

# RIGHTS, ENTITLEMENTS AND SOCIAL POLICY

## Concept Note

November 1, 2006

### Background

1. This study analyzes the experiences of a selected group of countries in the Latin America and the Caribbean and South Africa with approaches to social policy provision that build on a human rights perspective. The study focuses specifically on entitlements that are essential for building poor people's capacity to engage with the state as citizens with rights and responsibilities. The key question to be addressed is whether, and under what conditions, human rights norms, standards and approaches can strengthen the institutional framework for delivering social policy outcomes.

2. A rights-based approach to development is commonly understood as a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights (United Nations 2006)<sup>1</sup>. It implies an enhancement of the empowerment of disadvantaged and vulnerable groups, their participation in society, equality, non-discrimination and an explicit linkage of social policy issues to human rights. According to the United Nations (2006)<sup>2</sup>, "there are two main rationales for a human rights-based approach: (a) the *intrinsic* rationale, acknowledging that a human rights-based approach is the right thing to do, morally or legally; and (b) the *instrumental* rationale, recognizing that a human rights-based approach leads to better and more sustainable human development outcomes. In practice, the reason for pursuing a human rights-based approach is usually a blend of these two." A rights approach can be argued to contribute to sustainable development in two major ways. Firstly, it reduces social and political risks through the enhancement of social justice and focus on inclusion and non-discrimination. Secondly, it creates stronger and more equitable institutions – not only state-owned, but also civil and community ones<sup>3</sup>. Furthermore, the promotion and observance of human rights are considered to be core elements in the efforts to strengthen democracy and governance. In Latin America, social and economic rights have not advanced as rapidly as political and civil rights, a situation which poses one of the greatest challenges to Latin American democracies (UNDP, 2004).

3. In the past decade, the human rights approach has received growing attention in the development community. The Millennium Development Goals (MDGs) reflect many elements of a rights-based perspective. This becomes obvious when one compares the various Goals with Articles 25 and 26 of the Universal Declaration of Human Rights (Jahan 2004)<sup>4</sup>. Bilateral and multilateral donors such as the World Bank and the UK's Department for International Development (DfID) have already begun exploring the potential contribution of the rights-based approach to sustainable livelihoods and development as well as the fiscal feasibility of such programs. (see Moser and Norton (2001); Elson and Norton (2002)<sup>5</sup>). Recent work by the DAC network on Governance (2006, forthcoming) highlights the significance of human rights as an element of development dialogue which can underpin more responsive and accountable governance, and enhance aid effectiveness.

4. A rights-based approach to social policy implies the introduction of a set of institutions and policies within a society that secure every member's reasonable access to a social minimum. In practice a rights-based approach to social policy can be seen as incorporating the following elements:

- The definition and widespread communication of rights, entitlements and standards which enable citizens to hold public policy makers and providers to account for the delivery of social policy.
- The availability of mechanisms of redress where citizens can go if they are unable to enjoy specified entitlements or social minimums.
- A commitment to the equitable delivery of the specified rights, entitlements and standards to all on a universal basis.

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<sup>1</sup> United Nations, Office of the High Commissioner for Human Rights. (2006). "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation." p. 15

<sup>2</sup> Ibid. p.16

<sup>3</sup> Ibid. p.ix

<sup>4</sup> Jahan, Selim. (2004). "Human Rights-Based Approach to Poverty Reduction: Analytical Linkages, Practical Work and UNDP." p.2

<sup>5</sup> Elson, Diane and Norton, Andy. (2002). "What's Behind the budget?: Politics, Rights and Accountability in the Budget Process". Overseas Development Institute. ;

Moser, Caroline and Norton, Andy. (2001). "To Claim Our Rights: Livelihood Security, Human rights and Sustainable Development". Overseas Development Institute.

5. It is important to recognize that a commitment to universal human rights as an ethical or political perspective has earlier origins than the UN system of international norms, standards and principles<sup>6</sup>. In that sense, certain countries demonstrate a commitment to a 'rights approach' to social policy, as we have defined it above, long before the Universal Declaration of Human Rights of 1948. In the course of this study we will seek to acknowledge and explore this context, while situating our understanding in contemporary human rights norms, standards and instruments.

