### What is the rights-based approach?

When a humanitarian crisis occurs, key questions can guide a rights-based approach to humanitarian intervention:

* What rights do people have?
* What rights are people being denied?
* What opportunities exist to change people’s access to their rights?[[1]](#footnote-1)

A human rights-based approach identifies rights holders and their entitlements and corresponding

duty bearers and their obligations, and works towards strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations.[[2]](#footnote-2)

The Humanitarian Charter is in this regard a rights-based approach to humanitarian intervention: it identifies the rights of the affected population, and highlights the legal duty of the state as a primary

duty bearer and the ethical duty of the humanitarian agencies towards the affected population. The Humanitarian Charter can be used to advocate with the state and with humanitarian agencies to meet their respective legal and moral obligations.

The Code of Conduct is a fundamental text for the rights-based approach: its first article actually starts with the right to receive humanitarian assistance: ‘The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries.’ The Code also highlights the corresponding legal duties of governments of disaster-affected countries in the annex, and refers to the international legal framework which applies specifically in times of conflict.

### Key facts on the Code of Conduct

##### When was it created?

The drafting process of the Code of Conduct started in 1991, under the initiative of the French Red Cross and was brought under the Steering Committee for Humanitarian Response (SCHR). It was drafted by Peter Walker, then of the IFRC, and Tony Vaux, then of Oxfam GB and the organisations affiliated with SCHR were consulted on it. The Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief was agreed upon by eight of the world’s largest disaster response agencies in the summer of 1994.

##### Who has signed it?

In November 2014, there were 546 signatories to the Code of Conduct. The list is being updated monthly and can be found on the IFRC website at [www.ifrc.org/en/publications-and-reports/code-of-conduct/signatories-of-the-code-of-conduct-/](http://www.ifrc.org/en/publications-and-reports/code-of-conduct/signatories-of-the-code-of-conduct-/)

##### What is the Code of Conduct’s main purpose?

The Code provides humanitarian stakeholders with standards of behaviour to maintain independence, effectiveness and impact. It lays down ten points of principle which all humanitarian actors should adhere to in their disaster response work, and goes on to describe the relationships that agencies working in disasters should seek with donor governments, host governments and the UN system.

##### How is the Code of Conduct enforced?

Like most professional codes, it is a voluntary one, enforced by the will of organisations accepting it to maintain the standards it lays down. The Code is self-policing. There is as yet no international association for disaster-response NGOs which possesses any authority to sanction its members.

##### Why is neutrality not included in the Code of Conduct?

While the classical principles of humanity, impartiality and independence are incorporated in the Code, neutrality is not. Article three deals with the issue of neutrality but is ambiguous and does not mention the concept itself. This aspect of the Code is seen as a compromise. Faith-based and development organisations wanted to retain their freedom to side with poor and oppressed people and advocate on their behalf. It is also related to the history of the Code, which started as an initiative to provide guidance for response to disasters caused by natural hazards.

1. Excerpt from Action Aid: The rights-based approach to emergencies: A Beginners’ Guide [↑](#footnote-ref-1)
2. [www.ohchr.org/Documents/Publications/FAQen.pdf](http://www.ohchr.org/Documents/Publications/FAQen.pdf), page 15 [↑](#footnote-ref-2)