



## Human Rights-based Approach to SSR

The UN characterises a HRBA as a “conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights”. The UN further adds that a HRBA “constructs people as key actors in their own development rather than passive recipients of development aid” and “seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. This guidance stems from the UN ‘Common understanding of a HRBA to Development Programming’ (2003) which aims to align the different UN agencies by prescribing for all UN development cooperation to be guided by human rights standards, norms and principles in all programming phases.

Similar to the UN’s HRBA Common Understanding, the European Commission’s rights-based approach (RBA) integrates human rights principles and standards into all aspects of the programme design, implementation, monitoring and evaluation. Moreover, the Commission states that “all policies, programmes and related activities of cooperation that are implemented with a RBA will be aimed at concretely and directly contributing to the realisation of human rights, and will integrate human rights at each step of project cycle management.”

In these rights-based conceptual frameworks, participation, local empowerment, national ownership meaningful inclusion and accountability are central elements to their implementation.

### International policy underpinning the centrality of Human Rights in SSR:

- The report of the Secretary-General, “Securing Peace and Development: the role of the UN in supporting SSR” (2008) established that rule of law and respect for human rights are fundamental elements in SSR.
- UNSC Resolution 2151 (2014), in which the Security Council underscores the need for national ownership of SSR, reaffirms that “*an effective, professional and accountable security sector without discrimination and with full respect for human rights and the rule of law is the cornerstone of peace and sustainable development and is important for conflict prevention.*”
- The 2030 Agenda and its Sustainable Development Goals or SDGs are considered “unequivocally anchored in human rights” as it is explicitly “grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties”.
- SDG 16 seeks a global framework for opening new opportunities and renewed legitimacy to pursue the fulfilment of fundamental rights through a continuum of security- and development-focused approaches. In this case, the SDGs seek to inspire a leap from the UN’s ‘common understanding’ of a HRBA by demanding greater attention to measurable goals and targets, and the development of indicators.

### How can a HRBA help us get started on the right path to doing things right in SSR?

#### 1. Proportionality is key when empowering local actors towards a more effective and accountable justice and security sector

Human rights are fundamentally concerned with the empowerment to claim rights and the empowerment to protect, fulfil and respect rights. For the former, this can be understood as an expansion of people’s or rights holder’s capabilities and freedoms to participate in, negotiate with,



influence, control and hold accountable institutions that affect their lives. Once empowered with tools, skills and awareness can the rights-holder meaningfully participate in SSR processes. For the latter, the State or duty bearer should be empowered to apply their new capacity in accordance with international norms and recognised best practices. At the end of day, SSR should result in an empowerment of the rights holder that is proportionate to the increased capacity of the duty bearer, in this case the security and justice provider.

## **2. Invest resources and time in identifying and addressing obstacles throughout the support**

Applying HRBA to SSR starts inevitably by taking stock of the immediate, underlying, and structural causes of the non-realisation of security- and justice-related rights; and by designing programming strategies to build the capacities of rights-holders and duty-bearers. This process will require an analytical methodology that breaks down a human rights problem and exposes its different aspects, including the many causal and contributing factors. Such information should direct the programme's strategic planning and resources so they address the immediate protection gaps and resulting vulnerabilities by increasing the commitment and capacity of the duty-bearer and rights-holder to work collaboratively in the provision of justice and security. This analysis should be in depth and contextual ensuring a continuous balance between effectiveness and accountability throughout the support. The programme's risk mitigation framework should reflect this continuous balance with the human rights risk assessment informing the different levels of engagement needed to advance the SSR process.

## **3. Plan for applying a HRBA at different levels and with a spectrum of competing actors**

Applying a HRBA to SSR principles of local empowerment, national ownership and accountability will enhance the **legitimacy** of the State in the way it relates with its citizens. Fostering inclusion in SSR for example allows for communities to increase local ownership and responsibility over the challenges they face. Ensuring a HRBA is underpinning inclusion, consultation or partnership building initiatives entails human rights expertise to be embedded into the technical and political dimensions of SSR from the onset. This will mean planning for different types of expertise on human rights issues to support the programme. The Report on the Baseline Study on Integrating Human Rights and Gender into the European Union's Common Security and Defence Policy (2016) provides key lessons learned taken from their Common Security and Defence Policy (CSDP) missions and operations.