6. Some of the most successful examples of applying a rights approach to social policy have emerged from developing and middle-income countries. The Maharashtra Employment Guarantee scheme in India has been cited in this respect as providing an approach to employment which guarantees a base level of access to all. In parts of Latin America, a rights approach has found expression in the 'social minimums' framework – a set of policies that aim to put a clear 'floor' under levels of provision in the social sectors. South Africa provides an example of embedding social and economic rights in the Constitution and translating them into a concrete policy framework. The resulting impacts on policy have extended to sectors, which are not covered in the Latin American 'social minimums' experience e.g. water and housing. A key element of all these approaches is the intent to empower people to act as 'rights-holding citizens' in relation to the state. This in turn can provide incentives and a framework for social mobilization of the poor to claim rights and entitlements, thus undermining a mode of interaction between citizens and the state based on informal relations of patronage. A comparative assessment of the policy frameworks that have made such empowerment possible in different socio-economic contexts will make an original analytical contribution.

### **Objective and Analytical Content**

7. This work would analyze the experience of a sample of Latin American countries and South Africa in the development and implementation of rights-based social policies i.e. policies that have led to greater social inclusion and ultimately benefited the empowerment of poor and marginalized groups. The analysis would include the cases of Chile, Uruguay, Peru, and Guatemala from Latin America. These four cases would allow a comparison between different levels of GDP per capita and socio-political contexts. All these countries have explicitly endorsed at different levels a human rights approach to social policy. Further, some of the cases such as Chile and Uruguay, have a long standing tradition of rights-based policies since the early 1900s. The South Africa case will illustrate a slightly different policy approach, based on commitments to economic and social rights, which are built in the national constitution.

8. The objective of this study is to derive recommendations from the experiences of the countries analyzed in order to contribute to the policy dialogue between the Organization of American States (OAS), the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the Inter-American Development Bank, the World Bank and the regional (LAC) ministries of social development. The South African government has already opened dialogue with counterparts in Latin America with a view to sharing experience on rights based approaches to social policy. Specifically, the South African government has already initiated a dialogue with Chile and Brazil on these issues. The study will facilitate this cross-regional learning.

9. Specifically, this study would seek to determine the extent to which integrating human rights norms, standards and institutions into the thinking about social policy delivery has produced enhanced effectiveness of delivery, or strengthened accountability in the formulation, monitoring or execution of social policy. In the context of the selected country cases the following questions will be addressed:

1. What has been the experience with a rights-based approach to social policy?
2. What factors facilitated or constrained the adoption of a human rights perspective in social policy formulation, in terms of the social, political and historical context? (Have local social and political struggles used a human rights idiom and framework? Have human rights been an issue in political competition? )
3. How have these countries incorporated the rights-based approach into policies for diminishing poverty, social exclusion, inequality and strengthening democratic governance? What has been the impact of these policies thus far?

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<sup>6</sup> As reflected in the work of 'age of enlightenment' philosophers such as Thomas Paine, Jean-Jacques Rousseau.

4. What have been the mechanisms for implementing a rights-based approach to social policy in each country context?
    - a. What have been the policy and/or legal instruments (e.g. social minimums, citizen registration, constitutional provisions, systems of redress etc.)?
    - b. What have been the institutional arrangements for implementing the rights approach to social policy provision (Social Development Ministers vs. Sector Ministries, role of civil society or community organizations, etc.)?
    - c. What institutions outside of the social policy domain have played a significant role in supporting implementation (e.g. justice sector institutions, other mechanisms for redress)?
    - d. How has the sustainability of these policies been ensured (social and fiscal mechanisms)?
    - e. In which sectors has a human rights framework been explicitly applied to guide planning and delivery? What reasons can be deduced for any sectoral focus evident in each case?
    - f. To what extent has the human rights approach worked through stimulating enhanced demand for equity in the delivery of social policy, and promoting collective action?
  5. What have been the results of applying human rights based perspective in social policy delivery? Do key actors believe that this has led to improved social policy outcomes or enhanced accountability in delivery? What evidence is there to support or refute the contention that there have been tangible results in terms of either delivery or accountability?
  6. What recommendations can be derived from these experiences in terms of building the necessary institutions and setting forward mechanisms for rights-based social policy? What elements of the social, historical and political context are important as facilitating factors?
10. Although the study will concentrate on delivery of social policy, the consideration of rights is not limited to social and economic rights. Many civil and political rights are relevant to the issues under consideration (e.g. rights to freedom of association, voice and information).

