a human rights mechanism including a convention and court for the region.

#### **4. Application of the rights-based approach by development NGOs**

There is no single definitive model for ensuring that a rights-based approach is applied by international NGOs. Accepting the principles outlined above, it is possible to use the following "PANEL" guidelines to check that plans, policies and practises of any development intervention are in accordance with a rights-based approach:

- Participation: of all relevant stakeholders throughout any process;
- Accountability: rights holders hold leaders accountable for their actions at all levels (which should include Trócaire's accountability to partners and beneficiaries);
- Non-Discrimination/Inclusion: a broad sense of who a rights-bearer is, with an emphasis on the most excluded people in society;
- Empowerment: a focus on power relations, and on developing individuals' own power to claim rights;
- Linkages to human rights standards: use international instruments wherever possible.

#### **5. The rights-based approach and Trócaire's work**

Trócaire's analysis of the root causes of poverty focuses on issues of inequality, injustice and power imbalances. The violation of civil, political, economic, social and cultural rights is considered by Trócaire as a root cause of marginalisation and poverty. In Trócaire's views rights are not immutable. New instruments are required to protect people's rights in changing contexts. Trócaire particularly supports the Right to Development and the Right to Participate as being fundamental to achieving all rights in the contexts in which we work. The Right to Development was proclaimed by the UN in 1986 in the "Declaration on the Right to Development," which was adopted by the UN General Assembly in Resolution 41/128. The Right to Development is also recognized in the African Charter on Human and Peoples' Rights.

The Declaration defines this right as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." (Article 1)

The Right to Development includes:

- full sovereignty over natural resources;
- self-determination;
- popular participation in development;
- equality of opportunity;
- the creation of favourable conditions for the enjoyment of other civil, political, economic, social and cultural rights.

The Right to Development is a collective right of peoples as opposed to an individual right, and was reaffirmed by the 1993 Vienna Declaration and Programme of Action. It can be invoked on behalf of specific groups (most typically indigenous groups) or on behalf of countries. However, like most collective rights, its implementation has been inconsistent to date.

The Right to Participate is fundamentally linked to the Right to Development. The right to participate in decisions which affect one's life is both an element of human dignity and a key to empowerment. The right to participate is enshrined in many Conventions, notably the ICCPR (Article 25), which sets out the right of every citizen to take part in the conduct of public affairs; to vote and be elected in free and fair elections; and to have equal access to public service in his/her country.

For Trócaire, the right to participate is “the right to claim other rights”, i.e. the entry point to realising all other rights. In recognition of the fact that formal democratic structures result in a limited and occasional realisation of the right to participate, people around the world are defining and demanding new entry points to take part in decisions that affect them. Much of Trócaire's GHR work is directly focused on enabling the right to participate – through identifying or creating opportunities for participatory decision-making, empowering individuals and groups to know their rights and occupy these spaces in order to influence or alter decisions that directly affect them.<sup>44</sup> This happens especially at local levels, where citizens engage with decentralised structures and service providers.

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<sup>44</sup> Some examples include Malawi, DRC, Uganda, Bolivia and Cambodia (not an exhaustive list as this is a feature of GHR work across the world).

## **6. Implementing the RBA in Trócaire's GHR work<sup>45</sup>**

A rights-based approach presents some challenges to a development organisation like Trócaire but it also affords us an opportunity to become more effective in our work for justice.

The challenge is to apply a rigour to our work in terms of analysing issues in the context of the international human rights standards and norms that exist and to bring these legal human rights standards more explicitly into our work at a programming and policy level. The opportunity is that the rights-based approach articulates what Trócaire aims to do: to empower people to claim their rights and to hold those in power accountable. By applying a rights-based approach which is based in international human rights standards, we both strengthen Trócaire's and our partners' positions and we reinforce the legitimacy of those standards and norms.

Clearly, asking partners who work at a local level to analyse their work in the context of specific international legal human rights instruments is not always reasonable or realistic, given capacity constraints. However, the programme approach allows us to carry out our overall work within the PANEL framework (see above), linking local work to national policies and laws, and linking these to international human rights standards where possible. The example below from India illustrates how a link with international human rights frameworks may be implicit in our programme work.

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<sup>45</sup> Please note that the rights-based approach applies equally to all of Trócaire's programme work, not just its Governance and Human Rights work. The analysis and examples given here are to show how it applies in the context of the GHR Policy & Strategy.

### **Case study: Trócaire's work in India and the rights-based approach**

The GHR programme in Orissa, India, is dedicated to ensuring that the poorest and most marginalised people can access their economic rights. It specifically targets people in the lowest caste and Adivasi tribal people – and women especially within these two groups. In this way, it is specifically focused on **inclusion**.

Programme partners give support to community based organisations on citizen awareness raising and organisation: in this way, the programme is dedicated to **empowerment** of rights holders. Central to the approach adopted is the engagement of the target communities with local decision making structures known as Panchayats. In this sense it takes a fundamentally **participatory** approach to finding development solutions. The programme clearly identifies the **legal framework** in which it is operating, and the rights which are targeted: in this case, the Indian National Rural Employment Guarantee Act (NREGA).

The India programme does not explicitly link the NREGA to international human rights law; but since the act itself is internationally recognised as an important innovation in making human rights accessible to the poorest men and women, this is implicit. Where the NREGA is not applied as it should be, citizens are empowered to demand its application of their representatives, maintaining a focus on **accountability**.





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