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Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States

By Maxi Ussar

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Policy tool 2: HRBA checklist for development policies	<ul style="list-style-type: none"> → Facilitates comprehensive mapping of human rights issues in the elaboration of the policy context, the selection of principles and values the policy stands for and the identification of thematic and sectoral priorities. → Provides a checklist, which can be used to critically assess draft policies in order to establish the extent to which they adequately integrate the HRBA. 	16
<i>Programming tools</i>		
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Programming tool 2: Problem tree template	<ul style="list-style-type: none"> → Supports the causal analysis of any intervention. → Systematically identifies the immediate causes, underlying causes and root causes of a development problem. 	20
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Programming tool 4: Role pattern analysis	<ul style="list-style-type: none"> → Identifies duty-bearers, rights-holders and the extent of rights and duties. → Identifies the pattern of relationships between the identified rights-holders and duty-bearers. 	23
Programming tool 5: Duty-bearer capacity gap analysis	<ul style="list-style-type: none"> → Analyses the duty-bearers' capacity to fulfil their duties. → Findings of the analysis provide important input into the identification of key project or programme interventions needed to improve the capacity of duty-bearers. 	24
Programming tool 6: Rights-holder capacity gap analysis	<ul style="list-style-type: none"> → Analyses the rights-holders' capacity to claim their rights. → Findings of this analysis provide important input into the identification of key project or programme interventions needed to improve the capacity of rights-holders. 	25

Tool	Purpose and application	Page
<i>Programming tools (continued...)</i>		
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Abbreviations

CAB	Civil Society Advisory Board	EU	European Union
CEDAW	International Convention on the Elimination of All Forms of Discrimination Against Women	MDGs	Millennium Development Goals
ICERD	International Committee on the Elimination of All Forms of Racial Discrimination	NGDO	Non-governmental development organization
CRC	Convention on the Rights of the Child	NGO	Non-governmental organization
CSO	Civil society organization	OECD/DAC	Organisation for Economic Co-operation and Development/Development Assistance Committee
DFID	UK Department for International Development	ODA	Official development assistance
HRBA	Human rights-based approach to development	SIDA	Swedish Department for Development Cooperation
ICESCR	International Covenant on Economic, Social and Cultural Rights	UN	United Nations
ENPI	European Neighbourhood and Partnership Instrument	UNDP	United Nations Development Programme
		UNDAF	United Nations Development Assistance Framework

Introduction

The mainstreaming of human rights in development assistance is a legal and political obligation for all Member States of the European Union (EU), including the New Member States.¹ This obligation is enshrined in various international human rights conventions,² the United Nations (UN) Millennium Declaration,³ the EU's development policy, *The European Consensus*,⁴ the Cotonou Agreement⁵ and – of specific importance to the New Member States – the European Neighbourhood and Partnership Instrument (ENPI), which regulates the EU's relations with its immediate neighbours. Mainstreaming human rights is, therefore, not a question of choice but obligation.

Being relatively new donors of official development assistance (ODA),⁶ especially to countries in the global South, many New Member States face challenges in providing assistance in line with the various international and EU obligations, including the mainstreaming of human rights. Difficulties in meeting these requirements are frequently related to the specific context of New Member States as new and small aid donors with limited human resources and low public awareness of the importance of international aid.

A policy paper published by Minority Rights Group Europe (MRG Europe) in 2011, *The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States*, analyses the relevance of the human rights-based approach (HRBA) for New EU Member States. The policy paper illustrates that, rather than being an additional burden, human rights mainstreaming through the application of the HRBA offers practical solutions for the New Member States to overcome some of the specific challenges they face as relatively new aid donors and to make their ODA more effective and efficient. Moreover, the paper shows that the specific context for ODA in the New Member States, notably the fact that they are in the process of setting up their institutional and policy frameworks for ODA, provides excellent opportunities for the integration of the HRBA. The paper emphasizes that the HRBA would also allow the New Member States to capitalize on their particular expertise and their 'added value' as donors, for instance in democratization and civil society strengthening, while being in line with international and EU obligations. (See Annex 2 for more information on the policy paper).

This guide, also commissioned by MRG Europe under the EC-funded project 'From Needs to Rights: Promoting More Effective Development Policies in Europe', is intended as a follow-up tool to the policy paper. It specifically addresses a need expressed by decision-makers in New Member States in response to the paper. The guide aims to provide practical guidance on how the HRBA could be applied in the development policy and programming process in the New Member States. The tools presented provide a general guide to development planning and implementation. They are applicable to any thematic area, ranging from infrastructure development to social development and beyond. Specific focus is given to three countries, all of which are holding the Presidency of the Council of the European Union during 2011 and 2012: Hungary, Poland and Cyprus. The countries were selected because the Presidency provides some political space for agenda-setting and brings increased attention to the respective countries, including to their development cooperation activities and frameworks.

The structure of the guide

The guide is divided into four sections:

- Section one explains what the HRBA is and what it 'looks like' in practice. It summarizes the key principles of the HRBA (which are also outlined in the policy paper) and provides concrete examples of the application of the HRBA in practice.
- Section two presents a number of practical tools on *how to* integrate HRBA in policy-making and programme and project development.
- Section three presents the policy-making and programming processes in Hungary, Poland and Cyprus, and identifies entry points for the integration of HRBA in the three countries.
- The final section provides concrete steps and recommendations on how to integrate the HRBA specifically in Hungary's, Poland's and Cyprus's development policies and programming.

Annex 1 provides ready-to-use templates of all tools presented.

1 The human rights-based approach in practice

1.1 What is the human rights-based approach to development?

This section provides a summary of the HRBA. It is based on the more detailed description of the approach provided in the policy paper *The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States*.⁷

Human rights and development as interrelated processes

The HRBA is based on the recognition that human rights and development are closely interrelated and mutually reinforcing. This understanding stems from the UN Declaration on the Right to Development (1986)⁸ and was further endorsed by the 1993 World Conference on Human Rights⁹ in Vienna. The mainstreaming of human rights into development cooperation has since gathered increasing political recognition among major development actors as essential to working towards effective, sustainable and just human development.¹⁰ It is enshrined in the Millennium Declaration¹¹ and has been taken up by the UN system,¹² the OECD/DAC¹³ and the EU,¹⁴ to name but a few.

A new approach focused on ‘rights’ rather than ‘needs’

The HRBA represents a sharp departure from traditional approaches to development¹⁵ assistance, which focused largely on needs of the poor and the provision of specific commodities and services to meet those needs. In contrast, HRBA looks to empower people through an inclusive and participatory approach focused on rights rather than needs.

This change in approach has been very well illustrated by the international non-governmental organization (NGO) ActionAid through the three stories relating to its work in support of education in Kenya (*Table 1*).

Importantly, this approach resonates with perceptions of poverty among poor people themselves. In the ‘Voices of the Poor’ project, which brings together the experiences of 60,000 poor women and men, the World Bank found an overwhelming view that:

*‘poverty was not merely absence of commodities and services to meet basic needs, but rather a question of powerlessness. Aside from the importance of material assets, health and education in improving people’s lives, the poor mentioned the influence of factors such as emotional integrity; respect and dignity, social belonging, cultural identity, organisational capacity, and political representation and accountability.’*¹⁶

Concretely, therefore, the HRBA centres around the recognition of the:

*‘vital role human rights play in mobilising social change; transforming state–society relations; removing the barriers faced by the poor in accessing services; and providing the basis for the integrity of information services and justice systems needed for the emergence of dynamic market-based economies.’*¹⁷

It aims to integrate human rights into development programming in order to support a conceptual shift from development based on externally devised, charity-focused provision of aid to passive recipients, to a concept of development that looks to empower aid recipients through an inclusive and participatory approach focused on *rights* rather than *needs*.

The HRBA as a ‘lens’ for development

At its core, the HRBA is a framework for analysing development challenges and for planning meaningful responses. It provides a ‘lens’ for looking at specific situations that leads to a comprehensive understanding of problems to be addressed and facilitates the identification of effective, inclusive and sustainable solutions to those problems. The HRBA is therefore a tool for looking at development and for doing development.

The core concepts of ‘duty-bearers’ and ‘rights-holders’ and their capacities

The particular human rights ‘lens’ essentially focuses on identifying *rights-holders* and *duty-bearers* in a specific development context. Once identified, it aims to analyse and promote the capacity of rights-holders to claim their rights and the capacity of duty-bearers to fulfil those rights.

Table 1: From needs to rights: Three stories

Story 1	Needs-based Approach
Intervention focus	<ul style="list-style-type: none"> ● Meeting the basic needs of poor people in this area, provision of building materials for classrooms, vocational training, school feeding schemes for sponsored children.
ActionAid's role	<ul style="list-style-type: none"> ● Direct implementation (ActionAid held the budget, provided the materials, build the classrooms).
Emphasis of the work	<ul style="list-style-type: none"> ● Immediate problems (children not attending school). ● Obvious causes (not having classrooms).
Who/what was the driver of change	<ul style="list-style-type: none"> ● ActionAid.
Story 2	Participatory Approach
Intervention focus	<ul style="list-style-type: none"> ● Empower the community to provide feeder schools, help build the capacity of parents to manage the schools.
ActionAid's role	<ul style="list-style-type: none"> ● Working in partnership with the community and government to satisfy local needs and provide local services.
Emphasis of the work	<ul style="list-style-type: none"> ● Immediate cause of poverty through empowerment and capacity-building of the community.
Who/what was the driver of change	<ul style="list-style-type: none"> ● Through ActionAid, empowered communities .
Story 3	Human rights-based approach
Intervention focus	<ul style="list-style-type: none"> ● Fulfilling the human rights of poor and excluded people through empowerment, campaigning and solidarity.
ActionAid's role	<ul style="list-style-type: none"> ● Working in partnership and solidarity with a rights-holder organization in order to build a broad movement for change.
Emphasis of the work	<ul style="list-style-type: none"> ● Structures of exclusion, which enable a small number of people to accumulate wealth and power at the expense of the majority. These structures are kept intact unless affected people themselves – in alliance with others – organize to challenge this.
Who/what was the driver of change	<ul style="list-style-type: none"> ● Poor and excluded people who challenged unequal power and injustice.

SOURCE: ACTIONAID, ACTION ON RIGHTS: HUMAN RIGHTS BASED APPROACH RESOURCE BOOK, AVAILABLE AT: [HTTP://WWW.ACTIONAID.ORG/PUBLICATIONS/HUMAN-RIGHTS-BASED- APPROACH-HRBA-RESOURCE-BOOK](http://www.actionaid.org/publications/human-rights-based-approach-hrba-resource-book), PP. 10-17

Notably, a capacity analysis of rights-holders includes an assessment of the following elements:

- Do all rights-holders know that they are entitled to claim their rights?
- Do all rights-holders know how to claim their rights, and how to advocate and mobilize for those rights?
- Are there specific channels of participation available for all rights-holders, including the most marginalized groups?
- Do all rights-holders have the ability to affect decision-making processes to their advantage?¹⁸

A capacity analysis of the duty-bearer requires consideration of the following questions:

- Do the duty-bearers know that they have an obligation to respect, protect or fulfil certain rights?
- Do they understand the problem and the duties at stake?
- Do they have the resources (financial, technical, human) to fulfil their obligation?
- Do they have the authority, attitudes and motivation to fulfil their obligation?

The key principles of the HRBA

Key principles of the HRBA are:

1. *expressed linkage* of development challenges to *rights* as defined in international human rights instruments;
2. *empowerment* of rights-holders to claim their rights and duty-bearers to fulfil their obligations;
3. *participation* of rights-holders and duty-bearers in all processes that affect them, including development programming;
4. *non-discrimination* against and *inclusion* of vulnerable groups in decision-making processes;
5. *accountability* and *transparency* of duty-bearers towards rights-holders.

1.2 Applying the human rights-based approach principles in practice

The HRBA is an approach to the entire development process. It should be explicitly integrated at all levels of development planning, from the overall policy, to country strategies, thematic strategies to the entire programme or project cycle (from planning to evaluation). *Table 2* broadly illustrates how the HRBA principles should be applied to these various levels of development planning.

Table 2: The HRBA principles in practice

HRBA core principles	Application in practice
1 Expressly apply a human rights framework	<p>Define the goals of development in terms of the relevant international human rights commitments of the state – as legally enforceable entitlements on the national level. This necessarily includes:</p> <ul style="list-style-type: none"> ● explicitly taking human rights obligations into account at every stage of national and local development processes (from the identification of needs through to policy and programme; identification, as well as implementation, monitoring and evaluation); ● addressing the full spectrum of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social; ● ensuring that all sectors reflect the human rights framework (for example, health, education, housing, justice administration, political participation); ● building the capacity of public representatives, civil servants, local officials, implementing partners, etc. so that they apply the human rights framework in their work (e.g. through recruitment, training, specialized advice).
2 Empowerment	<p>Ensure that policies and programmes are based on empowerment – not charity. This means ensuring that people have the power, capacities (including education and information) as well as access needed to improve their own communities and influence their own lives.</p> <p>Ensure that rights-holders and duty-bearers share a common understanding of human rights goals and the duties to respect, protect and fulfil them. This means systematically educating and raising awareness of government, public representatives, civil servants, service providers and other duty-bearers.</p>
3 Participation	<p>Ensure that participation is active, free, and meaningful – including communities, civil society, minorities, women, children and others – mere formal consultation is not sufficient.</p> <p>Ensure that national and local development processes and institutions are accessible and that information is transparent and timely.</p>
4 Non-discrimination and vulnerable groups	<p>Address, as a priority, discrimination and protect vulnerable groups. ‘Who is vulnerable here and now?’ is a question to be answered on national and local levels.</p> <p>Ensure that official data is disaggregated, by race, religion, ethnicity, language, sex, migrants, age and any other category of human rights concern.</p> <p>Ensure that gender-proofing is part of the wider human rights-proofing of all programming. Gender-proofing assesses the implications for women and men of any planned action, including policies, legislation and programmes, in any area and at any level. Pay particular attention to the ‘feminization’ of poverty, its causes and remedies.</p>

Table 2: The HRBA principles in practice (*continued...*)

HRBA core principles	Application in practice
<p>5 Accountability</p>	<p>Apply a human rights impact assessment to all plans, proposals, policies, budgets and programmes to determine progress in human rights terms.</p> <p>Identify both positive obligations of duty-holders (to protect, promote and provide) and negative obligations (to abstain from violations) of the full range of relevant actors, including local authorities and private companies.</p> <p>Identify claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).</p> <p>Translate universal standards into benchmarks for measuring progress and enhancing accountability.</p> <p>Develop effective laws, policies, institutions, administrative procedures, and mechanisms of redress that ensure delivery of entitlements, respond to denial and violations, and ensure accountability.</p>

SOURCE: INTERNATIONAL HUMAN RIGHTS NETWORK, *HUMAN RIGHTS-BASED APPROACHES TO DEVELOPMENT: OVERVIEW*. OLDCASTLE, IRELAND, 2005, P. 7.

Therefore, at its most basic level, applying the HRBA requires development actors to ask the following

questions¹⁹ and apply the principles set out in *Box 1* in planning and implementing development programmes.