### **Scope / Methodology**

11. The study would be based on review of secondary literature and field research by local counterparts in the selected countries<sup>7</sup>. The secondary research will include a review of the value added of a rights-based approach to sustainable development, and an analysis of the conditions needed and mechanisms used by some countries to implement this approach. At this stage, the first task will be the grounding and common definition of the key concepts that will be used in the analysis (such as rights, rights-based social policy, etc.). The country specific context will be discussed and compared across the cases.

12. All case studies will look into rights-based policies in health and education. Additional sectors will be included depended on the country context – nutrition in Peru, social security in Uruguay, etc. For each sector a matrix with the following dimensions (see table below) will be included, where the non-guaranteed levels of provision are left blank. This will allow for a clear mapping of existing rights-based policies (or guarantees) across the countries and social groups.<sup>8</sup> Subsequently the impact of these policies on the improvement of service delivery will be examined. The issues of citizen voice and accountability of the state and/or service providers will be addressed through secondary information as well.

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<sup>7</sup> See Annex A for a detailed list of country research questions

<sup>8</sup> A table, tracking the same dimensions (access, financial protection, etc.) will be prepared for each of the examined sectors. See Annex B for a description of each dimension.

## EX.: EDUCATION

	Early Child Development and Pre-school Education	Elementary Education	Secondary Education	Higher Education	Training
Access					
Financial Protection					
Continuous Provision					
Quality					
Opportunity					
Redress Mechanisms					
Modernization					
Participation					

The countries to be included in the study have been selected based on two criteria: (i) the difference in socio-economic conditions across countries; (ii) all the selected countries have initiated some rights-based social policies. Chile, Peru, Guatemala and Uruguay have been tentatively selected from the Latin American region. South Africa is key example of the institutionalization of rights-based policies and the review of its case will allow the comparison with a social and institutional context from another region.

13. The study will be carried out in collaboration with the Organization of American States (OAS), the Chilean Foundation to Overcome Poverty (FUNASUPO) – a private foundation partly supported by the Chilean Government<sup>9</sup>; a network of Latin American universities, the United Nations Economic Commission for Latin America (ECLAC), and the Inter-American Development Bank (IADB). Local teams will gather and analyze relevant data in each of the countries. The final country reports will be prepared in collaboration with the World Bank team and the other partners (OAS, UN ECLAC and IADB).

14. In preparation of the final document, several in-country meetings with the local teams and a regional workshop will be organized. The final document will be prepared in collaboration with OAS, ECLAC and IADB.

### Impact

15. The process will include a strong element of South-South learning, engaging policy makers in assessing the experience of other countries, and enabling them to compare approaches to building citizen rights through social policy. It will make valuable policy experiences available to countries that are beyond the sample of this study, giving special consideration to key implementation issues such as: the link between rights-based policy and budget management; the institutional constraints of a rights-based approach; good monitoring practices and the effects of rights-based approaches on increasing inclusion and accountability..

16. Through the engagement of the OAS, lessons will be disseminated in Latin America. Similar regional mechanisms will be sought in Africa and Europe. The goal is to present country level policy communities with access to a range of options for constructing social policy, which would otherwise have been unavailable to them. The report will be presented by the OAS to the Social Development ministers' summit that will take place in late April 2007.

17. The process of deliberation around the study will also address the question of the relationship between human rights and the overall framework for development co-operation. A key concern is how human rights

<sup>9</sup> FUNASUPO has discussed this proposal with the Ministry of Planning (MIDEPLAN) and will coordinate with them for the analysis of the Chilean experience.

principles, norms and standards can enrich our understanding of the multi-dimensional character of development and supplement the MDGs with a broader view of development outcomes.

