

Negotiating the Human Rights-Based Approach and the Charity-Based Approach in Development Cooperation Activities: Experiences of Deaf Women in Uganda

Hisayo Katsui¹

Abstract

This paper focuses on the development cooperation projects of organisations of persons with disabilities (DPOs) involving deaf women in Uganda. In the projects, a human rights-based approach (HRBA) is often the starting point. However, a HRBA tends to disappear in the process of intervention and transforms into a charity-based approach when the intervention reaches deaf women on the grassroots. This paper first introduces these two approaches and compares their theoretical differences as analytical tools. The second part maps the setting of disability and development cooperation in Uganda to illuminate the context of the following case study. The case study is on Ugandan DPOs' training activities that involve deaf women. Citations of interview statements highlight the negotiation of the two approaches in practice. The subsequent section elaborates on the concept of solidarity that potentially connects the two approaches. The concluding part summarises and analyses the findings and presents the impetus for further research in this area.

Introduction

This paper focuses on the development cooperation projects of non-governmental organisations (NGOs), namely the organisations of persons with disabilities (DPOs), which involve deaf women in Uganda. This paper is based on the preliminary findings of my fieldwork which was carried out between January and February of 2008 in Uganda. I interviewed 66 persons, including a Minister who deals with disability issues, members of parliament representing persons with disabilities (PWDs), Ugandan and Danish DPO staffs, and many persons with disabilities on the ground level. 14 of the persons interviewed were deaf. A number of key events were also observed, such as a workshop held among 11 DPO chairpersons, a partnership workshop between Ugandan DPOs and Danish DPOs, and a

monitoring trip of the HIV/AIDS project of a DPO in the northern part of the country. When analysing the conducted interviews, I realised that there is a gap in the perceptions and discourses in the involved project between the staffs of DPOs and the people on the grassroots. In the development cooperation projects that I studied, the management level staffs had the intention of applying a human rights-based approach, but when the intervention reached deaf women on the grassroots, the projects frequently ended up representing a charity-based approach. This paper scrutinises this specific aspect of development cooperation activities to answer the key question, “How are the human rights-based approach and the charity-based approach negotiated in reality?” The analysis indicates that there is a mechanism involving both global and local factors that tends to steer any intervention to deaf women into a charity-based approach, especially when it is implemented in the framework of development cooperation. Elaboration of the HRBA is timely because the United Nations (UN) Convention for Rights of Persons with Disabilities (CRPD) entered into force in May 2008. In August 2008, 130 countries signed and 34 countries ratified the Convention (UN 2008). The CRPD is expected to accelerate the application of the HRBA in practice world-wide.

The arguments of this paper are based both on a literature review and on data collected during my fieldwork. A participatory research approach was applied (see Katsui and Koistinen 2008). I had three research assistants who were all women with disabilities; one deaf and two physically disabled persons. The interviews were digitally recorded with the agreement of the research participants, and were transcribed word-by-word. An informed consent form was delivered to DPO staffs, while participants on the grassroots received an oral presentation of their rights. The draft of this paper was sent to Ugandan DPO staffs for their reviews and comments for validating the argument from their viewpoint.

The paper firstly addresses differences between a human rights-based approach and a charity-based approach as analytical tools. The second part maps the setting of disability and development cooperation in Uganda to clarify the context of the following case study. This part is sub-divided into four themes: 1) development of the Ugandan disability movement, 2) disability definition in the Ugandan disability movement today, 3) DPOs and development cooperation in Uganda and 4) deaf women in Uganda. The following case study is about Ugandan DPOs’ training activities that involved deaf women. This part answers the set key question. The subsequent section elaborates the concept of solidarity which potentially

connects the two approaches. The concluding part summarises and analyses the findings and presents impetus for further research in this area.

The Human Rights-Based Approach and Charity-Based Approach

This section introduces and compares a HRBA and its theoretical counter-approach, a charity-based approach². In the discourse of development, a HRBA is one of the new approaches that highlights cross-cutting issues. For instance, an environment-based approach is one of the emerging approaches in development. Incorporating human rights terminologies has become increasingly popular as well in other cross-cutting issues. The following example of the Swedish Agency for International Development Cooperation (SIDA) is illustrative of this trend:

*In the past, the terms used were aid or development assistance, or that Sweden sent money to the poor. Today, the term used is development cooperation since it is a matter of cooperation rather than providing money: cooperation between people, between international bodies such as the UN and EU, and between the peoples and governments of countries. **It is not a matter of charity, but a matter of the right of people to avoid being poor** (SIDA 2005 emphasis added).*

Both ‘charity’ and ‘rights’ are often taken for granted, which leaves significant room for interpretation. Thus, it causes difficulty for analysing more concretely the actual impact of the selection of both the terminology and the approach as practical tools beyond the general image.