## **4. Use a HRBA right from the conceptual start to ensure strategic impact**

To be impactful, a HRBA needs to be embedded into the theory of change (ToC) of an SSR programme. A ToC is an on-going process of discussion-based analysis and learning that steers the programme design, strategy, implementation, evaluation and impact assessment. In this process, a HRBA needs to drive the discussion on the existing conditions and assumptions of the desired institutional, behavioural and legislative change to ensure rights-holders are better placed to claim their rights and for duty-bearers to be in a stronger position to be compliant with human rights norms, principles and standards. For external supporting actors, a ToC should seek a multiplier effect starting with the enhanced capacity of the local partners to embed for themselves a HRBA into their own ToC and/or strategic planning. The local capacity to apply a HRBA in strategic planning should be interpreted as a precondition for reaching programmatic results in international cooperation in general.



**5. Apply a conflict-sensitive approach to programme management to help keep rights-based indicators realistic and contextual for SSR**

In many contexts, increased compliance with human rights norms by justice and security actors requires conditions linked to shifts in legal framework, public policy but also societal demands. Added to this are the more transitional special interests of local groups or influential individuals which can either undermine or facilitate a HRBA to an SSR process. Understanding the abovementioned dynamics through a conflict-sensitive approach will not only complement a HRBA but will reinforce it by providing insight into the preconditions needed to anchor the HRBA to the SSR programme. This way the programme objectives and indicators can be designed accordingly to reflect incremental behaviour change rather than depending on using activities implemented as a means to measure the impact of human rights.



## Resources

1. In 2006, UNDP produced a guidance document for Indicators for HRBA to Development in UNDP Programming: A Users' Guide March 2006.<sup>1</sup> The guidance stated that a HRBA to programming Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide March 2006.  
<http://gaportal.org/sites/default/files/HRBA%20indicators%20guide.pdf>
2. OHCHR "What are Human Rights"  
<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>
3. OECD Annex 5 the Human Rights-based Approach to Development Cooperation.  
<https://www.oecd.org/derec/finland/43966077.pdf>
4. <https://sustainabledevelopment.un.org/post2015/transformingourworld>
5. See <http://www.ohchr.org/Documents/Issues/MDGs/Post2015/HRAndPost2015.pdf>
6. See OHCHR, Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation (New York and Geneva, United Nations, 2006).  
<http://www.ohchr.org/Documents/Publications/FAQen.pdf>
7. Operational Human Rights Guidance for EU external cooperation actions addressing Terrorism, Organised Crime and Cybersecurity Integrating the Rights-Based Approach. European Commission 2014. P. 14 [http://ec.europa.eu/europeaid/sites/devco/files/manual-hr-guidance-ct-oc-cyber-20151105\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/manual-hr-guidance-ct-oc-cyber-20151105_en.pdf)
8. Specific references found in the UN Millennium Declaration adopted the General Assembly on 8 September 2000 and the UN World Summit 2005
9. <sup>1</sup> Report of the Secretary-General, Securing peace and development: the role of the United Nations in supporting security sector reform, 23 January 2008, (A/62/659-S/2008/39)
10. <sup>1</sup> Security Sector Reform Integrated Technical Guidance Notes. UN SSR Task Force 2012.
11. <sup>1</sup> UN SCR 2151 was the first stand-alone resolution on SSR. See <http://unscr.com/files/2014/02151.pdf>
12. European Commission Tool-Box: a Rights-based Approach, Encompassing all Human Rights for EU Development Cooperation Brussels, 30.4.2014 SWD (2014) 152 Final.
13. Report on the Baseline Study on Integrating Human Rights and Gender into the European Union's Common Security and Defence Policy (2016)  
[https://eeas.europa.eu/headquarters/headquarters-homepage/28969/report-baseline-study-integration-human-rights-and-gender-csdp\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/28969/report-baseline-study-integration-human-rights-and-gender-csdp_en)