## **Strategic value**

18. By emphasizing the transformation of subjects and beneficiaries into citizens, the policy alternatives, explored in this study, will develop further the social policy goals stated at the Arusha Conference (December 2005), which are cross-cutting in scope and include concerns of inclusion, cohesion and accountability beyond the traditional 'social sector' focus<sup>10</sup>. While the concept of rights-based development policy has already received significant attention by international organizations and donors, its practical applications in the social policy field still are not well documented. The study's original analytical value will derive from highlighting specific implementation and monitoring mechanisms recommendations on putting the rights-based approach into practice, based on selected country experiences.

## **Outputs**

- In-country workshops with local universities and policy makers to discuss preliminary results and recommendations emerging from the cases
- An international workshop (sponsored by UN ECLAC/IADB) to discuss the draft in early April in Santiago, Chile.
- The study will be an input (informative document) to the *OAS Meeting of Ministers and High Level Authorities* of Social Development to be held in San Salvador in April 2007.
- A report outlining policy recommendations to inform the policy dialogue between multilateral organizations (UN ECLAC, OAS, IADB, WB) and governments on a rights-based approach to social policy.

## Tentative Report Outline

1. Conceptual Framework
  - a. Review of the relation with Millennium Development Goals
2. Methodology
  - a. Rationale for the selected cases (What we expect to learn from them)
  - b. Research methodology (questions / data gathering techniques, etc.)
3. Comparison of approaches and policies
  - a. Implementation arrangements
  - b. Institutional arrangements
  - c. Social (different actors and roles)
  - d. Fiscal (how the proposed policies are translated into budget allocations)
  - e. Value added of the approach – before and after the reforms; Progress in the state's functioning as a facilitator and provider of entitlements
4. Recommendations on:
  - a. Implementation arrangements to use the rights-based approach to further the MDGs
  - b. Role of multilaterals in the potential implementation of rights-based social policies
5. Case Studies (as a Chapter or Appendix)

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<sup>10</sup> The Conference "New Frontiers of Social Policy: Development in a Globalizing World" December 12-15, 2005 in Arusha, Tanzania identified three new frontiers for social policy: empowering citizens' to exercise their rights; fostering a responsive and accountable state; and mobilizing states' ability to collect revenue in order to reduce their aid dependency.

## **Dissemination / External audience**

19. The Organization of American States (OAS) has expressed their interest in collaborating with the Bank in the analysis of rights-based approaches to social policies. Similarly, the Economic Commission of the United Nations for Latin America (ECLAC) and the Inter-American Development Bank (IADB) have indicated their interest in such comparative study to strengthen their capacity to conduct policy dialogue on rights-based social policies with the governments in the region. The study will be an input to the summit of Social Development Ministers that will be held next April 2007.

20. In addition to the external dissemination, SDV in collaboration with the Country Units will develop a strategic country level dissemination plan. Finally the dissemination strategy will include specific activities (workshops and seminars) to enhance the impact within the World Bank itself.

21. The Chilean *Fundación Nacional para la Superación de la Pobreza (FUNASUPO)*, with the support of the government, has committed to being a partner in this work and collaborating with other country counterparts in this endeavor.

22. We also hope to include this work under the broad umbrella of SDV's contribution to the Nordic/Baltic group initiative on human rights with the World Bank.

## Timetable

22. The study will be conducted between October 2006 and May 2007, according to the following timetable:

Concept Note: October 15, 2006

Video Conference with all partners and country teams: October 18 or 19, 2006

In country work: November 1, 2006 - January 15, 2007

World Bank joint work with country teams: November 6-10, 2006

In country workshops with governments, civil society, academia and WB: December 11, 2006

Drafting of report: January-March, 2007

Draft report: March 31, 2007

Preparatory Workshop (Sponsored by ECLAC/IADB): First week of April 2007

Review Meeting: April 15, 2007

Social Development Ministers' Summit (Organized by OAS): Late April 2007

Decision Meeting: May 7, 2007

Final Report: May 20, 2007

## Task Team and Partners

23. Task Team Leaders for the study will be Andrew Norton (Lead Social Development Specialist, SDV) and Estanislao Gacitua Mario (Senior Social Scientist, SDV). The team will include William Reuben (LCSEO), Nazumi Takeda (Consultant, SDV), Yoshinori Suzuki (Consultant, SDV) and Sophia Georgieva (Consultant, SDV). Peer reviewers will be Caroline Moser (The Brookings Institution), Varun Gauri (DEC), and Reidar Kvam (LCSEO).