A charity-based approach has a long history. It can go as far back as Medieval times where, for instance in England, religious groups established hospitals for people in need (Brenton 1985). A more modern use of the word charity means benevolent giving by those who have more to those who have less. The important implications here lie in the power relationship between the givers and receivers, where givers voluntarily make decisions to fill the gaps of the needs of the receivers or so-called ‘beneficiaries.’ The decision-making power of the beneficiaries, therefore, is limited in this approach. Charity organisations and a charity-based approach have historically served to innovatively fill the gaps of existing needs. Nevertheless, this approach has been heavily criticised because it gives the impression that the problems have been solved, it does not challenge the fundamental structure, which is the root cause of

the situation, and further, because of the mechanism inherent in it, which takes away the decision making power and/or ownership from the beneficiaries. The criticism is found both in Disability Studies (e.g. Barnes 1991) and in Development Studies (e.g. Murphy 2000).

A HRBA is rapidly replacing a charity-based approach for overcome its shortcomings and to change the paradigm, at least in theory. A HRBA is often understood in the legal framework through a narrow definition. For instance, people who are discriminated³ against and aware of their rights file a court case when their rights are violated. This justiciability is mentioned often as a core part of this approach (Teranaka 2006:81). It is often understood as a normative strategy based on the international laws as norms (Seppänen 2005:8). Thus, when a HRBA is narrowly defined, it has a strong linkage to international law (Seppänen 2005:33) as well as national legislations. On the one hand, the linkage to international law is a powerful tool when all countries have ratified at least one of the seven core United Nations human rights treaties, and 80% of states have ratified four or more (Office of the UN High Commissioner for Human Rights 2006:5). On the other hand, the linkage to laws demands legal procedure which is not necessarily easily accessible for all.

A wider definition conceptualises a HRBA in a variety of ways in the operationalisation beyond the law discipline. It could be both means (Frostell 2006:3) and goals (Uvin 2004:123). The process for achieving human rights is prioritised (Uvin 2004:165). When a HRAB is used as a means, it caters to the principles of empowerment, participation, non-discrimination and accountability with the priority on vulnerable people (Lundström-Sarelin and Mustaniemi-Laakso 2007). That is, the process becomes participatory and transparent with equality in decision-making and a sharing of the outcomes of the process among involved stakeholders (Sengupta 2000b: 21-22 cited in Uvin 2004). As a result, the analysis with a HRBA can give an insight into the distribution of power (OHCHR 2006:27). UN agencies (2003) define the uniqueness of a HRBA as follows:

- 1) Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.*
- 2) Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations. They then develop strategies to build these capacities.*
- 3) Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles, and*
- 4) Programming is informed by the recommendations of international human rights bodies and mechanisms. (UNESCO 2003:3.)*

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is one of the main actors promoting a HRBA in development cooperation. This paper reflects the definition of the HRBA by the OHCHR (2006).

The distinction between a charity-based approach and a HRBA can be simplified and summarised in the following table. However, as Lundström-Sarelin and Mustaniemi-Laakso (2007) cautiously claim, the dichotomy is not crystal-clear. One has to bear in mind that there is a great risk of over-simplicity and even the question of dichotomy in itself (Katsui 2008). This distinction was intended to work as an analytical tool for this paper.

	Goal	Individuals	Responsibilities based on
Charity-Based Approach	Filling the gaps of (often material) needs	Objects of charity, 'Beneficiaries'	Discretion of givers, no obligations
Human Rights-Based Approach	Fulfilling aimed human rights in a human rights-sensitive manner	Subjects as rights-holders as well as duty-bearers in different contexts	National and international law-oriented obligations and accountability for fulfilling the rights of individuals

Inspired by (Lundström-Sarelin and Mustaniemi-Laakso 2007) and created by the author.

The significance of a HRBA to disability in development would be summarised as follows: The first significance of this approach is that it involves all human beings in the mainstream discourse, including the most vulnerable groups of people such as persons with disabilities. Secondly, the approach requires rights-based actions instead of charity, which has predominated. Third, the approach stipulates state obligation to secure the human rights of the people concerned. Fourthly, this approach demands transnational obligations, which is the biggest difference from the social model of disability. These four significances are the most prominent ones for disabled people in the South towards attaining the ultimate goals of equality and equal opportunity (Katsui and Kumpuvuori 2008). This paper particularly focuses on the second significance to be tested in the Ugandan development cooperation context.

Disability and Development Cooperation in Uganda

Uganda is an interesting case in which development and disability discourses meet and have been negotiated. It is a 'developing country' or a recipient of development cooperation. At the same time, it has the most progressive constitution, cited as a 'human rights charter' (Mawa 2003).

Development of the Ugandan disability movement

In Uganda, the disability organisations started to be established during the 1970s. The idea of forming a national umbrella organisation of PWDs started around 1976, but was hindered by the war between Uganda and Tanzania in 1979-1987. In 1987, PWDs in the Ruti Rehabilitation Center in Mbarara and the Kireka Rehabilitation Center in Kampala realised the idea of forming the organisation as the National Union of Disabled Persons of Uganda (NUDIPU) (Ndeezi 2004:10-11). 17 DPOs joined NUDIPU. This was the first of its kind in the African continent (Ndeezi 2004:12). Without assets and money, voluntary work and contributions of members enabled the activities in the beginning. This spirit is said to have led the NUDIPU into "one of the strongest national advocacy and lobbying organisations championing the cause of marginalised groups in Uganda" (Ndeezi 2004:17). The ruling political party, the National Resistance Movement, has morally facilitated the growth of disability movement (Ndeezi 2004:17).