Box 1: The cornerstones of HRBA application

- 1 **Which rights are at stake?** All development challenges relate to one or more internationally recognized human rights. The HRBA requires the recognition of this fact and the explicit identification of the right(s) in question.
- 2 **Whose rights are at stake?** The HRBA aims to put people at the centre of development by engaging with the question of who the rights-holders are. Special attention is paid to the actual or potentially excluded and marginalized groups in society, as the approach is built on the principle of universality of human rights. Once rights-holders have been identified, the approach promotes their empowerment to effectively claim their rights, as outlined above.
- 3 **Who is the duty-bearer?** Most development challenges involve a number of duty-bearers, including the national government, local government and civil society. Although the HRBA focuses on states as primary duty-bearers, other actors can also bear duties in certain circumstances.²⁰ What is required is a careful assessment of actors, their responsibilities and their capacities to fulfil those responsibilities, as well as an assessment of how the state will oversee the fulfilment of obligations as the primary duty-bearer.²¹
- 4 **Taking a holistic view.** *‘A programme guided by a human rights-based approach takes a holistic view of its environment, considering the family, the community, civil society, local and national authorities. It considers the social, political and legal framework that determines the relationship between those institutions, and the resulting claims, duties and accountabilities. A human rights-based approach lifts sectoral “blinkers” and facilitates an integrated response to multifaceted development problems.’²²*
- 5 **Applying a participatory process.** The HRBA calls for the participation of both rights-holders and duty-bearers in policies and legislative frameworks that affect them. Processes must meaningfully involve all stakeholders without discrimination and on an equal footing. In the context of development planning, the HRBA requires participation of all relevant rights-holder and duty-bearers in the entire programming cycle from conception to evaluation.
- 6 **Promoting transparency and accountability.** A cornerstone of HRBA is the promotion of accountability of duty-bearers towards rights-holders. This requires an emphasis on transparent policy processes, the empowerment of rights-holders (see point 2 above) as well as the availability of accountability remedies and mechanisms.

1.3 What does applying the human rights-based approach ‘look like’?

Policy level

At policy level, the HRBA requires the full recognition of the interconnectedness and mutually reinforcing nature of development and human rights as the basis for development assistance. All five principles (see Table 2) should be explicitly included; target groups should be presented as active partners (not passive recipients); and priorities areas should be presented in connection with related international human rights standards.

A good example is the Danish development policy entitled, *Freedom from Poverty – Freedom to Change*. It states that:

‘Development is about fostering freedom throughout the world, about setting each individual and their potential free. Denmark’s development policy rests on the fundamental belief that all people are born free and equal, with inalienable rights. Freedom is an absolute good and a precondition for development. Without freedom there will be no development.... Fighting poverty is about giving each individual the opportunity and the ability to influence their own situation in life, politically, economically and socially. Denmark’s development policy is therefore rooted in universal human rights and fundamental freedoms as

they are set out in the UN charter and the Universal Declaration of Human Rights. These rights and freedoms are fundamental to the lives, integrity and dignity of all people.’²³

The Swedish development policy similarly states that:

‘efforts to contribute to equitable and sustainable global development and combat poverty in all its dimensions must be directed at creating the conditions and opportunities for individuals to exercise greater dominion over their own lives. The policy is based on the right of every human being to live in freedom and with the best prospects possible of lifting her/himself out of poverty. Particular emphasis is placed on the importance of democracy. The Government is intensifying its focus on the rights perspective. Among other things, it has determined that impact analyses that include an assessment of the perspective’s impact on respect for human rights are to be conducted prior to decisions regarding measures deemed to have development aspects or a potential effect on developing countries.’²⁴

Programming level

Although a strong recognition of the HRBA at policy level is very important, it is rendered meaningless if it is not followed up with concrete integration of the HRBA at programming and implementation level.

The examples in Boxes 2 and 3 illustrate what the integration of the HRBA at project/programme level can look like.

Box 2: WaterAid: Participatory Human Rights-Based Analysis, Addressing Conflicting Claims

Background

In the Kileto District, Tanzania, WaterAid has been implementing a project to improve water access for residents in the Kileto District through constructing deep boreholes with pump engine schemes, overhead tanks and piped distribution. Kileto District is made up of three main ethnic groups: hunter-gatherers, pastoralists and agriculturalists/farmers. Competition between the three different ethnic groups in Kileto over water resources is a source of social and political conflict. The power difference between these groups significantly determines their access to water services.

Using a human rights-based approach to programming enabled WaterAid to identify the deeper issues that prevented access to water in Kileto, including power imbalances, lack of land rights and exclusion from national policy decisions: for example, the hunter-

gatherer communities and pastoralist communities in Tanzania are rarely mentioned in national government policies and are often excluded from policy-making. Moreover, their way of life is seriously threatened by changes in land laws, hunting regulations and land use. Both groups, however, are limited in their ability to engage in national and local debates about their rights due to a lack of formal education, cohesion and organization. Similarly, lack of knowledge of land rights and processes for application for land had left villagers powerless to prevent the inequitable distribution of their village land. With the loss of their land to rich farmers or rich pastoralists, villagers are deprived of their traditional water sources.

A Human Rights-sensitive Strategy

Participatory methodology. Through involving each ethnic group in the analysis and assessment stage of the

Box 2: WaterAid: Participatory Human Rights-Based Analysis, Addressing Conflicting Claims (*continued...*)

project, WaterAid was able to identify each group's different water needs.

Understanding the social context. Participatory assessment and planning methodology enabled WaterAid to develop an understanding of the power relations that existed between the different ethnic groups and the power imbalances that existed within each group, in particular between men and women, and the rich and poor. By bringing all stakeholders in the water project (including local and national authorities responsible for water policies) into the discussion, WaterAid was also able to improve understanding between each group.

Advocacy. In order to influence national policy and practices, WaterAid developed a coherent advocacy strategy in Tanzania, which included working with and training national government staff responsible for water services and policies.

Understanding the political and legal context. Through analysing the political and legal context in which they were working, WaterAid was also able to understand how national policies and legal issues positively and negatively affected the access of these groups.

Discussion with all stakeholders. To explore and understand these issues sufficiently, WaterAid found that considerable time and effort had to be invested in discussions with and between the Kileto partnership management team, field staff, and project communities.

Partnership building. To achieve genuine community management of water services, an important strategy was building partnerships with civil society organizations and training them in the planning and implementation of the programme so that they could achieve autonomy in the future.

SOURCE: UNDP, APPLYING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT COOPERATION AND PROGRAMMING: A UNDP CAPACITY DEVELOPMENT RESOURCE, CAPACITY DEVELOPMENT GROUP, BUREAU FOR DEVELOPMENT POLICY, NEW YORK, UNDP, SEPTEMBER 2006, P. 7.

Box 3: Sisters of Mercy Women's Shelter and the HRBA²⁵

Background

The centre started as a home for South African women affected by domestic violence, providing a shelter for them and their children, and then progressed to providing accommodation and services to women who have been trafficked from all over Africa and Asia, including from Zambia, Zimbabwe, Ethiopia, Kenya, China and Thailand. Most recently the shelter has progressed into a drop-in centre, which provides information to women in relation to their legal entitlements and rights, as well as holding an HIV/AIDS support group meeting each month. This project was already in motion before a conscious decision was taken to adopt a human rights-based approach to the project. Due to the nature of the project and the consultative approach, only fractional adjustments were necessary to do this.

International legal framework: The first step to applying a human rights-based approach was to examine what applicable international agreements had been ratified into South African law, against which the state could be held accountable for the protection of the women and children using the shelter. National Constitutional protections such as equality under section 9, as well as legislation such as the 1998 Domestic Violence Act, are relevant and issues

arising from these are passed on to the organization's advocacy personnel for follow-up, as well as to the legal representatives who give advice to the women in the shelter. International feedback and advocacy is done through the Mercy International Justice Network. Issues such as violence against women and trafficking of women are fed through the Kenya-based Africa desk to the UN, where the Sisters of Mercy have ECOSOC status and can make representations.

Participation: The most probing question concerning participation related to whether the women and children who access the service agreed with and owned the aims and objectives of the project. The aims and objectives of the project have been redefined through the continuous movement of women through the shelter, and, more importantly, the services have grown due to the participatory approach, into housing trafficked women and providing legal information and awareness of their rights.

Empowerment: This occurs on many levels and has grown out of the participatory approach. Empowerment occurs at a spiritual level through counselling and building self-esteem. Women requested skills training, especially

Box 3: Sisters of Mercy Women's Shelter and the HRBA²⁵ (continued...)

victims of domestic violence who felt they had to start their lives over again, some with very few skills to access an income to feed themselves and their children. As a result of the skills training, the drop-in centre emerged, as women who had left the shelter began to stop in for support and queries. The legal advice and access to information on rights and entitlements emerged out of this form of empowerment.

Prioritize vulnerable groups and address discrimination:

The focus of the work of the Sisters of Mercy has always been on the most vulnerable groups, with a special focus on women and children. Although the shelter focuses on women's rights, this cannot be separated from the rights of their accompanying children. The children are given education, art therapy and counselling to allow them to heal from the suffering that they have encountered. Trafficked women are another priority as there is often an element of sexual abuse involved in their situation, with the additional vulnerability of being in an unfamiliar country. Rehabilitation is offered while the women are waiting to be repatriated and the stability offered by the shelter allows some certainty in this difficult period.

Accountability: There is again a participatory approach to evaluation of the centre and the services offered to the women and children who seek shelter there. Each woman is offered one-on-one counselling with a social worker,

with a session to establish the needs of each woman and her opinion on the running of the shelter. Staff are briefed on an human rights-based approach to their work.

Government accountability is being pushed through the Mercy International Justice Network. All project reports are feed back to the Country Project Liaison Officer in South Africa, and to the Mission and Development Office in Dublin.

This case study highlights the similarities between the human rights-based approach and sound development processes, including a strong participatory approach and prioritization of disadvantaged and vulnerable groups to promote equality. Key value added of the HRBA in this case appear to have been in the emphasis on the international legal framework and the opportunities for international follow-up in this regard, as well as the strengthening of existing participatory and empowerment objectives through iterative processes. This case study also indicates in a practical way the interrelated nature of the fundamental principles, which are themselves rights. For example, the deepening of empowerment experienced in the project grew out of the strong emphasis on participation. The principle of accountability was also realized through an emphasis on participation – in this case, through participatory evaluation of the services offered by the centre.

SOURCE: AFRICAN INSTITUTE FOR COMMUNITY-DRIVEN DEVELOPMENT, *SUSTAINING LIVELIHOODS IN SUB-SAHARAN AFRICA*, ISSUE 22, ON ADDING VALUE TO DEVELOPMENT THROUGH HUMAN RIGHTS-BASED APPROACHES, JOHANNESBURG, FEBRUARY 2007. AVAILABLE AT: [HTTP://WWW.KHANYA-AICDD.ORG/PUBLICATIONS/SLSA22.PDF](http://www.khanya-aicdd.org/publications/slsa22.pdf).

2 Concrete tools for the application of the human rights-based approach

Meaningful application of the HRBA requires the full integration of the HRBA principles in:

- *policies and strategies*
- the entire *programme and project cycle*

For development actors that do not directly engage in programme development and implementation but mainly provide funding for already conceived programmes and projects to partner organizations or practice ‘delegated cooperation’,²⁶ it is important to ensure that the *project and programme appraisal process* and the evaluation process integrate the HRBA. Development actors who largely engage in project appraisal also play an important role in providing adequate guidance to their implementing partners on how to integrate the HRBA in development programmes. This could be done by providing guidelines or programming packages that introduce the tools presented below. Thus, the tools presented below are relevant for actors engaged at all levels of development planning and implementation.

2.1 Tools for policy development

Effective development cooperation in general, and the application of the HRBA in particular, requires a strong development policy. Absence of a coherent and publicly available development policy risks leading to ad hoc and disjointed interventions with limited effectiveness. Moreover, the lack of a clear policy framework might lead to development assistance being non-transparent and make it difficult to hold decision-makers to account.

The first step to full integration of the HRBA, therefore, is to develop a comprehensive national development policy. This is particularly important in the context of the New Member States, as some states do not have a final and up-to-date policy.²⁷

Second, the policy should fully endorse the HRBA and its specific principles, as shown in the examples in section 1.2 above. This can be done by using the tools below in the policy development process.

→ **Policy tool 1:** Development priorities and human rights mapping

Guiding questions	Answers
Context	
What are the key human rights treaties that the donor government has ratified?	→ e.g. International Covenant on Civil and Political Rights (ICCPR); International Covenant on Social, Economic and Cultural Rights (ICESCR); Convention on the Rights of the Child (CRC); etc.
How are the key human rights treaties ratified linked to international development priorities (e.g. Millennium Development Goals [MDGs])?	→ See <i>Table 3</i> .
Principles and values	
What are the principles and values that the government is obliged to promote through its development cooperation due to its membership in the (1) EU and (2) the international community at large?	→ e.g. ownership and partnership; promotion of human rights; non-discrimination; etc.
What additional principles and values should the government promote and/or uphold through its development cooperation?	→ e.g. empowerment of vulnerable and marginalized people; gender equity; etc.
Thematic priorities	
What are the criteria for selection of priority themes for the policy?	→ e.g. number of people affected by the problem/theme; number of children affected by the problem/theme; severity of the effect of the problem/theme on the population; negative knock-on effect of the problem/theme on the population at large; etc.
Applying these criteria, what are the thematic priorities of the policy?	
What are the specific human rights treaties linked to the selected thematic priorities?	
Priority countries	
What are the criteria for the selection of priority countries?	→ e.g. level of GDP/capita; level of inequality; number of poor people; performance on MDG indicators; etc.
Applying these criteria, what are the priority countries in the policy?	
What are the key human rights and development challenges in the priority countries? Are they sufficiently linked to the priority themes?	

When developing the policy, the following points should be kept in mind:

- Development and human rights are interrelated and mutually reinforcing. One cannot be achieved without the other.
- The overall aim of development cooperation is the empowerment of all development partners, especially vulnerable and disadvantaged groups.
- Recipients of aid are active agents, not passive recipients.
- National and community ownership, accountability and transparency are key principles in effective development cooperation.
- Vulnerable and marginalized groups need explicit and special attention to benefit equally from development interventions.
- The policy development process is as important as its content.

Table 3: The MDGs and related human rights standards

MDGs	Related human rights standard
Goal 1 Eradicate extreme poverty and hunger	→ Universal Declaration of Human Rights (UDHR), Article 5(1); ICESCR, Article 11
Goal 2 Achieve universal primary education	→ ICESCR, Articles 13 and 14; CRC, Article 8(1)(a); International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 10; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 5(e)(v)
Goal 3 Promote gender equality and empower women	→ UDHR, Article 2; CEDAW; ICESCR, Article 3
Goal 4 Reduce child mortality	→ UDHR, Article 5; CRC, Articles 6, 4(a); ICESCR, Article 1(a)
Goal 5 Improve maternal health	→ UDHR, Article 5; CEDAW, Articles 10(h), 11(f), 12, 14(b); ICESCR, Article 1; CRC, Article 4 (d); ICERD, Article 5(e)(iv)
Goal 6 Combat HIV/AIDS, malaria and other diseases	→ UDHR, Article 5; ICESCR, Article 1; CRC, Article 4; CEDAW, Article 1; ICERD, Article 5(e)(iv)
Goal 7 Ensure environmental sustainability	→ UDHR, Article 5(1); ICESCR, Articles 11(1) and 1; CEDAW, Article 14(h); CRC, Article 4; ICERD, Article 5(e)(iii)
Goal 8 Develop a global partnership for development	→ UN Charter, Articles 1(3), 55, 56; UDHR, Article 8; ICESCR, Articles (1), 11(1), 15(4), 22, 23; CRC, Articles 4, 4(4) and 8(3)

SOURCE: UNDP, HUMAN RIGHTS AND THE MILLENNIUM DEVELOPMENT GOALS: MAKING THE LINK, OSLO, UNDP OSLO GOVERNANCE CENTRE, 2007, P. 11.