24. Rosana Martinelli and Fransico Pilotti (Social Development and Employment Department, OAS), Carmen Artigas (ECLAC) and Claudio Santibañez (IADB) will be counterparts for the study. The country studies will be conducted by in-country experts. In Chile, the counterpart will be Leonardo Moreno and Mauricio Rosenbluth (Foundation for Overcoming Poverty (FUNASUPO), Chile). Field research will be conducted by in country contractors from the Universidad Alberto Hurtado, Chile; Institute of Economic and Social Research, Rafael Landivar University, Guatemala; Research Center, Pacific University, Peru; Department of Social Sciences, Catholic University Damaso Larranaga, Uruguay.

## Budget

25. The overall cost of the study, including field research, report preparation and dissemination will be approximately \$ 210,000. of which \$60,000 will be from BB (variable), \$ 80,000 Japanese TF, and US\$ 20,000 (equivalent) from the FUNASUPO, who will finance the Chilean study and dissemination. In addition to this funding, IADB/CEPAL is contributing US\$ 20,000 for the organization of an international workshop in preparation to the OAS's summit in April. Finally, the OAS will contribute with staff time and will cover the costs of translating and disseminating the document for the OAS summit.

### Staff Costs:

Estimated Bank Budget (variable) for the project is \$ 50,000 (for field research) plus staff weeks and travel cost (Estanislao Gacitua Mario, 5 SW; Andrew Norton, 5 SW; Sophia Georgieva, 8 SW.) Staff weeks and travel for consultants Nazumi Takeda and Yoshinori Suzuki will be covered by the Japanese Trust Fund. Field research in Chile will be sponsored by FUNASUPO

### Field Research:

South Africa	\$ 20,000
Peru	\$ 10,000
Uruguay	\$ 10,000
Guatemala	\$ 10,000

Peer Review (1 SW) \$ 5,000

### Dissemination:

Publishing & Distribution \$ 5,000

## ANNEX A

### Questions for Field Research

#### I. Context/Background

1. What have been the main impediments to social equity existing in the country? How have they evolved (in the past decade) and which groups have they left excluded?
2. What social policies have provided guarantees to address specific social and economic rights :
  - out of what social/political context were they born?
  - what was the role of government and civil society actors in their design and implementation
  - how did they affect vulnerable and excluded groups

#### II. Implementation

1. What institutional and policy instruments have been used to apply a rights-based approach (social/economic guarantees) to the design and implementation of social policy? Specifically what has been the role of:
  - a. Legal mechanisms (including constitutional and statutory law, the role of courts at various levels in adjudicating on rights claims, provisions to facilitate public interest litigation on social and economic rights etc.)
  - b. Policy mechanisms promoting voice and empowerment (including citizen registration and conscientisation, information campaigns designed to raise awareness of citizen rights, engagement of social movements or civil society actors as partners in mobilizing populations to access or claim rights)
  - c. Public policy mechanisms explicitly or implicitly translating human rights norms, standards and principles into social policy provisions (e.g. user entitlements/standards for service delivery)
2. What were the fiscal implications of the policies adopted? Has the adoption of rights norms, standards or principles led to changes in the process of decision making about public expenditure allocation?<sup>11</sup>
3. How were the policies monitored and what mechanisms of redress/accountability were put in place?

#### III. Impact

1. Based on available evidence, what can be said about the extent to which the policies or institutional arrangements adopted have:
  - Increased access to social provision;
  - Increased citizen voice in social policy provision

#### IV. Lessons Learned and Recommendations

1. What are the lessons learned and the recommendations for ensuring the sustainability of current rights-based policies and for implementing them in new sectors/country contexts in the future?