The main achievements of the Ugandan disability movement include the Ugandan Constitution of 1995. The rights of disabled people were specifically stipulated already in the Constitution as follows, "Persons with disabilities have a right to respect and human dignity and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential." Concrete positive changes, for instance, have taken place in creating political space for disabled representatives. After the enactment of the Local Government Act of 1997, affirmative action policy has been introduced for the marginalised groups of people including women, disabled people, youth, workers and the army. Since then, all those groups are represented in Ugandan politics at all levels including the Parliament. Uganda has a quota system where five Members of Parliament (MPs) represent people with disabilities (PWDs): Four MPs from four regions (Central, East, West, North) and one woman with a disability. Their sign language interpreters and personal assistants are paid by the

government. An interesting fact is that in the 2006 election, two former MPs representing PWDs stood for the positions outside of the disability quota framework and also passed through. Both of them are women with disabilities (WWDs). Therefore, there are seven MPs with disabilities in the Parliament at present linked to the disability movement. Moreover, 47,000 disabled councillors work in the local government structure, of which half are WWDs. In 1998, the State Minister for the Elderly and Disability Affairs was created under the Ministry of Gender, Labour and Social Development. This Department addresses the issues of disability, though with resource constraint. In 2006, the National Disability Act was adopted which further stipulates the rights of PWDs in Uganda. The visibility of PWDs in the political space is an outstanding achievement of the disability movement in Uganda. At this political level, it is not over-romanticising to mention that the Ugandan disability movement has achieved a lot, although the introduction of the multiparty politics in 2006 to some extent fragmented the disability movement.

The Ugandan disability movement is also visible in the international sphere. Former Member of Parliament representing persons with disabilities, James Mwandah, represented Uganda in the making process of the UN Convention. He has also served as a board member of the Global Partnership for Disability and Development from the beginning. Uganda was one of the first countries to have signed the UN Convention on 30.3.2007, on the day when the Convention opened for signatory. Uganda ratified the Convention in September 2008.

Disability definition in the Ugandan disability movement today

(The definition of disability) is always evolving, but what we are adopting now is, as it was usually a medical model, so we are now looking at social model of disability. So we are looking at more of the environment, which is disabling them. Interaction of the person with the society, how you face in the society is what we are looking in disability. The environment that defines disability acknowledging that if the environment is favourable, such disability in a way can be avoided. So we are adopting the social model (Executive Director of NUDIPU 2008).

The definition of disability in Uganda has changed over time with the development of the disability movement. Previously, it was close to what is called ‘medical model’ in which negative consequences were due solely to the medically diagnosed impairments of individuals. Currently, disability activists use what is called ‘social model’ by focusing on the environmental and social barriers to be removed. This change coincides with the world trend. People with epilepsy, mental impairment and multiple impairments such as deaf-blind have

lately started to be recognised also as groups of PWDs. Their organisations are part of the disability movement today (Chairperson of the NUDIPU 2008).

As for the understanding of disability on the ground, both models fail to some extent. The movement has been mainly led by people with physical disabilities, and people on the ground believe that those with ‘a visible/physical disability’ are PWDs (NUDIPU 2007:16). A medical diagnosis is not accessible or available for many. This has also reinforced people’s image of disability as an easily observable impairment. Along the same lines, ‘deafness’ includes both deafness and hard of hearing, precisely due to the same reason: the lack of medical service accessibility (Chairperson of the United Young Deaf Women Group 2008). A diagnosis is often subjective rather than objective in Uganda today.

When it comes to the official definition, the Persons with Disability Act of 2006 defines disability as a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation. This definition relies on the essence of the medical model, but the following section on the objectives of the Act articulates that Uganda is taking a human rights-based approach in its laws:

The objects of the Act are—

- (a) to promote dignity and equal opportunities to persons with disabilities;*
- (b) to develop and promote the participation of persons with disabilities in all aspects of life as equal citizens of Uganda;*
- (c) to encourage the people and all sectors of government and community recognize, respect and accept difference and **disability as part of humanity and human diversity**;*
- (d) to eliminate all forms of discrimination of persons with disabilities on ground of their disabilities;*
- (e) to encourage all sectors of government and community to promote and **include disability issues into all** economic, political and social development policies and programmes;*
- (f) to promote positive attitude and image of persons with disabilities as capable and contributing members of society, **sharing the same rights and freedoms as other members of society** (emphasis added).*

This human rights-based approach to disability is one of the achievements of the disability movement, of which people on the ground are not aware. This ignorance is one of the biggest challenges to the operationalisation of the human rights-based approach practice, which will be investigated further later on.