Policy tool 2 comprises a checklist that can be used to verify if a policy applies the HRBA.

→ **Policy tool 2:** HRBA checklist for development policies

Checklist	Yes/No	Comments
Substance		
Are the international human rights treaties explicitly referred to as a source of commitments in the context of development (alongside other commitments such as the Millennium Declaration or the Paris and Accra Declarations)?	<input type="checkbox"/> <input type="checkbox"/>	
Does the policy include a list of cross-cutting issues that will be mainstreamed in its implementation?	<input type="checkbox"/> <input type="checkbox"/>	
Are human rights included as a cross-cutting issue?	<input type="checkbox"/> <input type="checkbox"/>	
Is gender included as a cross-cutting issue?	<input type="checkbox"/> <input type="checkbox"/>	
Are the principles of accountability, empowerment, participation, inclusion and non-discrimination explicitly included in the policy?	<input type="checkbox"/> <input type="checkbox"/>	
Does the policy include specific strategies for the inclusion of vulnerable groups, including minorities?	<input type="checkbox"/> <input type="checkbox"/>	
Is the link between development and human rights explicitly recognized?	<input type="checkbox"/> <input type="checkbox"/>	
Are beneficiaries of aid presented as active agents or as passive recipients?	<input type="checkbox"/> <input type="checkbox"/>	
Are national and community ownership presented as important principles?	<input type="checkbox"/> <input type="checkbox"/>	
Is awareness-raising of human rights through human rights education part of the strategy? If so, is it addressed to duty-bearers and rights-holders as well as civil society in the global North?	<input type="checkbox"/> <input type="checkbox"/>	
Are the priority areas presented in relation to the relevant human rights instrument (s)?	<input type="checkbox"/> <input type="checkbox"/>	
Process		
Was the policy developed through a participatory process?	<input type="checkbox"/> <input type="checkbox"/>	
If yes:		
How many consultations were held?		
How many organizations participated at the consultations?		
Did the consultations adequately include representatives of vulnerable groups such as women, children and minorities?	<input type="checkbox"/> <input type="checkbox"/>	
How long in advance of the consultation was the draft policy/concept note distributed?		
Did the consultations include time for comments from participants?	<input type="checkbox"/> <input type="checkbox"/>	
Was there an online consultation?	<input type="checkbox"/> <input type="checkbox"/>	

2.2 Tools for programme development

Even if the HRBA is well integrated into an overall development policy, it will only have impact on the ground if it is also systematically taken up by the entire development programming process. This process should involve the following steps: (1) situation analysis; (2) programme development (including the development a logical framework, and a monitoring and evaluation plan); and (3) monitoring and evaluation.

As mentioned above, although many development actors largely focus on programme appraisal, monitoring and evaluation, and do not directly engage in

programme and project development and implementation, these tools are relevant to them. Notably, the tools should be used to provide concrete guidance to implementing partners.

The tools presented are intended as general programming tools that can be used for any sector (ranging from infrastructure development to social development and beyond) and any scale. The application of the tools can take the form of a simple one-day intensive planning workshop or extend to a more thorough and lengthy planning process (see section 2.2.6 below).

Table 4 and *Figure 1* (overleaf) provide a general overview of what is required to conduct development programming from an HRBA perspective.

Table 4: Overview of HRBA application to programming

Situation analysis/country analysis	<ul style="list-style-type: none"> → Undertake a comprehensive analysis of the problem → Undertake a vulnerability assessment to identify the most vulnerable groups → Identify capacity problems affecting the full realization of human freedom
Programme development	<ul style="list-style-type: none"> → Design strategic interventions to develop such capacities → Define measurable objectives in relation to the realization of human freedom
Monitoring and evaluation	<ul style="list-style-type: none"> → Define effective mechanisms to assess the impact of such interventions on capacities as well as on the quality of life of people
Participation	<ul style="list-style-type: none"> → Comprehensively identify all stakeholders, with a focus on vulnerable groups. → Ensure meaningful and empowering participation of all stakeholders, including vulnerable groups, at every step of the programming and evaluation process

SOURCE: ADAPTED FROM: UN PHILIPPINES, *RIGHTS-BASED APPROACH TO DEVELOPMENT PROGRAMMING: TRAINING MANUAL*, MANILA, UN PHILIPPINES, JULY 2002, P. 17.

2.2.1 Situation analysis

A comprehensive situation analysis involves three steps: (1) gathering information; (2) prioritization; and (3) analysis (see *Figure 2*).

Gathering information

Gathering information is a fairly standard practice for any kind of development planning process. It forms the basis for the selection of priorities and the identification of most effective strategies. The only key addition that the HRBA requires is the consideration of data and information provided by the national and international human rights instruments. This includes a basic analysis of which human rights treaties the country has ratified (including a consideration of the extent of reservations entered into) as well as information gathered through national treaty reports and observations and recommendations from treaty bodies.²⁸

Sources of information, therefore, include:

- government data: disaggregated by ethnicity, religion, and/or language, geographical region and gender;
- national human rights institutions, non-discrimination councils, minority councils;

- civil society organizations' (CSOs) reports;
- The Universal Periodic Review,²⁹ human rights treaty bodies reports and the UN Special Rapporteur country visits reports.

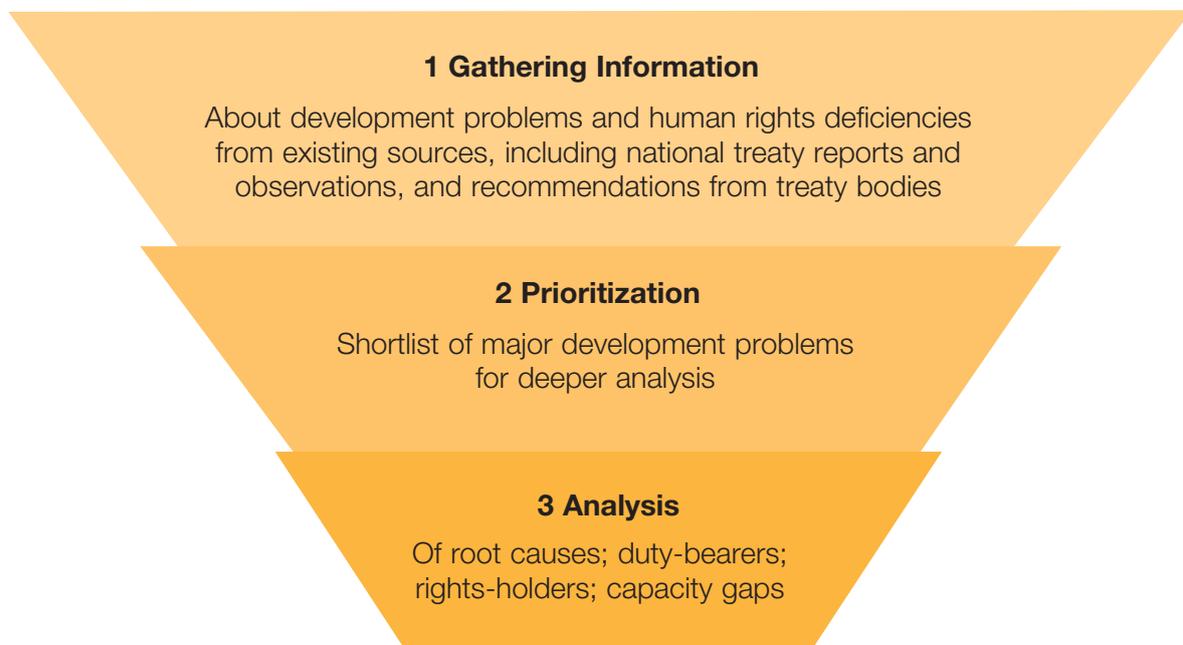
Prioritization

Various criteria can be applied to the selection of priority issues. The following issues, suggested in the UN Development Assistance Framework (UNDAF) Guidelines,³⁰ should be seen as additional issues to take into account when carrying out the selection:

- persistence, severity and scope of the problem being caused;
- negative trends;
- trends that might lead to man-made crises or natural disasters;
- disparities suggesting unequal treatment and discrimination.

Programming tool 1 can be used to support information gathering and prioritization.

Figure 1: Three steps for conducting a situation analysis



SOURCE: ADAPTED FROM UN, *UN COMMON LEARNING PACKAGE ON HRBA*, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

→ **Programming tool 1:** Situational analysis information gathering and prioritization

Guiding questions	Answer	Source(s)
What are the most pressing developmental challenges in the target area?	→ e.g. maternal mortality; access to clean water	● e.g. National health statistics; Human Development Report; etc.
What are the most pressing human rights challenges in the target area?	→ e.g. freedom of speech; freedom of association; widespread discrimination against women in the labour market	
How are the development and human rights challenges linked?	→ e.g. lack of ability of citizens to organize and to hold their government to account; economic disempowerment of women; etc.	N/A
What are the most pressing concerns for vulnerable groups, including minorities, women and children? How are they linked to human rights?	→ e.g. discriminatory employment practices	
What are the priority issues for: <ul style="list-style-type: none"> ● The partner government? ● The donor government? ● Other major donors? 	→ e.g. infrastructure development, education, water and sanitation	<ul style="list-style-type: none"> ● e.g. Poverty Reduction Strategy Paper ● e.g. Country Strategy; development policy ● e.g. Respective country strategies and policies
What are the criteria for selection of priority themes/most pressing development challenge(s) for the target area?	→ e.g. number of people affected; added value/particular skill of the donor country; etc.	
Applying these criteria, what is the thematic priority/development challenge to be addressed in the target area?	→ e.g. maternal mortality	
What are the specific human rights linked to the selected thematic priority/development challenge?	→ e.g. UDHR, Article 5; CEDAW, Articles 10(h), 11(f), 12, 14(b); ICESCR, Article 1; CRC, Article 4 (d); ICERD, Article 5(e)(iv)	

Analysis

After gathering relevant information, it is important to carry out a careful analysis in order to identify the most appropriate and effective intervention strategy. This analysis should be divided into three steps:

- a. **Step 1: Causal analysis**
(Why are rights being violated?)
- b. **Step 2: Role pattern analysis**
(Who is affected and who is responsible?)
- c. **Step 3: Capacity gap analysis**
(What needs to be done?)

→ **Step 1: Causal analysis.** The aim of the analysis is to comprehensively identify the causes of a problem. The outcome of the analysis should be used to formulate appropriate responses to the given problem.

Causal analysis is often presented in the form of a ‘problem tree’. The development of the problem tree commences with the statement of an overall problem, such as the high incidence of maternal mortality. It then moves downwards by repeatedly asking ‘why’. By doing so the various immediate causes, underlying causes and root causes are systematically identified.

→ Programming tool 2: Problem tree

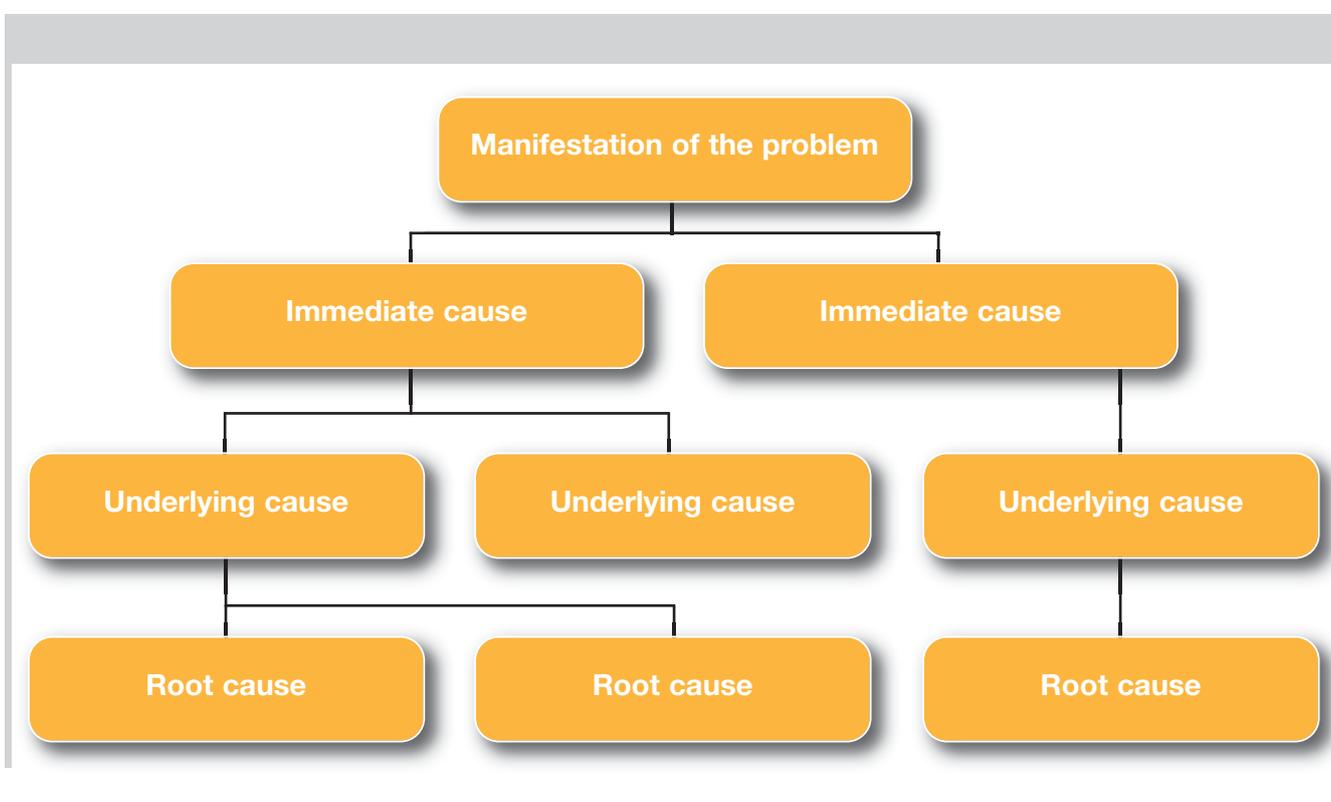


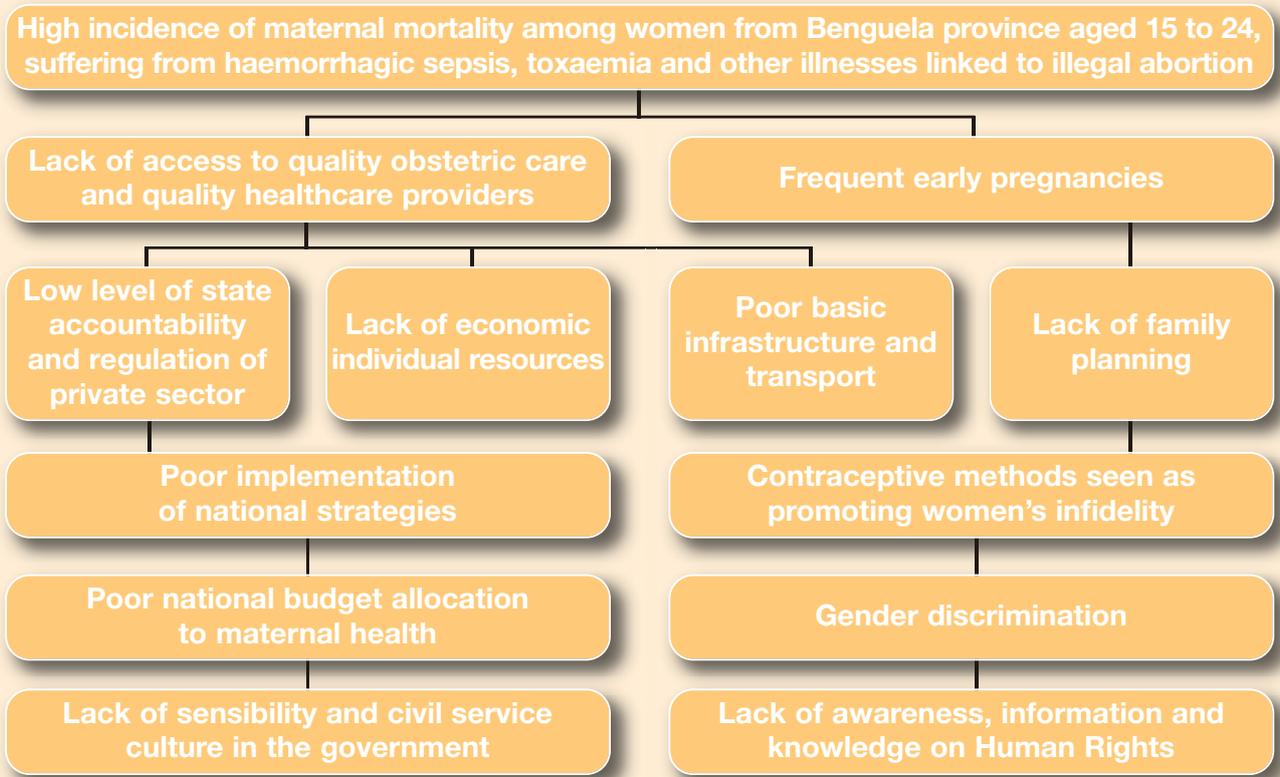
Table 5: Definition of immediate, underlying and root cause

Immediate cause	→ The most direct cause which affects individuals and households.
Underlying cause	→ Usually involves service delivery and/or behaviour.
Root cause	→ Usually includes tradition, economic resources, ideology.