(In this point the study wants to focus specifically on good practices that have translated rhetorical references to a rights-based approach into concrete institutional and legal transformation, into measurable effects (qualitative and quantitative) regarding social policy provision. At the same time, the study will pay attention to the dilemmas posed by a rights-based approach and the issue of scarce resources. Rights-based policies have been adopted to a different degree in each sector; the sequence of state actions in advancing the respect, protection, and fulfillment of rights has also been different in each sector. The study will examine both of these aspects of policy.)
2. What are the main threats to sustainability of the rights-based policies and how can they be addressed?

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<sup>11</sup> It is likely that due to time constraints or lack of data, this question will not be answered fully. In this case, a short account on fiscal implications will be appreciated.

**ANNEX B**  
**Table on Social Guarantees (from p. 4)**

Assuming that a rights-based social guarantee is present when the following dimensions of a right (entitlement) exist (access; financial protection; continuous provision; quality; opportunity; redress mechanism; modernization; participation), the case studies will track the existence of these dimensions for each sector, from which examples are provided.

**a) Access:** The dimension of access implies the existence of instruments or procedures, which allow for the provision of social services in a certain area, in a set form and under set conditions, to all citizens in need of such services.

**b) Financial Protection:** Set of instruments or procedures that limit the expected financial contribution from rights-holders to an extent to which it would not be impossible for them to benefit from the social services in question.

**c) Continuous Provision:** In cases, in which the service in question constitutes a longer-term process (such as rehabilitation services in health care), this dimension ensures that the service will be provided for the entire period necessary to achieve the expected results.

**d) Quality:** The explicit setting of quality goals and standards, which must be completed in order to consider that access to the right has been achieved

**e) Opportunity:** The existence of a clear timetable that stipulates the timeframe and stages or maximum waiting time, within which the guarantee or service should be provided, in a manner that makes its results effective for the service beneficiaries.

**f) Redress Mechanism:** Instruments or mechanisms that allow for redress on the part of citizens in cases, in which the right or guarantee has not been realized in the previously stipulated manner. Redress mechanisms may be various including mediation, negotiation with authorities, or more serious judicial mechanisms.

**g) Modernization:** The existence of institutional or legal mechanisms through which society (or the body responsible for providing the service) periodically evaluates and updates the dimensions of the guarantee to ensure that it promotes adequately the progressive realization of the particular social/economic right.

**h) Participation:** Instruments or procedures, allowing citizens to intervene in the formulation of those mechanisms which define and operationalize the social guarantee and through which the services are delivered.

## ANNEX C

### Lexicon of Terms – Social Policy and Human Rights

The objective of the following set of inter-connected definitions is to provide a common language and clear understanding of the key terms that will underpin the work program on the ESW “Rights, Entitlements and Social Policy”

#### **Rights**

Rights are widely characterized as legitimate claims that give rise to correlative obligations or duties. (*To Claim Our Rights*, Moser and Norton, London, 2001)

#### **Rights regime**

A rights regime is a system of rights which derive from a particular regulatory order or source of authority. In a given society several may co-exist – all with distinct normative frameworks and means of formulation and enforcement, for example customary law, religious law, constitutional law and statutory law. (Moser and Norton, op.cit)

#### **Universal human rights**

These can be characterized as an individual right with a universal domain – that is, an individual right that applies to all human beings equally, irrespective of their membership of particular families, groups, religions, communities or societies. (Moser and Norton op. cit). Sometimes the equal worth and dignity of all can only be assured through the recognition and protection of individual’s rights as members of a group. The term collective rights refers to the rights of such peoples and groups including ethnic and religious minorities and indigenous peoples where the individual is defined by his or her ethnic, cultural or religious community (OHCHR ‘Frequently asked questions on a human-rights based approach to development co-operation’ 2006)

In practice, human rights are best seen as moral, political or legal claims made on the basis of common humanity. The normative basis of the UN system for the promotion and protection of human rights can be characterized in terms of:

- *International legal obligations*: these are a subset of international obligations within formal international law, namely international treaties, international custom, and the “general principles” of international law.
- *International ethical/political obligations*: These are a broader set of morally binding international obligations, derived from ethical and political statements, declarations and commitments made at the UN level.