DPOs and development cooperation in Uganda

Development cooperation is a significant part of the Ugandan government, because more than half of the national budget is dependent on donor assistance (USAID 2005). When it comes to the DPO budget today, all the interviewed DPOs also claimed that they are fully dependent on development cooperation funding. Ndeezi (2004:38) claims that 99% of the DPO budget is coming from abroad. In the 1990s, the number of NUDIPU memberships grew to almost 70 associations, and more capacity was required for the NUDIPU to correspond with the members. The NUDIPU then approached the Danish Council of Organisations of Disabled People (formerly the DSI, presently the DPOD) and began development cooperation activities. The Oxfam UK Kampala Office and the Norwegian Association for the Disabled (NAD) were also the first ones to have supported the NUDIPU. At around the same time, other DPOs also started to be engaged in development cooperation activities. This coincides with the time when the role of civil society started to attract attention in development in general, and when persons with disabilities started to be included at last. These international trends also involved Ugandan DPOs and left “the danger of running irrelevant and unsustainable donor-driven programmes and projects” by undermining local initiatives (Ndeezi 2004:38). Despite the acknowledged risk, development cooperation has become indispensable for DPOs for running their activities today. Under the resource constraints of the government, “there is tendency (in Uganda) to look at disability issues as donor responsibility” (Kangere 2003:5) in spite of all the human rights-based laws and the representation structures. Thus DPOs, with the support of the donor community, are expected to fill the huge gap between laws and implementation (Chairperson of the NUDIPU 2008).

Deaf women in Uganda

Statistically, 0.3% of the population is estimated to be deaf (excluding hard of hearing), of which 90% are born in to families of hearing parents (Saito 2007:44). This means deaf persons are few and far between, and most of them do not automatically learn sign language as a mother tongue at home. These characteristics are applicable also in Uganda. The focus of this article is on the experiences of deaf women because they are mostly left at home, both in urban and rural areas of Uganda (Lwanga-Ntale 2003). “In the rural communities of Uganda, women are basically regarded as some of the objects or assets owned by the husband” (DSI 2007:3). Thus, the same report claims, disability and related discrimination hits harder on WWDs than on men with disabilities. For instance, the opportunity for receiving an education is not often given to deaf girls as much as to other siblings. Boys are the first priority, while

girls without disability are the second priority. Education for girls with disabilities is considered as ‘a waste of money’ (Gender Officer of UNAD 2008). Therefore, many deaf girls’ education ends at the primary level, if they get any formal education at all (Gender Officer of UNAD 2008). This was true for my interviewees who were deaf women. Consequently, many deaf women are illiterate and do not have good sign language skills either (Deaf MP/ Executive Director of UNAD 2008), which leads to limited employment opportunities. Many deaf women work as house maids or cleaners for richer families, but are paid little or none, as employers take advantage of their illiteracy and limited communication skills for reporting any maltreatment (Chairperson of the United Young Deaf Women Group 2008). This is the general picture of the status of deaf women on the ground in Uganda, despite the positive achievements in the political space.

Case Study: How Are the HRBA and Charity-Based Approach Negotiated?

The non-discrimination principle of human rights is significant to PWDs, who have been marginalised from the mainstream. When a human rights-based approach is applied, this principle finally includes PWDs into the mainstream discourse, in theory. In reality, however, properly including marginalised groups of PWDs such as deaf women is challenging within a short timeframe. This part analyses the training activities of Ugandan DPOs as cases, and elaborates on the experiences of deaf women.

A human rights-based approach is often the starting point for DPOs for implementing their training activities on certain topics such as reproductive health, HIV/AIDS and human rights to their members. They aim at disseminating essential information and raising awareness on personal rights to PWDs who have been left behind from mainstream activities. The Ugandan National Association of the Deaf (UNAD) asserts that the challenges in involving deaf people in their development cooperation projects are due to the illiteracy and lack of Ugandan sign language literacy of deaf people (Mukasa and Nkwangu 2007:4). This involves difficulties for other non- deaf-specific DPOs in fully involving deaf people. The UNAD further problematises the limitation of hitherto funding for accommodating the special needs of the deaf.

General knowledge of WWDs is limited due to deeply rooted discrimination against them, while the capacity of DPOs is also limited. For instance, one Danish development worker introduced her experience on working with WWDs on the grassroots:

The trainer starts explaining what is money. It's so basic, they don't know money and they don't know anything. And that's what we forget here in Kampala. (...) some women in Kampala who are very intellectual, who knows human rights and everything, (...) I met one group in [a district], a women's group, which has been supported for like 10 years. They also started from what money was. They worked on self-esteem and became more independent. And now they have started to say what is the problem, 'When we go to local hospitals, they speak badly and denying us to give birth, abusing our rights.' This is how it should be. Let's go and sensitise them. And that's what it becomes human rights issue. And that has grown from the ground. That's what [a DPO] could go and advice them how to do that, and now meet them there and also give them more gender awareness because they were not aware of the male-dominating structures. They have not seen them yet. But when they are matured and they come to that stage, where they can start, on that level, that's when [the DPO] has to be ready for that also. And I don't think that they are ready enough today to actually guide groups of that level. Extremely good for those who has to start and take over, but for those at that level, it's a big challenge (Danish Development Worker A).