SOURCE: UN, UN COMMON LEARNING PACKAGE ON HRBA, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Example: A problem tree →

Causal analysis of high maternal mortality in Benguela province, Angola:



SOURCE: UN, UN COMMON LEARNING PACKAGE ON HRBA, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Example: A problem tree →

Minority girls and access to education

Manifestation of the problem	
What is happening, to whom and where?	→ Minority girls in rural areas are not enrolled in school thus, the right to education for all is not fulfilled in violation of the ICESCR, CEDAW and the CRC, all ratified by the state. Initial question to ask: Why is this human right not being fulfilled?
Immediate causes	
Why?	→ Parents are opposed to girls attending school due to distance of school from home, lack of reliable transportation and discrimination faced by minority girls at school. The curriculum does not pay attention to the cultural identity of the minority community and includes negative stereotypes of minorities. Teachers are not from the minority group and are not sensitive to discriminatory attitudes. School is primarily attended by boys from majority groups. Initial question to ask: Why is this occurring?

NOTE: THIS TABLE IS CONTINUED ON THE FOLLOWING PAGE

Example: A problem tree (continued...) →

Underlying causes

What is happening, to whom and where?

→ Schools are not built in minority areas so distances to school are great. The community lacks resources to revise the curriculum. Teachers lack authority or will to change curriculum. Government has not monitored or prioritized access to education by minorities. Laws guaranteeing universal education are not implemented. Why is this occurring?

Root causes

Why?

→ Lack of political will to improve minority girls' enrolment is due to persistent patterns of discrimination against minorities and gender discrimination. Minority parents are concerned with preserving cultural identity and self-esteem for girls. Cultural values give more importance to the education of boys than of girls. Minorities are unable to access higher education for teacher training. Questions to begin to ask: What is the best entry point for UN intervention? Where will programmes be more effective and obtain results?

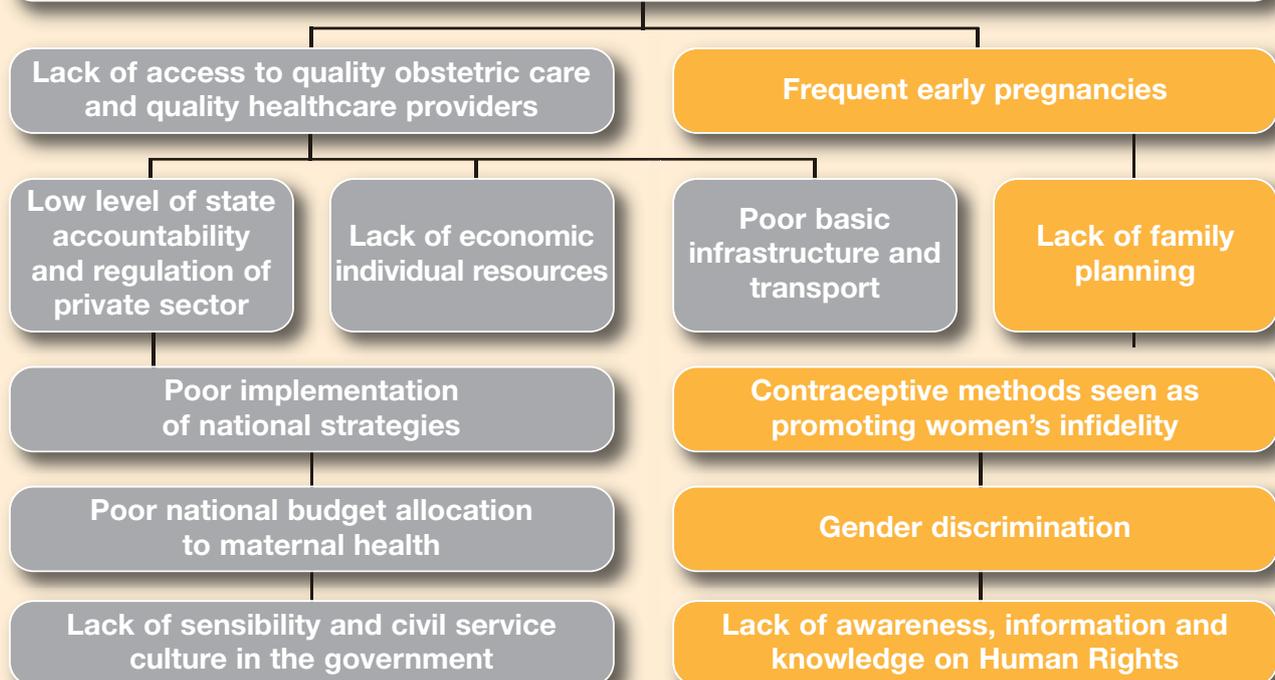
SOURCE: UNDP, MARGINALISED MINORITIES IN DEVELOPMENT PROGRAMMING (RESOURCE GUIDE AND TOOLKIT), NEW YORK, UNDP DEMOCRATIC GOVERNANCE GROUP, BUREAU FOR DEVELOPMENT POLICY, 2010.

As can be seen in the examples above, a problem tree analysis is usually very comprehensive and identifies many different immediate, underlying and root causes. Development programmes are often not in a position to address all problems due to resource limitations and/or limited expertise in the different areas. In some cases some chains of the problem tree are already targeted by other development interventions and do not require further

projects. Therefore, once the problem tree has been finalized, one or a few chain(s) are usually selected, as shown in orange in the figure below. The selected chain is then further analysed and forms the basis of the programme intervention (see *Programme tool 4: Role pattern analysis*; *Programming tool 5: Duty-bearer capacity gap analysis*; and *Programming tool 6: Rights-holder capacity gap analysis*).

Example: One chain of the problem tree selected →

High incidence of maternal mortality among women from Benguela province aged 15 to 24, suffering from haemorrhagic sepsis, toxæmia and other illnesses linked to illegal abortion



→ **Step 2: Role pattern analysis.** The aim of this analysis is to identify the duty-bearers, the rights-holders, the extent of rights and duties, and the pattern of relationships between different levels for the selected chain of the problem tree.

This analysis should first involve a careful assessment of the different vulnerable groups in any given context and the nature of their vulnerability. The aim of this

assessment is to identify potentially vulnerable groups and the types of issues that these groups may face. Using programming tool 3 helps to ensure that programming does not overlook the concerns of entire categories of people, such as minorities, women or children. Special attention should be paid to those typically marginalized and whose issues would not be voiced by themselves or by the authorities.

→ Programming tool 3: Vulnerability assessment

Map all groups in the target area and analysis their level of vulnerability along the following criteria:

- Economic status: poor, low income, unemployed
- Ethnic/minority status: ethnic or caste-based discrimination
- Linguistic status: minority language rights, access to information
- Religious status: freedom of religion
- Political status: no representation, under-representation, barriers to voting at elections, freedom to identify themselves as part of a group
- Access to public services
- Occupational status: specific types of occupation viewed negatively by others
- Geographic status: inhabitants of specific areas, distance to nearest town, nomad status, etc.
- Educational and literacy status: illiterate, citizens with low levels of education
- Property and land rights status
- Age status: children/the elderly particularly vulnerable?
- A gender analysis should cut across the vulnerability assessment for all vulnerable groups identified.

SOURCE: LABERGE, M. CLAIMING THE MDGS: AN EMPOWERMENT FRAMEWORK, OSLO, UNDP OSLO GOVERNANCE CENTRE, JULY 2008, P. 7.

More information on vulnerable groups is available in the 'Vulnerable Groups List' developed by the United Nations Development Programme (UNDP) and Office of the High Commissioner for Human Rights (OHCHR) in

*Methodology and Tools for Human Rights-based Assessment and Analysis.*³¹ Rights-holders, duty-bearers and their respective specific duties and rights are identified through a role pattern analysis (Programming tool 4).

→ Programming tool 4: Role pattern analysis

Rights-holder(s)	Rights at stake	Corresponding duty-bearer(s)	Nature of duty (respect, protect, fulfil)	Specific duty
e.g. teenage girls	e.g. right to health; right to bodily integrity; right to non-discrimination on the basis of sex; right to education; etc.	e.g. parents	e.g. Protect; fulfil	e.g. provide sexual education to their children; facilitate access to contraception
		e.g. Sexual partners	e.g. Respect	e.g. Respect the right of teenage girls to bodily integrity
		e.g. Central/local government authority responsible for health care	e.g. Protect; fulfil	e.g. Provide sexual education to youth; provide access to contraception; provide strong legislation and adequate punishment for sex offenders

The following guiding question can support the identification of rights-holders and duty-bearers:

Identification of rights-holders:

- a. Which groups(s) have least access to resources/power? Do they face discrimination?
- b. Who are those affected by the adverse consequences of this situation?
- c. Who, among those affected, *are the most vulnerable*? Why?
- d. Did *women* and men experience the situation differently?

Identification of duty-bearers:

- a. Who are the duty-bearers on each of the human rights concerns identified above? Who has the obligation to respond?
- b. What are the specific duties of duty-bearers with regard to such concerns?
- c. What are the duties of claim-holders?

When conducting the above assessment, it is important to keep the following points in mind:

- the duty-bearers responsibilities need to be clearly identified as being: (1) to respect; (2) to protect; and/or to (3) fulfil;
- rights-holders usually have more than one right and duty-bearers have multiple duties to fulfil the different rights;
- duty-bearer(s) might also be rights-holder(s) and vice versa.

→ **Step 3: Capacity gap analysis.** This analysis is fundamental in order to identify what needs to be done to allow duty-bearers to fulfil their obligations and rights-holders to effectively claim their rights. To do so, it is important to note the different elements of capacity:

1. technical capacity (skills, knowledge and understanding);
2. resource capacity (human and financial);
3. political capacity (political will to respond/motivation; authority to respond; ability to make one’s claims heard without undergoing serious risks).

→ **Programming tool 5: Duty-bearer capacity gap analysis**

Analysis of duty-bearers’ capacity gaps			
Technical capacity	Resource capacity	Motivation	Authority
Does the duty-bearer have the required skills and knowledge to respond? If not, what is missing?	Does the duty-bearer have human, organizational and financial resources to perform the role according to the obligation? If not, what is missing?	Does the duty-bearer feel an obligation to perform the role according to the obligation? If not, why not?	Does the duty-bearer have authority to perform the role according to the obligation? If not, who does? Is the structure of accountability adequately defined and implemented to ensure that duties are performed in accordance with obligations?

SOURCE: ADAPTED FROM UN, *UN COMMON LEARNING PACKAGE ON HRBA*, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Example: A duty-bearer capacity gap analysis →

<i>Duty-bearer</i>	e.g. Parliament of country x		
<i>Role</i>	Adoption of legislation to adequately identify and punish sex offenders (see problem tree and role pattern analysis above)		
<i>Technical capacity</i>	<i>Resource capacity</i>	<i>Motivation</i>	<i>Authority</i>
Technical knowledge on what a sex offenders law in line with international human rights should look like	Experts available to assist the drafting process	Recognition of the problem; recognition of the rights of girl children to physical integrity, etc.	Ability to independently draft and adopt legislation without outside interference

→ **Programming tool 6: Rights-holder capacity gap analysis**

Analysis of rights-holders' capacity gaps

<i>Knowledge and understanding</i>	<i>Resource capacity</i>	<i>Risks</i>
Does the rights-holder know that he or she has rights and can claim them? If not, why?	Does the rights-holder have the financial and human resources to claim his or her rights? If not, why not?	What risks might ensue from claiming his or her right?

SOURCE: ADAPTED FROM UN, UN COMMON LEARNING PACKAGE ON HRBA, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Example: A rights-holder capacity gap analysis →

<i>Rights-holder</i>	e.g. Teenage girls	
<i>Right</i>	Legal protection of their physical integrity and their sexual & reproductive rights	
<i>Knowledge and understanding</i>	<i>Resource capacity</i>	<i>Risks</i>
Teenage girls are not aware of the current legal situation relating to sexual offences; teenage girls are not aware that they have the right to adequate legal protection from sexual offences and that it is the duty of parliament to adopt such legislation.	Teenage girls are not organized in any way; teenage girls are not linked to a Member of Parliament who represents their concerns, etc.	Speaking out about sexual offences risks stigmatization and discrimination.

The capacity gap analysis should be conducted for all identified rights-holders and duty-bearers. The identified

capacity gaps should form the cornerstones of the planned intervention.

2.2.2 Programme development

There are numerous tools and guidelines for programme and project development. The most popular tool is the logical framework. The logical framework is a planning matrix that is intended to facilitate the implementation, monitoring and

evaluation of a development intervention. The exact format and content of logical frameworks differs between development actors. For the purpose of this guide, the format used by the EuropeAid Cooperation Office is used.

The EuropeAid logical framework contains the following elements:

→ Programming tool 7: Logical framework

EuropeAid logical framework

Project description	Indicators	Source of verification	Assumption
Overall objective The project's/programme's contribution to policy or programme objectives (impact)	How the overall objective is to be measured including quantity, quality, time.	How will the information be collected, when and by whom?	
Purpose Direct and tangible benefits to the target group(s)	How the purpose is to be measured including quantity, quality, time.	As above	If the purpose is achieved, what assumptions must hold true to achieve the overall objective?
Results Tangible products or services delivered by the project	How the results are to be measured including quantity, quality, time.	As above	If the results are achieved, what assumptions must hold true to achieve the purpose?
Activities Tasks that have to be undertaken to deliver the desired results			If activities are completed, what assumptions must hold true to deliver the results?

