

Integrating Rights in Practice:

Exploring BRAC's Rights Strategy in Poverty Reduction

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Human Rights and Legal Aid Services

Broad Goal

Promote legal empowerment as a pathway out of poverty.

Specific Goals

- Access to justice
- Access to basic services
- Good governance
- Pro-poor market development

Objectives

- Address democratic & governance deficits that deprive the poor of their basic rights & entitlements.
- Improve protection of assets, livelihoods, physical & economic security.
- Improve opportunities for economic growth & social development.
- Supplement national level legal aid & poverty reduction interventions.
- Advocate for legal & policy reform to ensure improved realization of rights of poor people as citizens, asset holders, workers & business people.

Program Activities

- **Legal awareness**
- **Group formation**
- **Paralegal service**
- **Alternative dispute resolution**
- **Public interest litigation**
- **Legislative & administrative advocacy**
- **Research**
- **Engagement with GoB, civil society/NGOs & private sector**

Program Focus

- Property/land rights
- Livelihood/economic rights
- Health rights
- Labor rights
- Personal rights

Strategic interventions: Property/land rights

- ▶ Legal protection of property rights including tenure security by way of low interest loans, equitable distribution of state owned lands (*khas* lands), etc.
- ▶ Inclusive property rights system that will recognize co-ownership of husband and wife of moveable/immoveable property bought by the husband during the subsistence of their marriage.
- ▶ Joint titling of land in the names of husband & wife for boosting women's effective right to & control over land, particularly during the husband's absence.

Property/land rights cont.

- ▶ Inheritance by women of their rightful shares in varying capacities of daughters, wives and mothers.
- ▶ Recognition of customary rights of ethnic minorities and/or indigenous peoples to land & natural resources & rationalization of national laws & policies accordingly.
- ▶ Simplified and cost-effective procedures for land registration & transfer.
- ▶ Community-based land management systems & profit-sharing through sustainable management of land & natural resources.

Strategic Interventions: Livelihood/econ. rights

- ▶ Legal licenses & cost-effective registration for small-scale/informal business operations.
- ▶ Basic rights of the poor to livelihood & business, incl. the right to vend, & access to necessary infrastructure (space, water, electricity) for carrying out business activities.

Strategic Interventions: Health rights

- ▶ Challenge medical malpractice & negligence that impact socio-economically marginalized groups.
- ▶ Enforcement of the right to health of poor populations incl. food, safe drinking water, living conditions & environment.
- ▶ Gender equity/sensitivity in health service delivery, particularly in the context of reproductive health care, termination of unwanted pregnancies & violence against women.
- ▶ GoB compliance with their legal duties and obligations in public health care and service delivery.

Strategic Interventions: Labor rights

- ▶ Minimum standards of health & safety at work in the organized sector, incl. formal contracts, the right to freedom of association & collective bargaining.
- ▶ Non-discrimination in terms of wages & overtime, compensation for injuries, medical care, maternity benefits, pensions & dismissal in the formal sector.
- ▶ Raising the number of labor courts & strengthening factory inspectorate services.

Labor rights cont.

- ▶ **Regulatory framework establishing standards for age verification, recruitment, minimum wage & decent working conditions in the informal sector.**
- ▶ **Coordinated & multiple responses from GoB agencies, NGOs & civil society for protecting child domestic workers.**
- ▶ **Safe migration of workers (e.g. formal job contracts with distinct terms & conditions), particularly women migrants, & effective reintegration of returnee migrants (e.g. investments in business & other income generation activities).**

Strategic Interventions: Personal rights

- ▶ Women's equal right to inheritance.
- ▶ Women's acquisition of title to land & property.
- ▶ Recovery of dower & maintenance by women.
- ▶ Legal protection against domestic violence.

Limitations

- Cultural and Customary ideologies versus 'human rights framework'
- Bureaucracy, State and Resources
- Logframes and Outcome: Projectization of empowerment
- Organizational Will versus 'Investment Portfolio'
- Needs versus Rights: Cultural Divide

Lessons to Draw Upon

- ▶ Legal empowerment is more about power & freedom than it is about law.
- ▶ LE transcends the domain of lawyers/ courts.
- ▶ No single approach is preferable to others.
- ▶ Flexibility is key to any LE intervention.
- ▶ Community specific actions & group initiatives more effective in securing rights.
- ▶ Participatory processes & conflict management go hand in hand (direct participation is not always necessary).
- ▶ Bringing key actors (state, civil society, pvt.sector & poor people) together is vital for tangible results.
- ▶ Changes in rules & institutional processes enable meaningful and wide-scale change.