The reality of WWDs implies challenges for deaf women in development cooperation where they do not have proper communication means, because they often use local signs rather than the established Ugandan sign language, or even 'gestures (home signs)' rather than local signs. When one deaf woman was interviewed and asked what she had learned from a training course on HIV/AIDS organised by a DPO, she answered as follows:

Onion, tomato, orange, banana, matooke (one kind of banana), cassava, greens. Those (signs) are what I remember. I remember so well. Others are clothes, suits, shoes, blouse, skirts. That's all (Deaf Woman E 2008).

She might have totally missed awareness raising part of the training but learned the signs essential for her living, which is expected to increase her quality of life. Learning communication skills is so fundamental that it is one of the prerequisites to learning of one's own human rights. These preconditions of people with disabilities on the grassroots, especially those of marginalised groups, are often undermined in development cooperation activities. The next interview statement captures this issue:

You have to keep your topic of awareness aside and begin basic sign language training first. Maybe two weeks, one week, what is this about the language, first of all. So it costs a lot. Always spending and spending at the level of basic sign language training. When you are lucky to finish the training, we move on to the awareness training. It also needs more time than the blind and physically disabled. The awareness needs more time because they are not yet fluent and the language is

*not easy to master. You keep repeating. Some of them are using lip reading while talking. **Some of them cannot understand what is rights.** We keep on teaching them the language. (...) **they don't understand what it is. So you just get tired. You get tired and say, 'Let me do this and carry out activities because you don't understand the word.'** Sometimes you train and train, but they don't understand it. So if you want to do something with them, sign language is the first step (Deaf MP/ Executive Director of UNAD 2008) (emphasis added).*

Similar experiences were shared in the training activities held by the United Young Deaf Women Group and the NUWODU for their HIV/AIDS trainings. Deeply rooted discrimination against deaf people has been too big to tackle by a DPO within a single development cooperation intervention, partly because of the existing big awareness gap between DPO staff at the headquarter offices and people at the grassroots level.

When taking a closer look at the awareness gap, it can also be noticed between DPO staff at the headquarter offices and those working at the district level. In February 2008, I had a chance to observe a monitoring activity of the NUWODU during its HIV/AIDS training in the Gulu district, which was held half a year before the visit. I was also invited to visit the Lira district office during the same trip. The following conversation is illustrative of the gap between the headquarter staff and the district staff:

R: May I ask if your activities are taking a human rights-based approach or a charity approach?

P1: (not understanding what was the question, thus P2 rephrased it as follows)

P2: Do you implement your activities so that the members do something like income generating activities to help themselves or do you give handouts and they are dependent on them?

P1: Human rights-based approach, yes.

(...)

P1: Another problem for many WWD is the school fees. Could NUWODU pay for their children's school fees?

P2: NUWODU is an advocacy organisation and support women's initiative to help themselves. For instance, we support income generating activities so that they can pay the fee by themselves. So we are not giving out school fees.

(R: Researcher; P1: District staff A; P2: Headquarter staff/ Executive Secretary of NUWODU)

The end result, getting the school fees for children, is what the district staff focuses on, while the headquarter staff tries to teach her a more human rights-based means for them to attain the end result. This conversation clarifies the gap between the district staff taking a charity-based approach and the headquarter staff a human rights-based approach. These intra-organisational gaps in human rights awareness cannot be easily overcome within one development

cooperation project framework. More time, energy and money have to be invested to build the capacity of people at different levels.

On top of the intra-organisational gaps of awareness towards human rights, the peculiar donor-recipient culture that favours the donor - known as development cooperation system (Tvedt 1998; Hoksbergen 2005) - is also a hindrance in the operationalisation of a human rights-based approach. The development cooperation system pressures Ugandan DPOs to produce results with the given resources according to the agenda the donors tend to set for Ugandan DPOs to implement (anonymous interviewees due to the sensitivity). Under these circumstances, a human rights-based approach is compromised, and is easily modified into a top-down type of charity-based approach within the framework. As a result, a shift from a human rights-based approach to a charity-based approach takes place in the development cooperation activities for/of PWDs in Uganda.

The experiences of deaf women are only a small part of those of many other PWDs who do not fully benefit from the on-going mainstream and disability-specific activities. That is to say, more vulnerable PWDs, for whom various prerequisites are not secured, tend to be excluded or cannot fully benefit even from disability-specific activities which originate from a human rights-based approach. When disability-specific projects are failing to operationalise the approach, it is even harder for mainstream programmes to apply it because of the lack of expertise and the competence to properly deal with disability issues. The analysis above verifies that when it comes to PWDs, non-discrimination and equality principles are challenging to implement in practice.

Solidarity Connects the Two Approaches?

Despite the differences between persons with disabilities among and within countries, solidarity often plays an important role in connecting them, especially those with the same or similar impairments (see the deaf people's case in Saito 2007:108). Solidarity is an interesting concept to explore in the discussion between human rights-based and charity-based approaches. Laitinen (2003:232) defines solidarity as being made up of a "collective responsibility, equality and being on the side of the disadvantaged." Inspired by the list of

characteristics presented by Laitinen, I would rephrase the following as characteristics of solidarity: a collective identity, an awareness of equality (or a problematisation of inequality) and an ability to articulate the priorities of the most marginalised groups of people.