SOURCE: ADAPTED FROM EUROPEAID DEVELOPMENT AND COOPERATION WEBSITE: [HTTP://EC.EUROPA.EU/EUROPEAID/HOW/DELIVERING-AID/PROJECT-APPROACH/INDEX_EN.HTM](http://ec.europa.eu/europeaid/how/delivering-aid/project-approach/index_en.htm).

In other versions of the logical framework the terms 'overall objective' are frequently referred to as 'goal'; 'purpose' is called 'outcome'; and 'result' is 'output'.

The causality, role pattern and capacity gap analysis provide the necessary information to develop an effective response strategy in the form of the logical framework. To do so, the outcome of the analysis should be used in order to carry out the following:

- *objective setting* (overall objective/goal): desired changes in the lives of claim-holders that such actions could influence/contribute to (specific improvements in the elements – normative content – of the rights being directly and indirectly affected);
- *identification of levels* (individual, community, policy) where action is required;
- *identification of appropriate activities* at all required levels. Ensure that the activities (a) emphasize

strategies of empowerment, (b) guarantee access to the development process, institutions and information, (c) incorporate mechanisms of redress and accountability, and (d) include express safeguards to protect against threats to human rights and guard against reinforcing existing power imbalances;

- assess the *implications for women and men* of all plans, projects and service delivery activities and ensure that safeguards are put in place that they benefit equally;
- *identification of specific results* to be achieved in relation to the purpose/output;
- *identification of indicators* to measure the identified results/outputs;
- *identification of indicators* to measure the identified desired changes (outcomes);
- include *process indicators* that reflect (a) participation; (b) transparency and accountability in project implementation.

The example below is adapted from a hypothetical case study provided in a Department for International Development (DFID) training manual on logical frameworks. It is intentionally simplistic to illustrate the expected logical flow of the framework. The example highlights a number of crucial HRBA aspects, such as a

focus on rights-holders (children and community), duty-bearers (community), participation of both children and the adult community, focus on capacity-building of the community to set up and manage the project themselves, and in-built accountability structures.

Example: A logical framework used in DFID training

	Indicators	Source of verification	Assumptions
<i>Overall objective/goal</i>			
Integrated community with happy children and adults	<ul style="list-style-type: none"> ● Number of stressed families decreases by 50% ● Other communities adopt similar ideas 	<ul style="list-style-type: none"> ● Reports from village clinic and counsellors ● Newspaper articles 	<ul style="list-style-type: none"> ● Birth rate continues
<i>Purpose/outcome</i>			
Children have fun, are busy and safe because there are more recreational facilities in the village.	<ul style="list-style-type: none"> ● 75% of young children use the swing at least once a month ● 90% of young children using the swing feel happier 	<ul style="list-style-type: none"> ● User survey ● Participatory evaluation with the children 	<ul style="list-style-type: none"> ● Safe recreation leads to happiness and community integration ● Facilities don't create conflict
<i>Results/outputs</i>			
1 Capacity within community to manage the building and long-term maintenance of the swing	<ul style="list-style-type: none"> ● 6-monthly meetings after completion with >5 members ● New members become involved at a rate of two a year ● Swing maintained and in use over minimum five-year period 	<ul style="list-style-type: none"> ● Minutes of meetings ● Maintenance and annual safety inspection records 	<ul style="list-style-type: none"> ● People see the benefit of it ● Easy maintenance
2 A safe, well-built swing	<ul style="list-style-type: none"> ● Swing completed and in use in 12 months ● Minimal number of minor accidents only ● Minimal number of minor repairs needed 	<ul style="list-style-type: none"> ● Safety certificate on completion ● Accident records; bruises, minor cuts and hospitalization ● Maintenance log 	<ul style="list-style-type: none"> ● No vandalism ● Swing works ● Children like and use it ● Children don't fight

NOTE: THIS TABLE IS CONTINUED ON THE FOLLOWING PAGE

Example: A logical framework used in DFID training (continued...)



	Indicators	Source of verification	Assumptions
<i>Activities</i>			
1.1 Establish community committee	<ul style="list-style-type: none"> ● Planning team set up by x; committee chosen by x ● Monthly meetings during planning and building phase with >8 members 	<ul style="list-style-type: none"> ● Minutes of meetings ● Attendance records 	<ul style="list-style-type: none"> ● Enthusiasm is maintained ● People support project
1.2 Set budget	<ul style="list-style-type: none"> ● Budget 	<ul style="list-style-type: none"> ● Accounts 	<ul style="list-style-type: none"> ● Low inflation
1.3 Raise funds	<ul style="list-style-type: none"> ● Enough money raised by x 	<ul style="list-style-type: none"> ● Income/receipts 	<ul style="list-style-type: none"> ● Money is raised
1.4 Set up systems for maintenance	<ul style="list-style-type: none"> ● Rota agreed among parents to maintain swing by x 	<ul style="list-style-type: none"> ● Quarterly rota pinned on library notice board 	<ul style="list-style-type: none"> ● Enough parents can be identified
2.1 Consult children	<ul style="list-style-type: none"> ● Ideas generated and incorporated in design 	<ul style="list-style-type: none"> ● Plan discussed with designers 	
2.2 Design it	<ul style="list-style-type: none"> ● Designed by x 	<ul style="list-style-type: none"> ● Design in hand 	
2.3 Get planning permission	<ul style="list-style-type: none"> ● Planning permission by x 	<ul style="list-style-type: none"> ● Permit in hand 	<ul style="list-style-type: none"> ● Permission given
2.4 Commission builder	<ul style="list-style-type: none"> ● Tenders issued by x ● Contract awarded by x 	<ul style="list-style-type: none"> ● Documentation 	<ul style="list-style-type: none"> ● Good builder
2.5 Build it	<ul style="list-style-type: none"> ● Completion by x 	<ul style="list-style-type: none"> ● Documentation 	
2.6 Test it	<ul style="list-style-type: none"> ● Tested by builders by x 	<ul style="list-style-type: none"> ● Verbal report 	
2.7 Safety inspection on completion	<ul style="list-style-type: none"> ● Inspection by x 	<ul style="list-style-type: none"> ● Certificate in hand 	<ul style="list-style-type: none"> ● No strikes
2.8 Carry out user survey & participatory evaluation with the children	<ul style="list-style-type: none"> ● Survey carried out by x 	<ul style="list-style-type: none"> ● Findings displayed in public library 	<ul style="list-style-type: none"> ● No accidents

SOURCE: DFID, TOOLS FOR DEVELOPMENT: A HANDBOOK FOR THOSE ENGAGED IN DEVELOPMENT ACTIVITY, LONDON, DFID, SEPTEMBER 2002, P. 50.

2.2.3 Programming checklist

Programming tool 8, the programming checklist summarizes the key points outlined above and could be

used as a quality control mechanism at the end of the programme development stage.

→ Programming tool 8: Programming checklist

Programme cycle stage	Question to integrate HRBA
Situation analysis	<ul style="list-style-type: none"> ● Are relevant universal and regional legal standards included? ● Are relevant treaty monitoring body or country-specific recommendations included? ● Is the status of incorporation of international standards into the national legal and planning frameworks included?
Causal, role pattern and capacity gap analysis	<ul style="list-style-type: none"> ● Has a causal tree been developed? ● Have the duty-bearers and rights-holders and their corresponding duties and rights been identified? ● Have the capacity gaps of rights-holders and duty-bearers been identified?
Programme development	<ul style="list-style-type: none"> ● Are the proposed strategies and outcomes addressing the root causes of the selected human rights challenges, including capacities of claims-holders to claim their rights, and of duty-bearers to carry out their duties? ● Have key stakeholders, including disadvantaged and vulnerable groups, participated meaningfully in the validation of the causality analysis?
Monitoring and evaluation	<ul style="list-style-type: none"> ● Do the indicators monitor the key human rights challenges identified? ● Do the indicators monitor participation of stakeholders? ● Is monitoring and evaluation undertaken in a participatory manner? ● Do the key stakeholders have adequate capacity to meaningfully participate in the monitoring and evaluation activities?

SOURCE: ADAPTED FROM AFRICAN INSTITUTE FOR COMMUNITY-DRIVEN DEVELOPMENT, *SUSTAINING LIVELIHOODS IN SUB-SAHARAN AFRICA*, ISSUE 22, ON ADDING VALUE TO DEVELOPMENT THROUGH HUMAN RIGHTS-BASED APPROACHES, JOHANNESBURG, FEBRUARY 2007. AVAILABLE AT: [HTTP://WWW.KHANYA-AICDD.ORG/PUBLICATIONS/SLSA22.PDF/](http://www.khanya-aicdd.org/publications/SLSA22.PDF/), P. 6.

Table 6: Summary of what the HRBA adds to programming

Traditional approach	HRBA
Data for the situation analysis drawn largely from development-related sources	<ul style="list-style-type: none"> ● Data for the situation analysis widely drawn from development-related and human rights-related sources
Identification of key stakeholders	<ul style="list-style-type: none"> ● Identification of stakeholders including the identification of their specific roles as duty-bearers and rights-holders ● Identification of capacity gaps to fulfil duties and claim rights ● Identification of vulnerable groups and analysis of causes of vulnerability
Various activities, including direct service provision and construction of hardware	<ul style="list-style-type: none"> ● Activities focused on addressing the identified capacity gaps to enable duty-bearers to fulfil their duties and rights-holders to claim their rights ● Focus on empowerment and accountability structures ● Participation and ownership leading to increased sustainability of development interventions

2.2.4 Application of the programming tools

As mentioned above, the tools presented can be applied in any context and to any sector. Moreover, they can be used

for projects and programmes of varying scales. At the most basic level, application of the tools could be carried out in the course of a 1–2-day intensive planning workshop. This minimum planning workshop could take the following form shown in *Table 7*:

Table 7: Suggested programme for planning workshop

Session	Format	Minimum time required
Introduction of the objectives of the workshop and participants		
Introduction of the objectives of the workshop and participants	Plenary	15 minutes
Brief presentation on HRBA and definition of key concepts		
Brief presentation on HRBA and definition of key concepts	Plenary	30 minutes
Situational analysis		
Information gathering and prioritization		
Completion of programming tool 1: situational analysis information gathering and prioritization		
Completion of programming tool 1: situational analysis information gathering and prioritization	Working groups	40 minutes
	Presentation and consolidation in plenary	20 minutes
Causal analysis		
Construction of programming tool 2: problem tree and selection of focus chain		
Construction of programming tool 2: problem tree and selection of focus chain	Plenary	120 minutes
Role pattern analysis		
Completion of programming tool 3: vulnerability assessment		
Completion of programming tool 3: vulnerability assessment	Working groups	20 minutes
	Presentation and consolidation in plenary	10 minutes
Completion of programming tool 4: role pattern analysis		
Completion of programming tool 4: role pattern analysis	Plenary	60 minutes
Completion of programming tools 5 and 6: capacity gap analysis		
Completion of programming tools 5 and 6: capacity gap analysis	Working groups	40 minutes
	Presentation and consolidation in plenary	20 minutes
Logframe development		
Development of a simple logical framework		
Development of a simple logical framework	Working groups	120 minutes
	Presentation and consolidation in plenary	60 minutes

Who to invite:

- Maximum 20 people.
- Implementing organization.
- Experts on the sector/country under discussion.
- One expert on programme development and HRBA (to act as the facilitator).

Expected outcome:

- HRBA-compliant logical framework complete, ready for submission for funding/implementation.

2.3 Tools for participation

As stated throughout the above sections, meaningful and inclusive participation runs through the entire policy and programme development process. In order to ensure

adequate participation, the grid shown below should be completed for each identified marginalized or disadvantaged group at the outset of the intervention (whether it is to do with policy development or development programming).

→ Participation tool 1: Participation checklist

Disadvantaged/marginalized group 1:				
	<i>Obstacles to participation of disadvantaged group (based on e.g. ethnicity, age, language, religion, sex)</i>	<i>Ways to ensure participation</i>	<i>Value added for development effectiveness and sustainability</i>	<i>Burdens of participation for project delivery and implementation</i>
<i>Assessment and analysis</i>				
<i>Design of capacity development strategies/Design of policy</i>				
<i>Implementation</i>				
<i>Monitoring</i>				
<i>Evaluation</i>				

SOURCE: UN PHILIPPINES, *RIGHTS-BASED APPROACH TO DEVELOPMENT PROGRAMMING: TRAINING MANUAL*, MANILA, UN PHILIPPINES, JULY 2002, P. 98.

2.4 Tools for monitoring and evaluation

Monitoring and evaluation (see *Boxes 4 and 5*) of development projects and programme is fundamental in order to ensure accountability to citizens in the donor

Box 4: Definition of monitoring

Monitoring is an ongoing process of data collection that allows project managers and the community to examine positive and negative trends and re-adjust their strategies accordingly. Monitoring focuses on measuring outputs, process and products related to the project implementation. It is done on a regular basis throughout the life of a project and helps to ensure that the project stays on track.

SOURCE: ACADEMY FOR EDUCATIONAL DEVELOPMENT, *PARTICIPATORY MONITORING AND EVALUATION*, WASHINGTON, DC, ACADEMY FOR EDUCATIONAL DEVELOPMENT, 2002, P. 75.

countries as well as recipients on the ground. It is also important for learning and improvement of future development interventions. Applying the HRBA to monitoring and evaluation requires a specific approach regarding (1) the substance of what is being monitored and evaluated (indicators) and (2) the process involved.

Box 5: Definition of evaluation

Evaluation is done at specific times during the project cycle (usually at mid- and end-points). It aims to measure the progress towards or achievement of project outcomes or objectives. In other words, evaluation measures the extent to which the project has met its objectives.

SOURCE: ADAPTED FROM ACADEMY FOR EDUCATIONAL DEVELOPMENT, *PARTICIPATORY MONITORING AND EVALUATION*, WASHINGTON, DC, ACADEMY FOR EDUCATIONAL DEVELOPMENT, 2002, P. 76.

2.4.1 Formulation of human rights-based indicators

In general, good development planning requires indicators to be SMART: (1) Simple; (2) Measurable; (3) Achievable; (4) Realistic; and (5) Time-bound. In addition to this, indicators for an HRBA-compliant intervention should

include measurements of the particular aspects relating to participation and the realization of rights, as illustrated in Monitoring and evaluation tool 1. It is important to note that, for the HRBA, the *process* involved in development interventions is of equal importance to the tangible *results*. Thus, indicators measuring the level and quality of participation are very important.

