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How to apply the  
Human-Rights-Based Approach  
in local migrant reception  
and integration policies

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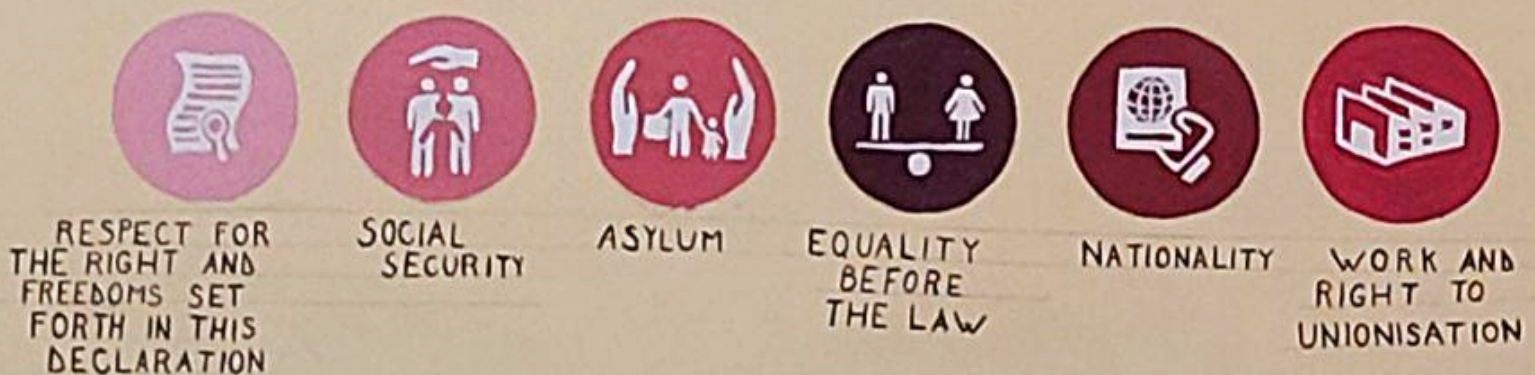
## Key elements of the Human Rights-Based Approach (HRBA)

- The HRBA is an analytical method developed by the United Nations
- It puts Human Rights at the centre of public policies, programs, services, projects...
- It aims to achieve social transformation by changing the power dynamics that cause certain groups to face exclusion, discrimination, invisibilisation and inequality.
- People are at the centre of the approach. The HRBA differentiates between:
  - **Rights-holders:** people or groups that suffer discrimination and/or see their rights not respected, protected or fulfilled; they are no longer beneficiaries, clients or users but genuine rights-holders.
  - **Duty bearers:** public authorities who have to ensure that rights are exercised: respected, protected and guaranteed.
  - **Responsibility bearers:** other societal actors such as NGOs, universities, professional institutions, businesses... They are responsible for not harming the rights of others and for supporting others in claiming their rights.
- The HRBA is guided by the Human Rights principles of:
  - **Law and non-discrimination:** public authorities have a legal duty to safeguard the rights of those in their jurisdiction.
  - **Participation and inclusion:** people as rights-holders are protagonists and can influence outcomes.
  - **Empowerment:** strengthening the capacities of rights-holders and duty bearers to claim their rights.
  - **Accountability:** duty bearers are legally, politically and socially accountable to rights-holders.



## The HRBA marks a paradigm-shift away from a needs-based approach

- People are conceived as subjects of rights. They are not users, beneficiaries or clients.
- The HRBA is a methodology to go to the roots of the problems (structural problems of rights violations) rather than addressing their mere symptoms and expressions in terms of needs.
- It aims to empower people so they can demand their rights instead of satisfying their needs as passive service receivers.
- Actors' roles are defined through their relationships to human rights: local authorities become duty bearers, stakeholders become responsibility bearers and beneficiaries are seen as rights-holders.
- The scope of local intervention goes beyond the local level - local authorities are expected to also address root causes of human rights violation at regional, state and international level.
- Participation is a right, an objective and a strategy within the HRBA.
- The process and the results of the HRBA are equally important to safeguard rights, whereas a needs-based approach focuses on objectives and results.
- The HRBA moves from a sectoral vision to a comprehensive vision and cross-sectoral work.