Solidarity coupled with other strong motivations lead to concrete action by the advantaged people for and/or with the disadvantaged people towards equality. Within the case study setting, solidarity was exercised when there were 'advantage gaps' between actors, such as between deaf women on the grassroots and the deaf leaders of DPOs, and between the Ugandan and Northern DPOs. Expressions used, such as 'our sisters and brothers' (NUDIPU chairperson 2008) when a Ugandan DPO describes their constituency, and 'sister organisations' (Halmari 2003:107; DSI 2007) when Northern partner DPOs describe their Southern partners reveal part of the motivation for why they are involved in the activities. When advantage or capacity gaps result in the social exclusion of disadvantaged people, solidarity can be an initial way of including excluded people based on a good intention. In theory, solidarity as a motivation for action and as a starting point can lead to both charity-based and human rights-based approaches in a given specific situation. Therefore, solidarity as a good intention does not predetermine its consequence in terms of action (or modality for achieving the goal of equality) that follows, but can be a common factor in both approaches in this context.

The precondition for solidarity in developmental activities is a power gap, which cannot be changed over a short period of time. For instance, a single intervention of a DPO can hardly change this structural demography among them. Thus, solidarity-oriented action first has to be exercised under this power to the most disadvantaged ones. The empowerment and capacity building of the disadvantaged people, therefore, are one of the first activities to frequently take shape in giving, such as service provision, material delivery and various trainings. This top-down approach in the framework of DPOs is applied to maximise the benefits of the disadvantaged people in the situation, so as to first fill any necessary preconditions for further activities, possibly ones carried out utilising a human rights-based approach. At the same time, the patterns of behaviour in society, in which persons with disabilities are playing the role of objects of charity, reflect the actions taken both by DPOs and persons with disabilities on the grassroots. Furthermore, a development cooperation system imposes short-term activities with limited resources. Thus, DPOs end up in putting in practice aspects of a charity-based approach, with or without intention, due to the circumstances. In this way, the

stakeholders' choices are made, with reason, between the charity-based and human rights-based approaches.

This solidarity concept will be elaborated further in my future research. My hypothesis is that when those three characteristics of solidarity (and perhaps coupled also with resource availability in some cases) are shared between people from different advantage backgrounds, then activities more likely result in a human rights-based approach. For instance, Danish development workers and Ugandan DPO staffs share a similar understanding, which includes a collective identity, equality awareness and the prioritisation of the most disadvantaged people. Between them, a human rights-based approach was regarded as natural and important. On the other hand, when those three characteristics are maintained only by the more advantaged group of people but not by the less advantaged ones, the result tends to be a charity-based approach. For instance, the deaf women on the ground and Ugandan DPO staff did not share those values amongst them, and their activities resulted in a more charity-based approach. This hypothesis has to be tested in forthcoming fieldwork in order to understand under which circumstance a human rights-based approach can be operationalised in practice.

Concluding Remarks

The studied development cooperation activities represent neither a purely human rights-based approach nor a charity-based approach, although DPO staffs claim that they are applying a HRBA. They carry characteristics of both approaches at different stages. At each decision-making process at different levels, both approaches are negotiated to fit better to the circumstances and the actors concerned. Both local factors, such as the deeply rooted negative discrimination against deaf women on the grassroots, and global factors, such as the development cooperation system, deeply affect the negotiation process. More factors will be analysed in future research.

In Northern disability studies, the understanding of a charity-based approach has often been based on the altruism of persons without a disability, and unintentional negative discrimination in which persons with disabilities are viewed as inferior. This approach is thereby believed to reinforce the power relationship in theory. “There is a paradox here. The

public perception of charities is very positive” (Shakespeare 2006:153). That is, many others do not even problematise the charity-based approach to disability. Shakespeare (2006:3) claims, “[R]ights alone are not sufficient to promote the wellbeing of disabled people, and that charity - defined broadly as love and solidarity - must also play an important part.” At the end of this article, I would like to contemplate the role of the charity-based approach as a cutting edge for the analysis of the human rights-based approach to disability in development.

When this debate is transferred to a Southern context, charity becomes an indispensable aspect of the reality of many persons with disabilities on the grassroots because they are recognised as ‘the vulnerable among the poor’ (Wilkinson-Maposa et al. 2005:42). My interviews clarified that the neighbours, friends and family members of PWDS -even though they are poor themselves- give support to PWDs. On the one hand, this reality frequently perpetuates the continuing of many PWDs on the grassroots to play the passive role of objects in development cooperation activities. On the other hand, charity is a way of survival when no institutionalised support is available, as is often the case in Southern countries. This kind of informal help is not stipulated in legal documents, but yet next to sustainable as a culture, though help could be sporadic. This philanthropy culture is not regarded as problematic for Ugandans. Moreover, the above case study analysis implies the possibility that a HRBA has to start at the level where PWDs are often used to playing the passive role of objects. The deaf women researched in Uganda, for instance, cannot start demanding their rights to education when they have not secured their fundamental rights of language. In these regards, the charity-based approach cannot be undermined as a solely negative approach of intervention without taking the specific context into consideration. Future analysis of the HRBA to disability in development should, rather, pay more attention to the negotiation of these approaches and elaborate on how and when the ‘beneficiaries’ start to feel a sense of empowerment and a further, recognise themselves as ‘rights-holders’. For that, both the human rights and charity concepts should be scrutinised in my future research. Particularly, the differences in the concepts between Northern counterparts and Uganda would be of interest.