→ Monitoring and evaluation tool 1: Guidelines for indicator selection

Overall

- Ensure that evidence of progress or regression in the realization of certain rights is measured

Capacity

- Ensure that evidence of the duty-bearer's capacity to fulfil duties and comply with obligations is measured
- Ensure that evidence of rights-holders' capacity to advocate and/or mobilize for their rights is measured

Participation, accountability, non-discrimination

- Ensure that evidence of key stakeholders' involvement in defining the programme goals is measured
- Ensure that evidence of stakeholders' involvement in designing appropriate indicators to measure programme progress is measured

- Ensure that evidence of the involvement of vulnerable and marginalized groups in all phases of programming cycle is measured
- Ensure that evidence of fair and equal representation for all stakeholders across all affected sub-groups is measured
- Ensure that evidence of technical support provided to women and other vulnerable groups in building their capacity to participate in programming and decision-making is measured
- Ensure that evidence of technical support provided to women and other vulnerable groups in building their capacity to participate in programming and decision-making is measured
- Ensure that differentiated impact on women and men is measured

2.4.2 Participatory process for monitoring and evaluation

Monitoring and evaluation are key processes to ensure accountability of development actors and other power-holders, such as national governments. For this reason, they should be done in a participatory manner and should be in and of themselves empowering rights-holders.³²

Monitoring should be conducted according to a publicly available monitoring plan and apply participatory monitoring mechanisms. It is essential to ensure that the monitoring process is provided with adequate authority, capacity and resources, without which it cannot be effective. Participatory monitoring can take

many forms, all of which focus on the substantive involvement of the target group in the monitoring process. Examples of participatory monitoring methods can be found in *Participatory Monitoring and Evaluation: Field Experiences* from NGO Programme Karnataka-Tamil Nadu³³ and in the World Bank's *Monitoring and Evaluation: Some Tools, Methods and Approaches*;³⁴ these are summarized overleaf.

Similarly, evaluations should include full stakeholder participation and representation. The project or programme should ensure that all stakeholders have the capacity to meaningfully participate in the evaluation process. If not, capacity development interventions in this regard should be included in the project design.

Example: Participatory monitoring and evaluation tools

Transect walk. This is a means of involving the community in both monitoring and evaluating changes that have taken place over the period of programme intervention. This method entails direct observation while incorporating the views of community members.

Spider web diagram. This is used as a means for participants to monitor and evaluate key areas of a programme. The spider web is a simple diagrammatic tool for use in discussions; it does not entail any direct field observations.

Participatory mapping. This is perhaps the easiest and most popular of participatory tools used to evaluate project interventions.

Photographic comparisons. This is another easy visual tool, which can be used to stimulate community discussions in evaluating programme interventions.

Well-being ranking. This is used to differentiate the benefits that different community members have gained from a specific development intervention.

SOURCE: NGO PROGRAMME KARNATAKA-TAMIL NADU, *PARTICIPATORY MONITORING AND EVALUATION: FIELD EXPERIENCES*, HYDERABAD, 2005.

→ Monitoring and evaluation tool 2: Monitoring and evaluation checklist

Checklist	Yes/No	Comments
Does the project/programme design include a comprehensive monitoring and evaluation plan?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the progress or regression in the realization of certain rights?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which the capacity of duty-bearers to fulfil their duties and comply with their obligations has increased?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which the capacity of rights-holders to advocate and/or mobilize for their rights has increased?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which all stakeholders across all affected sub-groups, including minorities, have been affected by the intervention?	<input type="checkbox"/> <input type="checkbox"/>	

→ **Monitoring and evaluation tool 2:** Monitoring and evaluation checklist (*continued...*)

Checklist	Yes/No	Comments
Does the plan measure the extent to which men and women have been differently affected by the intervention?	<input type="checkbox"/> <input type="checkbox"/>	
Is monitoring and evaluation conducted through the application of participatory tools?	<input type="checkbox"/> <input type="checkbox"/>	

2.5 Tools for the integration of vulnerable groups

As touched upon in programming tool 3 (vulnerability assessment), target populations are rarely homogeneous. They are usually constituted of a variety of different groups, often with specific needs and varying degrees of political representation. Groups that face particular risks in a given situation, are excluded or hindered from fully participating in social and political life and, as a result, have their specific needs and rights commonly overlooked, are usually referred to as vulnerable groups. Although

vulnerability is context-specific and should be assessed on a case-by-case basis such groups can include women, children, people living with disabilities and minorities.

Throughout the discussion of the tools an effort has been made to encourage the inclusion of vulnerable groups at every stage of the policy-making and programming process. However, in order to ensure that vulnerable groups are fully included in development planning and implementation, the following guidelines should be used. The guidelines are specifically focused on minorities, who are commonly sidelined in development interventions. However, they could be adapted to support the integration of other vulnerable groups if necessary.

→ **Integration of vulnerable groups (minorities) tool 1:** Guidelines

Country Assessment documents	<ul style="list-style-type: none"> ● Conduct situational analysis of minorities ● Ensure presence of minority experts and advocates from governmental and CSO sector ● Include disaggregated data on minorities in Country Assessment ● Ensure that minorities are reflected throughout the Country Assessment not only in demographic overview ● Include dedicated analysis on issues of particular importance to minorities (religious freedom, right to non-discrimination, right to cultural identity, access to justice, access to education, right to participate in public life, etc.)
Country Strategy document	<ul style="list-style-type: none"> ● Include measures to build government capacities for working on issues regarding minorities ● Aim to ensure that the Country Strategy document specifically names minorities and considers the particular obstacles they face, as distinct from other vulnerable groups ● Identify minorities as beneficiaries of programmes ● Ensure that calls for proposals are distributed to minority organizations and minority media outlets ● Ensure that terms of reference for positions include requirements for cultural sensitivity, expertise on non-discrimination and encourage minorities to apply
Implementation	<ul style="list-style-type: none"> ● Seek out for partnership with minority CSOs for project implementation ● Ensure terms of reference for project implementation include criteria for monitoring impact of the projects on minorities ● Include baseline data and indicators for monitoring and evaluation of the impact of projects on minorities

→ Integration of vulnerable groups (minorities) tool 1: Guidelines (continued...)

MDG reports	<ul style="list-style-type: none"> ● Include disaggregated data tracking how minorities are achieving the MDGs ● Include dedicated analysis on issues of particular importance to minorities (e.g. environmental impact on minority-specific livelihoods; discrimination in access to employment or education)
Evaluation	<ul style="list-style-type: none"> ● Ensure elaboration of terms of reference for evaluation includes input from minority stakeholders ● Provide evaluation consultants with contact information for relevant minority CSOs ● Distribute call for evaluators among minority CSO networks, minority media and in minority languages ● Ensure that evaluation reports evaluate impact on marginalized minority groups
Engagement with CSOs	<ul style="list-style-type: none"> ● Actively inform minorities about proposed projects for their regions ● Offer support to minority CSOs so that they can participate in CSO stakeholder activities (e.g. funding to travel, background briefings) ● Ensure language accessibility: at a minimum, provide basic information in relevant minority languages; publish documents in minority languages where project activities will affect minorities ● Adapt participation processes to facilitate greater participation by minorities (e.g. language access; longer, more flexible consultation periods; hold meetings in minority areas; respect the traditional decision-making processes of minority communities) ● Participate in events hosted by minority CSOs to build relationships ● In CSO capacity assessments, examine CSO engagement with minority groups (e.g. projects of cooperation with minority CSOs, minority staff, ability to communicate in minority languages, non-discrimination policies, monitoring of impact on minority groups, any field presence in minority areas).

SOURCE: ADAPTED FROM UNDP, MARGINALISED MINORITIES IN DEVELOPMENT PROGRAMMING (RESOURCE GUIDE AND TOOLKIT), NEW YORK, UNDP DEMOCRATIC GOVERNANCE GROUP, BUREAU FOR DEVELOPMENT POLICY, 2010.

2.6 Tools for project and programme appraisal

Many development actors do not directly engage in programme and project development and implementation. Instead, they largely act as donors who select already developed project and programme applications from implementing partner organizations for funding.

This is particularly so in the case of Cyprus, which exclusively practices 'delegated cooperation', by which Cyprus ODA is given directly to selected programmes and projects implemented by other development actors.

In this context, the most crucial task carried out by the development donors is project appraisal, monitoring and evaluation (for monitoring and evaluation, see section 2.4). Transparent and consistent project appraisal requires the development of a standardized appraisal system that clearly spells out the overall aims of development cooperation and the specific criteria for selection. To ensure that the projects and programmes selected for funding adequately apply the HRBA, the appraisal system should explicitly refer to the HRBA and its principles.

On a practical level, the appraisal tool 1 checklist should be included in the project appraisal process.

→ **Appraisal tool 1:** Project and programme appraisal checklist

	Yes/No	Comments
Situation analysis		
Does the programme/project link development problems identified to human rights standards?	<input type="checkbox"/> <input type="checkbox"/>	
Are recommendations from human rights treaty bodies taken as a source of information in the situation analysis?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme identify duty-bearers and claim-holders?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme identify vulnerable groups including minorities and analyses the causes of vulnerability?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme provide a comprehensive analysis of the duty-bearers' and claim-holders' capacities to fulfil their duties and claim their rights respectively?	<input type="checkbox"/> <input type="checkbox"/>	
Are beneficiaries presented as active agents or passive recipients?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme analyse the different needs of women and men?	<input type="checkbox"/> <input type="checkbox"/>	
Programme intervention		
Does the suggested intervention include a focus on addressing the identified capacity gaps?	<input type="checkbox"/> <input type="checkbox"/>	
Does it address the structural causes for the non-realization of human rights?	<input type="checkbox"/> <input type="checkbox"/>	
Does the suggested intervention address the different needs of women and men? If so, how?	<input type="checkbox"/> <input type="checkbox"/>	
Does the suggested intervention address the specific causes of identified vulnerable groups?	<input type="checkbox"/> <input type="checkbox"/>	
Monitoring and evaluation		
Is a monitoring framework included in the project design?	<input type="checkbox"/> <input type="checkbox"/>	
If so, does it foresee the application of participatory monitoring methodologies?	<input type="checkbox"/> <input type="checkbox"/>	
In the evaluation framework, do indicators measure (1) the fulfilment of duties or compliance with the obligation of duty-bearers; (2) progress or regression in the realization of certain rights; (3) changes in power relations; (4) participation of stakeholders in the project implementation process?	<input type="checkbox"/> <input type="checkbox"/>	

3 Opportunities to integrate the human rights-based approach in Cyprus, Hungary and Poland

The following section focuses on three New EU Member States that are holding the Presidency of the Council of the European Union during 2011–12: Cyprus, Hungary and Poland. It provides an overview of the policy and programming processes of their official aid administrations and aims to identify entry points for the integration of the HRBA to policy development and programming.

3.1 Cyprus

Policy and legal framework

Institutional framework

Cyprus ODA is governed by a number of different bodies. The Coordination Body for Policy-making, composed of the Minister of Foreign Affairs, the Minister of Finance and the Permanent Secretary of the Planning Bureau, is responsible for taking decisions about policy and institutional matters, and for target-setting. It is supposed to be supported by the Consultative Body, which is a forum for discussion and is charged with submitting policy and technical suggestions to the Coordination Body. The Consultative Body should be composed of a wide variety of stakeholders including different ministries and NGOs.³⁵ However, this body does not seem to be operational and NGOs do not seem to be formally involved in development policy-making and programming in Cyprus.³⁶

In addition to the two bodies, the Department for Development Cooperation within the Ministry of Foreign Affairs is responsible for awareness-raising, relations with international organizations and other countries, and the representation of the republic. A separate entity, the Planning Bureau, works on implementation, policy proposal and budget preparation, selection of projects and programmes to be supported through delegated cooperation, and the preparation of reports.

Current status

Cyprus's development cooperation is currently operating without an official policy or strategy. The previous

Medium-term Strategy for Official Development Assistance covered the years to 2006–10 and has not been replaced or updated at the time of writing (May 2011).

Upcoming processes and entry points

- *Drafting process of new policy for ODA*
Cyprus's development cooperation is currently operating in a policy vacuum. It is therefore imperative that the drafting process of a new strategy for ODA commences as soon as possible. This process will be an important entry point for the full integration of the HRBA in the policy framework of Cyprus' development assistance.

Programming and implementation

Cyprus's ODA is provided through a number of different mechanisms, including contributions to the European Commission, humanitarian assistance and aid provided through delegated cooperation. The concept of delegated cooperation, introduced in 2006, involves the provision of aid to other development agencies, such as agencies in EU Member States or international organizations, for the implementation of projects and programmes in countries and on issues of common interest. Therefore Cyprus does not currently directly implement or administer aid projects and programmes itself.

Institutional framework

As stated above, the Planning Bureau is responsible for implementation of development assistance and preparation of budgets and reports.

In addition to Cyprus's development assistance, CSOs in both the Greek and Turkish Cypriot community are implementing agencies of development assistance from other actors, such as the European Commission. To carry out this task, CSOs develop project and programme proposals for submission to donors and – if successful – implement them in third countries. This provides an important entry point for the integration of the HRBA (see below, 'Upcoming processes and entry points').

Current status

There are currently no formal tools for project and programme selection under delegated cooperation. This renders the selection process non-transparent and presents the risk of having fragmented and ad hoc development assistance.

Upcoming processes and entry points

- *Development of standardized tools for delegated cooperation project and programme appraisal*
Delegated cooperation is a fundamental tool for Cyprus's aid. To ensure that this approach to aid delivery does not lead to fragmented and ad hoc assistance, there is an urgent need for the development of formal and effective tools for project and programme selection. The development of such project and programme appraisal tools would provide an excellent opportunity for the integration of HRBA principles. This, in turn, would allow Cyprus's aid to be coherent, transparent and effective.
- *Development and implementation of development projects and programmes funded by other donors*
A number of CSOs in Cyprus have been successfully developing and implementing development projects and programmes funded by donors other than the Cypriot government (e.g. the European Commission). This is a fundamental entry point for CSOs to integrate the HRBA in their work.

3.2 Hungary

Policy and legal framework

Institutional framework

The International Development Cooperation Department of the Ministry of Foreign Affairs of the Republic of Hungary is responsible for planning and coordinating Hungarian international development aid. An Inter-departmental Development Policy Committee, chaired by the Minister of Foreign Affairs, sets the geographical and thematic priorities of Hungary's development policy in the form of Resolutions. A case in point is Resolution 1/2003, which lists the partner countries and focus sectors for Hungarian development aid.³⁷

The Committee is assisted by a Civil Society Advisory Board (CAB) which is composed of representatives of the Ministry of Foreign Affairs, political parties, trade unions, employers' associations, academic communities, NGOs and individual experts. Notably, the non-governmental development organization (NGDO) Platform HAND is a member of this board. The CAB:

*'serves as a link between the Government's international development cooperation activity on one hand, the private sector, the voluntary organizations and the public opinion on the other. The Ministry of Foreign Affairs initiated the establishment of the CAB in order to increase public support and transparency of international development, without which this activity cannot be successful.'*³⁸

Current policy and legal framework

At the time of writing (May 2011) Hungary does not have an officially approved development policy or strategy. The key principles of Hungary's approach to aid are enshrined in a Concept Paper, formally approved by the government in 2001 and the External Relations Strategy (2008).³⁹ This strategy presents development cooperation as a key element of Hungary's external relations and was explicitly endorsed by the Inter-departmental Development Policy Committee in Resolution 1/2008.⁴⁰

The process for drafting a Development Cooperation Law commenced in 2007 but has not yet been finalized. There does not seem to be a clear timeline on when the law will be finalized and adopted.

Upcoming processes and entry points

- *Strategy for International Development to be drafted in the second half of 2011*
The Department for Development Cooperation has stated that a new strategy for international development will be elaborated. The drafting process is envisaged to commence in the second half of 2011. This is a crucial entry point for the comprehensive inclusion of the HRBA as a cornerstone of Hungary's development cooperation. Having the HRBA strongly enshrined in this strategy will facilitate the mainstreaming of human rights in the implementation of Hungary's development assistance.
- *Drafting of the Development Cooperation Law*
Although it is not clear what stage the Development Cooperation Law has reached, the fact that it is still being drafted presents an important entry point for the inclusion of the HRBA as the approach for Hungary's development assistance.