### Example of a donor HRBA

- Swiss Development Cooperation's (SDC) document: *Human Rights Policy: Towards a Life in Dignity, Realising Rights for Poor People* (2006) defines a HRBA as a process that starts from the standards set out in the human rights framework, integrating human rights principles in its policies and programmes, and empowering rights-holders and strengthening duty-bearers.  
[https://www.humanrights.ch/upload/pdf/090424\\_resource\\_en\\_25225.pdf](https://www.humanrights.ch/upload/pdf/090424_resource_en_25225.pdf)
- Similar to the SDC, the HRBA applied by the Swedish International Development Cooperation Agency (Sida) references the UN Common understanding of a HRBA. Sida's HRBA aims to achieve sustainable results through targeting root causes of problems, active and meaningful participation among those concerned, and ensuring a focus on persons in vulnerable situations. See Human Rights Based Approach at Sida

<sup>1</sup> Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide March 2006.  
<http://gaportal.org/sites/default/files/HRBA%20indicators%20guide.pdf>



THE INTERNATIONAL SECURITY SECTOR ADVISORY TEAM  
THE GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES

<http://www.sida.se/English/partners/resources-for-all-partners/methodological-materials/human-rights-based-approach-at-sida/>

Studies conducted in 2007 by the UK Interagency Group on Human Rights Based Approaches

- CARE USA and Oxfam America, “Beyond legal empowerment: improving access to justice from the human rights perspective”, Magdalena Sepúlveda Carmona & Kate Donald (2015), The International Journal of Human Rights.



### Working definitions for a HRBA

**Human Rights Principles** specify moral (deontological) criteria for an acceptable process. They are universality, indivisibility, interrelatedness, interdependency (*fundamental* human rights principles), and equality and non-discrimination, participation and inclusion, accountability and rule of law (human rights principles). These principles are enshrined in the Universal Declaration of Human Rights.

**Human Rights Standards** are codified in international, regional and national legal systems, they constitute a set of performance standards against which duty-bearers at all levels of society—but especially organs of the State—can be held accountable.

**Human rights norms:** are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

#### Sources:

1. A Human Rights-Based Approach Toolkit. UN <http://hrbaportal.org/resources/a-human-rights-based-approach-toolkit>
2. OHCHR, Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation (New York and Geneva, United Nations, 2006). <http://www.ohchr.org/Documents/Publications/FAQen.pdf>
3. OHCHR <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>



## HRBA to SSR: The Basics

1. **WHAT IS A HUMAN RIGHTS-BASED APPROACH (HRBA)?**
  - a. Human rights **standards** contained in, and **principles** derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
  
2. **WHAT IS THE GOAL OF A HRBA TO SSR?**
  - a. A HRBA to SSR seeks to empower the security and justice providers (or duty bearers) to **respect, protect** and **fulfil** human rights. Similarly, a HRBA to SSR seeks to empower the rights-holder or affected communities to claim their rights in the national security agenda.
  - b. Key thematic areas for adopting an HRBA to SSR: civilian oversight; institutional integrity; gender mainstreaming; legal reform; access to justice; rule of law; public finance management; and decentralisation of security governance and localised consultation/coordination mechanisms.
  
3. **WHAT ARE THE OBJECTIVES OF A HRBA TO SSR?**
  - a. Justice and security actors incorporate human rights-based assessment or analysis into their strategic planning and daily operations to effectively and efficiently apply their capacity and policy/legal instruments in a manner that is accountable, impartial, non-discriminative, timely, diligent and compliant with the principles of proportionality and necessity.
  - b. The SSR process increases the capacity and awareness of the rights holder or affected communities--proportionality to that of the duty bearer--to engage, participate in, influence and oversee the national security agenda and its implementation.
  - c. Guide the SSR supporting actors in applying gender-sensitive and rights-based safeguards to mitigate the risk of human rights violations committed by state and not-state security and justice providers. Safeguards and programme risk mitigation strategies will be inspired from analysing the immediate, underlying, and structural causes of the non-realisation of rights in relation to the provision of security and justice.
  
4. **WHAT A HRBA DOES NOT SEEK**
  - a. A HRBA does not see to radically change established programming methodologies, but rather it is a tool that guides the entire project cycle towards outcomes (behavioural change) where security and justice providers (or duty bearers) are more empowered to **respect, protect** and **fulfil** human rights obligations in collaboration with their rights-holders.