## Advantages of the HRBA in public policies for migrant reception and inclusion

When planning public policies on reception and inclusion, the HRBA is advantageous through the following aspects:

- It increases **legitimacy** of the interventions: they are based on human rights, which are international and national law and not based on goodwill or political convenience.
- It produces **holistic, effective and efficient responses** as it seeks to go to the roots of a problem and its civil, political, economic, social, cultural and gender dimensions.
- It encourages **integrated responses**. It engages different rights-holders, duty bearers and responsibility bearers through continuous participation and dialogue and identifies their opinions, views and interests on how to address an issue.
- It reveals different aspects of a problem by **connecting sectors and broadening the scope of strategies** required to address each aspect (training, programme, project, strategic litigation, advocacy at national or international level, awareness campaign...)
- It contributes to more **sustainable outcomes** due to the process followed.



# Incorporating the HRBA into the public policy cycle

As an analytical methodology, the HRBA can be applied to all kinds of public policies from general to specific and sectoral strategies. In the following, you find a step-by-step guidance of how the HRBA can be incorporated into the public policy cycle . It does not intend to describe all the actions and processes involved but rather to identify those important in terms of the HRBA.

## 1st Step – Analysis: turning problems and needs into Rights

(1) Identifying problems and formulating them as Rights

(2) Identifying the causes that led to the violation of a Right

(3) Reviewing the standards and limits of the right

- according to International and European treaties
- according to its regulation in the national law and the local framework.
- according to the 6 dimensions of human rights: availability, accessibility, acceptability, quality, sustainability and participation.

(4) Analysing stakeholders and their roles (rights holders, duty bearers and responsibility bearers; power relations, power of influence, existing resources...)

## 2nd Step – Identifying, selecting and formulating the public policy

(1) Identifying and selecting the public policy strategy

This includes analysing stakeholders' capacity; defining desired changes/rights; identifying and analysing possible alternatives; developing ideas and strategies for intervention and reviewing and validating the strategies selected by means of public and expert participation processes.

(2) Formulating the public policy

The objectives, processes, activities and results have to contribute to the realisation and fulfilment of the right. The process by which the rights are satisfied is as important as the results. Results of public policy relate to:

- Dimensions of the HR (availability, accessibility, acceptability, quality, sustainability and participation).
- Processes of the HRBA: participation and inclusion, capacity building (empowerment), equality and non-discrimination and accountability.

### 3rd Step – Implementing the public policy

- (1) Actions to correct the inequalities need to have an assigned budget (non-discrimination).
- (2) Including human rights indicators and measures (non-discrimination, participation, capacity building and accountability)
- (3) Building capacities to duty bearers responsible to implement the public policy at political, technical and operational level in terms of HRBA.
- (4) Maintaining dialogue spaces with rights-holders, responsibility bearers and duty bearers ( participation and accountability)
- (5) Defining a follow-up system with human rights indicators and identifying a supervisory body to monitor implementation. Access to this information needs to be guaranteed (accountability).

### 4th Step – Monitoring and evaluation

A HRBA assessment of public policy outcomes is focused on the extent to which the public policy has contributed to the realisation and fulfilment of a Human Right, without discrimination. It therefore assesses

- processes involved according to HRBA principles.
- results in the various Human Rights dimensions.

## Further reading

More detailed guidance on applying the HRBA can be found in the publication by Barcelona City Council's Citizens Rights and Diversity Department (2018): [City of human rights. The Barcelona model. Methodology guide](#). The step-by-step guidance on applying the HRBA throughout the policy cycle is based on this publication.

*The photo used in this publication was taken by Hans Sackers at the House of Youth, Timișoara.*