UN legal instruments are primarily binding on states, though the broad framework of ethical and political obligations is increasingly seen as relevant for state and non-state actors alike.

#### **Rights-based approach to social policy**

There is an extensive literature on the issue of a ‘rights-based approach to development’ (see, for example Uvin, 2004 *Human rights and development*, Moser and Norton 2001 *op cit.*, Alston, P. and Robinson, M. 2005. *Human Rights and Development : Towards Mutual Reinforcement*. Oxford, New York : Oxford University Press). The formulation used in this study is of a rights based approach to social policy. It builds on the above understandings and literature, but allow a level of clarification as it can focus primarily on state responsibility and action – rather than the donor/international development community which is primarily addressed in the above literature.

We understand a rights-based approach to social policy to comprise the following features:

- The definition and widespread communication of rights, entitlements and standards which enable citizens to hold public policy makers and providers to account for the delivery of social policy.
- The availability of mechanisms of redress where citizens can go if they are unable to enjoy specified entitlements or social minimums.
- A commitment to the equitable delivery of the specified rights, entitlements and standards to all.

The commitment to equity which underpins a rights-based approach to social policy may be more or less extended to people resident in a country who do not hold formal citizenship. We adopt a 'human rights' perspective on this issue which implies that equitable and non-discriminatory treatment should be extended to all. In practice there are major challenges in implementing this standard of equitable treatment (in relation for example, to temporary migrants).

## **Entitlements**

In everyday terms, an entitlement can be seen as a claim or right defined by reference to what has already occurred, or an established procedure, particularly previous authorization under such a procedure. Entitlements are therefore a sub-set of rights, but with a specific character. They provide concrete and specific content to rights – often taking a right (e.g. to social security, or maternity leave) and indicating 'how much'. (Norton and Elson, *What's Behind the Budget? Politics, rights and accountability in the budget process*. ODI, London, 2002)

## **Social minimums**

A social minimum is a set of institutional, political, juridical and financial mechanisms that a given society subscribes to and the state implements in order to ensure that all citizens can enjoy a certain level of rights. In particular, social minimums are thresholds of coverage, welfare and opportunities that will ensure that individuals living in poverty would progressively achieve and become full citizens with all their economic, social, political and cultural rights. (Fundación Nacional Para la Superación de la Pobreza, *Introducción Umbrales Sociales 2006*, Chile, page 11).

Social minimums should not be static and set in stone. The dimension of them that implies continual progress (progressive realization) suggests that they should be periodically revised according to changes in the economic, social and political context.

## **Social Policy**

There is an extensive literature on different definitions and models of social policy. The big distinction is between models which see social policy simply as 'policies about the social sectors' and models which see social policy as embodying cross-cutting concerns with equity, distribution, social justice and social and livelihood security. In the latter model social policy extends beyond the social sectors and an extremely close relationship with economic policy. It is this latter interpretation that we follow in this study.

It is worth remembering that whatever 'meta-definition' is adopted, in practice in different countries the understanding of what constitutes 'social policy' reflects specific social and cultural contexts. Most often the term simple encompasses policy about people's most pressing social concerns. If crime and public disorder are a major issue in the society, for example, then tackling this becomes seen as a 'social policy priority' (see for example *Jamaica 2015: a framework and action plan for improving effectiveness, collaboration and accountability in the delivery of social policy*, Jamaica Cabinet Office 2005).

Deacon, Ollila, Koivusalo and Stubbs (*Global Social Policy, themes and prospects*, Helsinki 2003) define social policy as follows: "Social Policy is, in essence, interventions by governments and other agencies altering the distributive outcomes of market activities. Social policy historically has been about interventions of a socially redistributive kind (from rich to poor, young to old), of a social regulatory kind (setting the ground rules of a market economy), of a social rights kind (delimiting the rights and duties of citizens with regard to access to services and incomes)." They go on to point out that pressures of globalization are putting the state's role in all these areas under pressure. Mechanisms for achieving global (or at least cross-national) redistribution, regulation and support to the realization of social rights are increasingly important.

**ANNEX D**  
**ESW: Rights-Based Social Policy: Latin America, South Africa**  
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