Programming and implementation

Hungary provides ODA through a variety of different channels, including debt relief, humanitarian assistance and multilateral aid. The focus of this section is on Hungary's bilateral development assistance only.

Institutional framework

The International Development Cooperation Department of the Ministry of Foreign Affairs has the lead responsibility in planning and managing international development cooperation activities. In addition to the policy-making functions outlined above, the department is responsible for drafting country strategies. Since 2007 the International Development Cooperation Department has developed five country strategies for the following countries: Bosnia and Herzegovina, Moldova, the Palestinian Authority, Serbia and Vietnam. As they currently stand, the strategies do not seem to involve a systematic country analysis in line with HRBA principles. However, the department is planning to draft further country strategies once the new overall Development Cooperation Strategy has been finalized.

Regarding specific programme and project development and implementation, the department's role is restricted to the selection of programmes/projects and implementing agencies, and the supervision of implementation. The actual development of projects and programmes and their delivery are undertaken by implementing agencies comprising public and private companies and NGOs.

The key function of the department in the context of development programming and implementation is, therefore, related to (1) project and programme selection, (2) monitoring and evaluation and (3) providing guidelines and tools to implementing agencies to facilitate the development and implementation of good projects and programmes in line with Hungary's development cooperation principles.

Current tools

A standardized template for project and programme selection has recently been developed by the International Development Cooperation Department but is not yet publicly available. The development of this template is an important step towards ensuring consistent and transparent project and programme selection.

There does not seem to be a comprehensive package of programming guidelines and tools for implementing agencies provided by the International Development Cooperation Department.

Upcoming processes and entry points

- *Drafting of new country strategies*
This process will be an excellent opportunity to apply the HRBA. It will not only ensure that the strategies are in line with international and EU requirements, it will also make them more coherent, focused and ultimately more effective.

- *Project and programme appraisal checklist*
The development of this checklist is an important step towards ensuring a more consistent and transparent selection process for development projects and programmes. The fact that the checklist already exists presents an important entry point for including the HRBA – either by revising the checklist or by including an annex to it. This would ensure that selected projects and programmes are in line with the HRBA and thus with international and EU requirements.
- *Development of comprehensive guidelines and tools for implementing agencies*
The development of a project and programme appraisal checklist should go hand in hand with the provision of concrete guidelines and tools to support implementing agencies in developing projects and programmes in line with the department's requirements. The development of such a 'package' would present an excellent opportunity for the integration of HRBA-compliant tools.
- *Funding applications by NGOs*
As NGOs are key partners in programming and implementing development cooperation projects and programmes, they can play a crucial role in integrating the HRBA into their work. Every funding application made by an NGDO in Hungary is, therefore, an important entry point for the effective integration of the HRBA in Hungary's development cooperation.

3.3 Poland

Policy and legal framework

Institutional framework

Polish development cooperation is managed by the newly established Development Cooperation Branch in the Ministry of Foreign Affairs. This branch is composed of the Development Cooperation Department and the Department of Implementation of Development Programmes. The former is responsible for development policy and the planning of development cooperation activities, including the definition of geographic and thematic priorities and the allocation of funds. The latter implements Poland's bilateral development cooperation programme, mainly by contracting implementing partners and agencies through calls for proposals and tenders, and occasionally by implementing projects directly.

Current status

The current official strategy for Poland's development cooperation was adopted in 2003. This Strategy for Poland's Development Co-operation⁴¹ is the first document that outlines strategic goals and priorities, tasks and expected results of Poland's development cooperation. A new multi-annual programme is currently being drafted (see upcoming processes and entry points below).

A process to adopt a legal framework for Polish development cooperation has also commenced. At the beginning of 2011 guidelines for the Draft Act on Development Co-operation have been adopted. These guidelines will serve as the basis for the draft Act, which is due to be presented to the Council of Ministers in 2011.

Upcoming processes and entry points

- *Development of a multi-annual programme for Polish development cooperation*

The Development Cooperation Department is currently in the process of developing a multi-annual programme for Polish development cooperation. The drafting process has already commenced at the time of writing (May 2011) and has been very transparent and participatory. This is an excellent entry point for the explicit integration of the HRBA as the overall approach to Poland's development cooperation. All stakeholders involved, in particular NGOs and the department itself, have an important role to play to ensure that the new strategy incorporates the HRBA.

- *Drafting of the Act on Polish Development Assistance*

This legal framework for Polish aid is important in many respects as it will provide a clear legal basis regarding development aid financing and management. Although it will be, by its very nature, fairly broad on substantive issues, it is nevertheless important to ensure that the mainstreaming of human rights is enshrined as a fundamental principle of Polish aid. This would provide an important legal basis for the integration of HRBA in the entire development policy and programming cycle.

Programming and implementation

Poland provides ODA through a variety of different channels, including debt relief, humanitarian assistance and multilateral aid. The focus of this section is on Poland's bilateral development assistance only.

Institutional framework

Bilateral development aid is administered by the Department of Implementation of Development Programmes in conjunction with Polish embassies in recipient countries. The department issues calls for

proposals based on annual programmes prepared by the Development Cooperation Department, which outline Poland's overall approach to aid and provide information on the priority countries and focus sectors of Polish development assistance in a given year. The programmes also provide information on Poland's multilateral assistance.

Most aid projects are developed and implemented directly by Polish diplomatic missions (35 per cent in 2009), Polish NGOs (32 per cent in 2009) and central administration entities (26 per cent in 2009).⁴² The function of the Ministry of Foreign Affairs is thus essentially twofold: (1) to direct programme development and implementation through diplomatic missions and (2) selection and evaluation of projects and programmes implemented by NGOs and central administration entities.

Current status

The Development Cooperation Department has various tools and systems for project appraisal. These tools are not standardized and do not explicitly include the HRBA as a prerequisite or supportive tool for effective project and programme development and implementation. There also do not seem to be comprehensive guidelines for implementing partners (whether they are Polish diplomatic missions, NGOs or central administrative entities) to support project and programme development and implementation in line with Polish aid principles.⁴³

Upcoming processes and entry points

- *Annual development cooperation programmes*

Provided that the new multi-annual strategy does not change the development of annual programmes, this process is an important opportunity for the strong inclusion of HRBA, as the overarching approach applied by Polish aid.

- *Project and programme development by Polish diplomatic missions*

This process is an excellent opportunity to comprehensively apply the HRBA from project and programme conception to evaluation. This would not only improve the focus and effectiveness of Polish bilateral aid interventions, it would also provide an opportunity to showcase best practices to other implementing partners and, by doing so, build their capacity.

- *Project and programme appraisal*

Project and programme appraisal is a crucial process that can provide quality control and coherence in Poland's bilateral aid interventions. It needs to be done

consistently and systematically and is a very important entry point for ensuring the application of the HRBA.

- *Development of comprehensive guidelines and tools for other implementing agencies*

The development of an HRBA-compliant project and programme appraisal system should go hand in hand with the provision of concrete guidelines and tools to support implementing agencies in developing projects and programmes in line with Ministry of Foreign Affairs' requirements. The development of such a

'package' would present an excellent opportunity for the integration of HRBA-compliant tools.

- *Drafting of funding applications by Polish NGOs*
As NGOs are key partners in programming and implementing development cooperation projects and programmes, they can play a crucial role in integrating the HRBA to their work. Every funding application made by an NGO in Poland is therefore, an important entry point for the effective integration of the HRBA in Poland's development cooperation.

4 Recommendations for development actors in Cyprus, Hungary and Poland

4.1 Recommendations for Cyprus's development actors

Entry point 1: Drafting process of a new Policy for ODA

Recommendations for policy-makers

Coordination Body for Policy-making:

- Ensure that the Consultative Body becomes operational and meaningfully includes all stakeholders, including NGOs.
- Instruct the Consultative Body, in conjunction with the Planning Bureau and the Ministry of Foreign Affairs (as appropriate) to commence the drafting process of a new policy for Cyprus's ODA.
- Ensure that the drafting process meaningfully involves all stakeholders, including all relevant CSOs.
- Ensure that the policy is based on the principles of the HRBA to programming.
- Provide a clear timeline for the drafting and finalization of the policy.

Suggested tools: →

- Policy tool 2: HRBA checklist of development policies.
- Policy paper on *The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States* (London: MRG, 2011).

Consultative Body (in conjunction with the Planning Bureau and Ministry of Foreign Affairs as appropriate):

- Initiate a participatory drafting process for Cyprus's strategy/policy on ODA:
 - involve stakeholders in all steps of the policy-making process, including the identification of priority areas and countries, and the definition of guiding principles and values;
 - communicate the timeline for drafting and finalization of the policy to all stakeholders at the outset of the process and adhere to it.

- Use the HRBA as a basis for the policy drafting process by applying the development priorities and human rights mapping (policy tool 1).
- Use the HRBA checklist for development policies (policy tool 2) to verify if the policy is adequately in line with the HRBA.

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping.
- Policy tool 2: HRBA checklist for development policies.

Recommendations for CSOs

- Call on the government to initiate a participatory development policy drafting process.
- Call on Members of Parliament to call on the government to initiate a development policy drafting process.
- Coordinate CSOs' input into the policy as much as possible by (1) convening meetings of all interested CSOs and (2) conducting a separate human rights and priority mapping among CSOs prior to the official mapping with the government.
- Provide comments on the various versions of the policy by using the HRBA checklist for development policies (policy tool 2).

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping (for CSO internal mapping).
- Policy tool 2: HRBA checklist for development policies as a basis for scrutinizing the draft policy.

Entry point 2: Development of standardized tools for delegated cooperation project and programme appraisal

Recommendations for policy-makers

Coordination Body for Policy-making:

- Instruct the Planning Bureau, via the Consultative Body, to develop standardized and HRBA-compliant tools for delegated cooperation project and programme appraisal.

Recommendations for technical staff

Planning Bureau:

- Initiate a participatory process for the identification of overall criteria for the selection of delegated cooperation projects, programmes and partners.
- Publish the criteria on the Planning Bureau website.
- Initiate a participatory process for the development standardized checklists for the selection of project and programmes to be funded through delegated cooperation.
- Ensure that the checklist includes the HRBA principles, by using elements suggested in the policy and programme appraisal checklist.
- Publish the checklist on the Planning Bureau website.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Recommendations for CSOs

- Call on the government to develop standardized project and programme appraisal checklists through a participatory process.
- Coordinate CSOs' input into the development of the checklist, including the identification of the overall selection criteria, as much as possible by (1) convening meetings of all interested CSOs and (2) developing a suggested appraisal checklist prior to the official process with the government.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Entry point 3: Development and implementation of development projects and programmes funded by other donors

Recommendations for CSOs

- Use the HRBA when developing project and programme proposals by conducting an HRBA-compliant situation analysis, developing an HRBA-compliant logical framework and including participatory and HRBA-compliant monitoring and evaluation methodologies in the project and programme design.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.
- Monitoring and evaluation tools 1 and 2.

4.2 Recommendations for Hungary's development actors

Entry point 1: Strategy for International Development to be drafted in the second half of 2011

Recommendations for policy-makers

- Initiate a participatory drafting process for Hungary's strategy for International Development:
 - communicate the timeline for drafting and finalization of the policy to all stakeholders at the outset of the process and adhere to it;
 - involve stakeholders in all steps of the policy-making process, including the identification of priorities areas and countries, and the definition of guiding principles and values.
- Use the HRBA as a basis for the policy drafting process by applying the development priorities and human rights mapping (policy tool 1).
- Use the HRBA checklist for development policies (policy tool 2) to verify if the policy is adequately in line with the HRBA.

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping.
- Policy tool 2: HRBA checklist for development policies.

Recommendations for CSOs

- Call on the government to initiate a participatory development policy drafting process.
- Call on Members of Parliament to call on the government to initiate a development policy drafting process.
- Coordinate CSOs' input into the policy as much as possible by (1) convening meetings of all interested CSOs and (2) conducting a separate human rights and priority mapping among CSOs prior to the official mapping with the government.
- Provide comments on the various versions of the policy by using the HRBA checklist for development policies (policy tool 2).

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping (for CSO internal mapping).
- Policy tool 2: HRBA checklist for development policies as a basis for scrutinizing the draft policy.

Entry point 2: Drafting of the Development Cooperation Law

Recommendations for policy-makers

- Set-out a clear timeline for the finalization and adoption of the Development Cooperation Law.
- In the law, include reference to the HRBA as the approach for Hungary's development cooperation and include human rights as an important cross-cutting issue.

Recommendations for CSOs

- Call on the government to set out and publish a timeline for the finalization and adoption of the Development Cooperation Law.
- Call on the government to initiate a participatory Development Cooperation Law drafting process.
- Call on Members of Parliament to call on the government to initiate the Development Cooperation Law drafting process.
- Coordinate CSOs' input into the law as much as possible by convening meetings of all interested CSOs agreeing on key issues for inclusion in the law, including the HRBA.

Entry point 3: Drafting of new country strategies

Recommendations for policy-makers

- Instruct technical staff to apply the HRBA when developing new country strategies.

- Set up a quality assurance mechanism to verify that country strategies are in line with the HRBA.
- Ensure that the drafting process adequately includes all stakeholders.

Suggested tools: →

- Policy tool 2: HRBA checklist of development policies.

Recommendations for technical staff

- Apply the 'development priorities and human rights mapping' (policy tool 1) at the outset of the strategy development.
- Follow the steps outlined in the 'Situation analysis', in particular programming tools 1–6.
- Include all stakeholders in the drafting process.

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping.
- Programming tools 1–6.

Recommendations for CSOs

- Call on the government to involve CSOs in the drafting process of county strategy papers.
- Coordinate CSOs' input into the various strategies as much as possible.
- Scrutinize the extent to which the HRBA has been used in the development of the Country Strategy papers by using the policy and programming checklists provided above.

Suggested tools: →

- Policy tool 2: HRBA checklist of development policies.
- Programming tool 8: Programming checklist.

Entry point 4: Project and programme appraisal checklist

Recommendations for policy-makers

- Instruct technical staff to develop standardized project and programme appraisal checklists in line with the HRBA in participation with all stakeholders.

Recommendations for technical staff

- Initiate a participatory process for the development of overall criteria for the selection of delegated cooperation projects, programmes and partners.
- Publish the criteria on the Ministry of Foreign Affairs website.

- Initiate a participatory process for the development of standardized checklists for the selection of project and programmes to be funded through delegated cooperation.
- Ensure that the checklist includes the HRBA principles by using elements suggested in the policy and programme appraisal checklist.
- Publish the checklist on the Ministry of Foreign Affairs website.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Recommendations for CSOs

- Call on the government to develop standardized project and programme appraisal checklists through a participatory process.
- Coordinate CSOs' input into the development of the checklist, including the identification of the overall selection criteria, as much as possible by (1) convening meetings of all interested CSOs and (2) developing a suggested appraisal checklist prior to the official process with the government.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Entry point 5: Development of comprehensive guidelines and tools for implementing agencies

Recommendations for policy-makers

- Instruct technical staff to develop comprehensive guidelines and tools for implementing agencies in line with the HRBA.

Recommendations for technical staff

- Develop guidelines and tools for implementing agencies to guide HRBA-compliant project and programme development.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.
- Monitoring and evaluation tools 1 and 2.

Entry point 6: Funding applications by NGOs

Recommendations for CSOs

- Use the HRBA when developing project and programme proposals by conducting an HRBA-compliant situation analysis, developing an HRBA-compliant logframe and include participatory and HRBA-compliant monitoring and evaluation methodologies in the project and programme design.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.
- Monitoring and evaluation tools 1 and 2.