Acknowledgement

I would like to thank Beatrice Guzu, Alessandra Lundström Sarelin, Maija Mustaniemi-Laakso, Jonas Parby, Martin Scheinin, Sia Spiliopoulou Åkermark and Arne Torstensen for

their insightful comments and input on the previous version of the article. The preliminary findings were presented in the Institute of Development Studies research seminar at the Helsinki University on 7.10.2008. The research work is funded by the Academy of Finland, while the fieldwork was financially supported by the Tokyo Foundation (JIP Award). I am grateful for all the above support. However, the views expressed in this article are mine and the supporters have no responsibility for the content or any possible mistakes.

Notes

1) Hisayo Katsui (hisayo.katsui@helsinki.fi) is a senior researcher at the Institute for Human Rights at Åbo Akademi University. Her specialities are disability, human rights, development and civil society.

2) In the discipline of Disability Studies, which is one of my main disciplines, these are the dichotomised approaches together with the medical-social model dichotomy. However, in other discourses around human rights, the counter approach is often named 'needs-based approach.' I deliberately chose 'charity-based approach' in this paper because needs recognition and identification are important processes of the human rights-based approach (Immonen 2007) particularly for people with disabilities. Therefore, to avoid placing negative connotation to the word 'needs,' I selected 'charity-based approach.' This dichotomy, however, is questioned with the case study analysis in the following.

3) The new UN Convention (2008) defines; '**Discrimination on the basis of disability**' means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation; '**Reasonable accommodation**' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Direct discrimination is the most obvious. In this case, one is unfavourably treated both personally and directly due to his/her attribution. For instance, the discrimination against a person with a disability in his/her job hunting although s/he is qualified. Direct and institutional discrimination is, for instance, when some rights for persons with disabilities are forbidden by law. Justiciability can be exercised against especially the former type of direct discrimination and is conceptualised as 'hostile discrimination' (Kam 2008). Indirect discrimination, or what Kam (2008) describes as 'benevolent discrimination,' is more subtle. For instance, a person with a disability cannot access necessary documents due to sensory impairment, even if s/he is employed. The charity-based approach also fits this type of discrimination, when, for instance, charitable and paternalistic acts are directed at a person with a disability without his/her willingness and need.

At the same time, positive discrimination has also attracted attention. Affirmative action, for instance, is form of positive discrimination, in which a person with a disability can get a job over a more qualified person without a disability. This measure is taken when discrimination against persons with disabilities is too severe to promote equality.

References

Barnes, C. 1991. *Disabled People in Britain and Discrimination*. London: Hurst and Company.

- Brenton, M. 1985. *The Voluntary Sector in British Social Services*. London: Longman.
- DSI (The Danish Council of Organisations of Disabled People) 2007. *Country Strategy Paper Uganda 2007-2011*. Copenhagen: The Danish Council of Organisations of Disabled People. (unpublished report).
- DSI. 2007. *Assessing and Supporting: Capacity Development of Sister Organisations in the South*. Copenhagen: The Danish Council of Organisations of Disabled People. (unpublished report).
- Frostell, K. 2006. *Human Rights of Women*. Helsinki: The Finnish NGO Foundation for Human Rights.
- Halmari, T. 2003. Disabled People's Organisations in Development Co-operation, in Hakkarainen, O.; Toikka, M. and Wallgren, T. (eds.), *Dreams of Solidarity: Finnish Experiences and Reflections from 60 Years*, pp. 107-111. Helsinki: Otava.
- Hoksbergen, R. 2005. Building Civil Society through Partnership: Lessons from a Case Study of the Christian Reformed World Relief Committee. *Development in Practice* 15(1): 16-27.
- Immonen, M. 2007. Luterilaisen maailmanliiton HRBA-prosessi ja soveltaminen eri puolilla maailmaa. Paper presented in a seminar *Kehitysyhteistyössä: Muutos tarvelähtöisyydestä oikeusperustaisuuteen* on 27.9.2007, Helsinki.
- Kam, J. K. 2008. On the Concept of Ambivalent Disablism, in Centre for Disability Research (ed.), *Disability Studies Conference Proceedings*, pp. 34. Lancaster: Centre for Disability Research.
- Kangere, M. 2003. *Development in Disability: The Uganda Experience*. <[http://www.dodd.nl/data/1067944239230_Development%20in%20Disability%20paper%20\(Maria%20Kangere\).pdf](http://www.dodd.nl/data/1067944239230_Development%20in%20Disability%20paper%20(Maria%20Kangere).pdf)> [11.1.2006]
- Katsui, H. 2008. Downside of the Human Rights-Based Approach to Disability in Development. *Working Paper Series of IDS at Helsinki University* 2008/02.
- Katsui, H. and Koistinen, M. 2008. Participatory Research Approach in Non-Western Countries: Practical Experiences from Central Asia and Zambia. *Disability and Society* 23(7): 747-757.
- Katsui, H. and Kumpuvuori, J. 2008. Human Rights-Based Approach to Disability in Development in Uganda: A Way to Fill the Gap between Political and Social Spaces? *Scandinavian Journal of Disability Research* 10(4): 227-236.
- Laitinen, H. 2003 How Do You Live in Solidarity?, in Hakkarainen, O.; Toikka, M. and Wallgren, T. (eds.), *Dreams of Solidarity: Finnish Experiences and Reflections from 60 Years*, pp. 232-240. Helsinki: Otava.
- Lundström Sarelin, A. and Mustaniemi-Laakso, M. 2007. Human Rights-Based Approach to Development: What is it all about?, paper presented in a seminar *HRBA Kehitysyhteistyössä: Muutos tarvelähtöisyydestä oikeusperustaisuuteen* on 27.9.2007, Helsinki.
- Lwanga-Ntale, C. 2003. Chronic Poverty and Disability in Uganda, presented in a conference *Staying Poor: Chronic Poverty and Development Policy*, 7-9.4.2003 University of Manchester. <<http://www.chronicpoverty.org/pdfs/conferencepapers/lwangaNtale.pdf>> [11.1.2006]
- Mawa, M. 2003. Human Rights and Development in Uganda: Reflections on the Constitutional Provisions of the Right to Development. <http://www.crvp.org/book/Series02/II-8/chapter_ix.htm> [19.12.2005]
- Mukasa, F. and Nkwangu, R. 2007. *UNAD/NUDIPU HIV/AIDS Project General Report-2007*. (unpublished report).
- Murphy, B.K. 2000. International NGOs and the Challenge of Modernity. *Development in Practice* 10(3&4): 330-347.

- Ndeezi, A. 2004. *The Disability Movement in Uganda: Progress and Challenges with Constitutional and Legal Provisions on Disability*. Kampala: Oscar.
- NUDIPU (National Union of Disabled Persons of Uganda) 2007. *Baseline Survey Report on Human Rights Advocacy for People with Disabilities*. Kampala: NUDIPU.
- Office of the UN High Commissioner for Human Rights 2006 *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*. New York and Geneva: United Nations. <http://ohchr.org/english/about/publications/docs/FAQ_en.pdf> [27.9.2007]
- Saito, K. 2007. *Sign Language as a Minority Language*. Tokyo: University of Tokyo Press.
- Seppänen, S. 2005. Possibilities and Challenges of the Human Rights-Based Approach to Development. *The Erik Castren Institute Research Reports 17/2005*, Helsinki.
- Shakespeare, T. 2006. *Disability Rights and Wrongs*. London: Routledge.
- SIDA 2005. What Is Development Cooperation? <<http://www.sida.se/Sida/jsp/polopoly.jsp?d=3205>> [14.11.2005]
- Teranaka, M. 2006. Jinken Bunya ni okeru Amnesty no Torikumi (Activities of Amnesty on Human Rights), in Kunugi, T. and Mori, K. (eds.) *Kokusai NGO ga Sekai wo Kaeru (International NGOs change the World.)*, pp. 65-85. Tokyo: Toshindo. (In Japanese)
- Tvedt, T. 1998. *Angels of Mercy or Development Diplomats? NGOs and Foreign Aid*. Trenton: Africa World Press.
- UN 2008. Convention and Optional Protocol Signatories and Ratification. <<http://www.un.org/disabilities/countries.asp?id=166>> [27.8.2008]
- UNESCO 2003. The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies. <http://www.unescobkk.org/fileadmin/user_upload/appeal/human_rights/UN_Common_understanding_RBA.pdf> [18.10.2007]
- USAID 2005. Uganda. <<http://www.usaid.gov/policy/budget/cbj2006/afr/ug.html>> [11.6.2008]
- Uvin, P. 2004. *Human Rights and Development*. Bloomfield: Kumarian Press.
- Wilkinson-Maposa, ??; Fowler, A.; Oliver-Evans, C.; and Mulenga, C.F.N. 2005. *The Poor Philanthropist: How and Why the Poor Help Each Other*. The International Business School in Africa. <www.gsb.uct.ac.za> [11.8.2008]

Cited Interviews

- Chairperson of the NUDIPU. Personal interview at Kampala on 31.1.2008.
- Chairperson of the United Young Deaf Women Group. Personal interview at Kampala on 4.2.2008.
- Danish Development Worker A. Personal interview at Kampala on 18.2.2008.
- Deaf MP/ Executive Director of UNAD. Personal interview at Kampala on 28.1.2008.
- Deaf Woman E. Personal interview at Kampala on 17.2.2008.
- District Staff A of the NUWODU. Group interview in Northern Uganda on 13.2.2008.
- Executive Director of the NUDIPU. Personal interview at Kampala on 31.1.2008.
- Executive Secretary of the NUWODU. Group interview in Northern Uganda on 13.2.2008.
- Gender Officer of UNAD. Personal interview at Kampala on 28.1.2008.

Public Documents

- The Persons with Disability Act of Uganda 2006.
- The Constitution of Uganda 1995.
- The Convention on the Rights of Persons with Disabilities 2008.