4.3 Recommendations for Poland's development actors

Entry point 1: Development of a multi-annual programme for Polish development cooperation

Recommendations for policy-makers

- Use the HRBA as a basis for the policy drafting process by applying the development priorities and human rights mapping (policy tool 1).
- Use the HRBA checklist for development policies (policy tool 2) to verify if the policy is adequately in line with the HRBA.

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping.
- Policy tool 2: HRBA checklist for development policies.

Recommendations for CSOs

- Coordinate CSOs' input into the programme as much as possible.
- Provide comments on the various versions of the policy by using the HRBA checklist for development policies (policy tool 2).

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping (for CSO internal mapping).
- Policy tool 2: HRBA checklist for development policies as a basis for scrutinizing the draft policy.

Entry point 2: Drafting of the Act on Polish Development Assistance

Recommendations for policy-makers

- Set out a clear timeline for the finalization and adoption of the Act on Polish Development Assistance.
- In the law, include reference to the HRBA as the approach for Poland's development cooperation and include human rights as an important cross-cutting issue.

Recommendations for CSOs

- Continue to call on Members of Parliament to call on the government to publish and follow the timeline for the finalization and adoption of the Development Cooperation Law.
- Continue to coordinate CSOs' input into the law as much as possible by convening meetings of all interested CSOs agreeing on key issues for inclusion in the law, including the HRBA.

Entry point 3: Annual development cooperation programmes

Recommendations for policy-makers

- Instruct technical staff to apply the HRBA when developing annual development cooperation programmes.
- Set up a quality insurance mechanism to verify that the annual development cooperation programmes are in line with the HRBA.
- Ensure that the drafting process adequately includes all stakeholders.

Suggested tools: →

- Policy tool 2: HRBA checklist for development policies

Recommendations for technical staff

- Apply the development priorities and human rights mapping (policy tool 1) at the outset of the programme development.
- Follow the steps outlined in the 'Situation analysis', in particular Programming tools 1–6.

Suggested tools: →

- Policy tool 1: Development priorities and human rights mapping.
- Programming tools 1–6.

Recommendations for CSOs

- Call on the government to involve CSOs in the drafting process of the annual development cooperation programme.
- Coordinate CSOs' input into the programme as much as possible.
- Scrutinize the extent to which the HRBA has been used in the development of the programme by using the policy and programming checklists provided above.

Suggested tools: →

- Policy tool 2: HRBA checklist for development policies.
- Programming tool 9: Programming checklist.

Entry point 4: Project and programme development by Polish diplomatic missions

Recommendation for technical staff in Polish diplomatic missions

- Use the HRBA when developing project and programme proposals by conducting an HRBA-compliant situation analysis, developing an HRBA-compliant logframe and include participatory and HRBA-compliant monitoring and evaluation methodologies in the project and programme design.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.
- Monitoring and evaluation tools 1 and 2.

Recommendation for decision-makers at headquarters

- Apply the HRBA project and programme appraisal checklist when reviewing project and programmes development by diplomatic missions.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Entry point 5: Project and programme appraisal

Recommendations for policy-makers

- Instruct technical staff to develop standardized project and programme appraisal checklists in line with the HRBA.

Recommendations for technical staff

- Initiate a participatory process for the development of overall criteria for the selection of projects and programmes to be supported and the selection of implementing partners.
- Publish the criteria on the Ministry of Foreign Affairs website.
- Initiate a participatory process for the development of standardized checklists for the selection of project and programmes to be funded through delegated cooperation.
- Ensure that the checklist includes the HRBA principles, by using elements suggested in the policy and programme appraisal checklist.
- Publish the checklist on the Ministry of Foreign Affairs website.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Recommendations for CSOs

- Call on the government to develop standardized project and programme appraisal checklists through a participatory process.
- Coordinate CSOs' input into the development of the checklist, including the identification of the overall selection criteria, as much as possible by (1) convening meetings of all interested CSOs and (2) developing a suggested appraisal checklist prior to the official process with the government.

Suggested tools: →

- Appraisal tool 1: Project and programme appraisal checklist.

Entry point 6: Development of comprehensive guidelines and tools for other implementing agencies

Recommendations for policy-makers

- Instruct technical staff to develop comprehensive guidelines and tools for implementing agencies in line with the HRBA.

Recommendations for technical staff

- Develop guidelines and tools for implementing agencies to guide HRBA-compliant project and programme development.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.
- Monitoring and evaluation tools 1 and 2.

Entry point 7: Funding applications by Polish NGOs

Recommendations for CSOs

- Use the HRBA when developing project and programme proposals by conducting an HRBA-compliant situation analysis, developing an HRBA-compliant logframe and include participatory and HRBA-compliant monitoring and evaluation methodologies in the project and programme design.

Suggested tools: →

- Programming tools 1–8.
- Participation tool 1.

Annex 1: Policy and programming tools – templates for use

1. Policy tools

- *Policy tool 1*: Development priorities and human rights mapping
- *Policy tool 2*: HRBA checklist for development policies

2. Programming tools

- *Programming tool 1*: Situational analysis information gathering and prioritisation
- *Programming tool 2*: Problem tree template
- *Programming tool 3*: Vulnerability assessment
- *Programming tool 4*: Role pattern analysis
- *Programming tool 5*: Duty-bearer capacity gap analysis
- *Programming tool 6*: Rights-holder capacity gap analysis
- *Programming tool 7*: Logical framework template
- *Programming tool 8*: Programming checklist

3. Participation tools

- *Participation tool 1*: Participation checklist

4. Monitoring and evaluation tools

- *Monitoring and evaluation tool 1*: Guidelines for indicator selection
- *Monitoring and evaluation tool 2*: Monitoring and evaluation checklist

5. Integration of vulnerable groups

- *Integration of vulnerable groups (minorities) tool 1*: Guidelines

6. Appraisal tools

- *Appraisal Tool 1*: Project and programme appraisal checklist

Policy tool 1: Development priorities and human rights mapping

Guiding questions	Answers
<i>Context</i>	
What are the key human rights treaties that the donor government has ratified?	
How are the key human rights treaties ratified linked to international development priorities (e.g. Millennium Development Goals)?	
<i>Principles and values</i>	
What are the principles and values that the government is obliged to promote through its development cooperation due to its membership in the (1) EU and (2) the international community at large?	
What additional principles and values should the government promote and/or uphold through its development cooperation?	
<i>Thematic priorities</i>	
What are the criteria for selection of priority themes for the policy?	
Applying these criteria, what are the thematic priorities of the policy?	
What are the specific human rights treaties linked to the selected thematic priorities?	
<i>Priority countries</i>	
What are the criteria for the selection of priority countries?	
Applying these criteria, what are the priority countries in the policy?	
What are the key human rights and development challenges in the priority countries? Are they sufficiently linked to the priority themes?	

Policy tool 2: HRBA checklist for development policies (Page 1 of 2)

Checklist	Yes/No	Comments
<i>Substance</i>		
Are the international human rights treaties explicitly referred to as a source of commitments in the context of development (alongside other commitments such as the Millennium Declaration or the Paris and Accra Declarations)?	<input type="checkbox"/> <input type="checkbox"/>	
Does the policy include a list of cross-cutting issues that will be mainstreamed in its implementation?	<input type="checkbox"/> <input type="checkbox"/>	
Are human rights included as a cross-cutting issue?	<input type="checkbox"/> <input type="checkbox"/>	
Is gender included as a cross-cutting issue?	<input type="checkbox"/> <input type="checkbox"/>	
Are the principles of accountability, empowerment, participation, inclusion and non-discrimination explicitly included in the policy?	<input type="checkbox"/> <input type="checkbox"/>	
Does the policy include specific strategies for the inclusion of vulnerable groups, including minorities?	<input type="checkbox"/> <input type="checkbox"/>	
Is the link between development and human rights explicitly recognized?	<input type="checkbox"/> <input type="checkbox"/>	
Are beneficiaries of aid presented as active agents or as passive recipients?	<input type="checkbox"/> <input type="checkbox"/>	
Are national and community ownership presented as important principles?	<input type="checkbox"/> <input type="checkbox"/>	

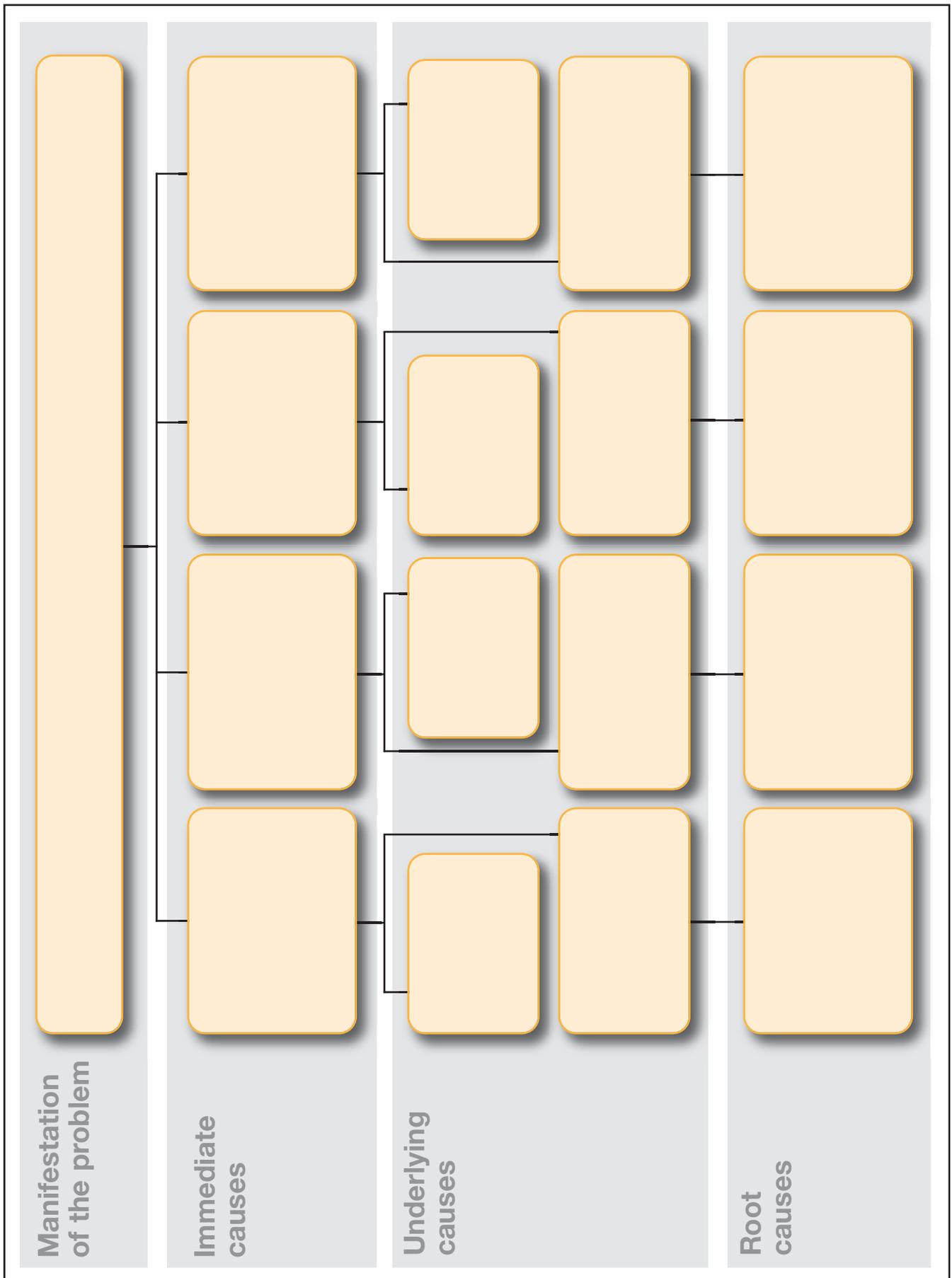
Policy tool 2: HRBA checklist for development policies (Page 2 of 2)

Checklist	Yes/No	Comments
Substance		
Is awareness-raising of human rights through human rights education part of the strategy? If so, is it addressed to duty-bearers and rights-holders as well as civil society in the global North?	<input type="checkbox"/> <input type="checkbox"/>	
Are the priority areas presented in relation to the relevant human rights instrument (s)?	<input type="checkbox"/> <input type="checkbox"/>	
Process		
Was the policy developed through a participatory process?	<input type="checkbox"/> <input type="checkbox"/>	
If yes: How many consultations were held?		
How many organizations participated at the consultations?		
Did the consultations adequately include representatives of vulnerable groups such as women, children and minorities?	<input type="checkbox"/> <input type="checkbox"/>	
How long in advance of the consultation was the draft policy/concept note distributed?		
Did the consultations include time for comments from participants?	<input type="checkbox"/> <input type="checkbox"/>	
Was there an online consultation?	<input type="checkbox"/> <input type="checkbox"/>	

Programming tool 1: Situational analysis information gathering and prioritization (Page 1 of 2)

Guiding questions	Answers	Sources
<p>What are the most pressing developmental challenges in the target area?</p>		
<p>What are the most pressing human rights challenges in the target area?</p>		
<p>How are the development and human rights challenges linked?</p>		
<p>What are the most pressing concerns for vulnerable groups, including minorities, women and children? How are they linked to human rights?</p>		
<p>What are the priority issues for: → The partner government?</p>		

Programming tool 2: Problem tree template



Programming tool 3: Vulnerability assessment (Page 1 of 2)

Questions	Answers
<i>Group 1:</i>	
Economic status: poor, low-income, unemployed	
Ethnic status: ethnic or caste-based discrimination	
Linguistic status: minority language rights, access to information	
Religious status: freedom of religion	
Political status: no representation, under-representation; barriers to vote at elections, freedom to identify themselves as part of a group;	
Access to public services	
Occupational status: specific types of occupation viewed negatively by others	
Geographic status: inhabitants of specific areas, distance to nearest town, nomad status, etc.	
Educational and literacy status: illiterate, citizens with low levels of education	
Property and land rights status	
Age status: are children/the elderly particularly vulnerable?	
Gender discrimination	

Programming tool 3: Vulnerability assessment (Page 2 of 2)

Questions	Answers
<i>Group 2:</i>	
Economic status: poor, low-income, unemployed	
Ethnic status: ethnic or caste-based discrimination	
Linguistic status: minority language rights, access to information	
Religious status: freedom of religion	
Political status: no representation, under-representation; barriers to vote at elections, freedom to identify themselves as part of a group;	
Access to public services	
Occupational status: specific types of occupation viewed negatively by others	
Geographic status: inhabitants of specific areas, distance to nearest town, nomad status, etc.	
Educational and literacy status: illiterate, citizens with low levels of education	
Property and land rights status	
Age status: are children/the elderly particularly vulnerable?	
Gender discrimination	

SOURCE: ADAPTED FROM LABERGE, M. CLAIMING THE MDGS: AN EMPOWERMENT FRAMEWORK, OSLO, UNDP OSLO GOVERNANCE CENTRE, JULY 2008.

Programming Tool 4: Role pattern analysis

Rights holder(s)	Rights at stake	Corresponding duty bearer(s)	Nature of duty (respect, protect, fulfill)	Specific duty

Programming Tool 5: Duty-bearer capacity gap analysis template

Technical capacity to fulfil obligations	Resource capacity to fulfil obligations	Motivation to fulfil obligations	Authority to fulfil obligations

SOURCE: ADAPTED FROM UN COMMON LEARNING PACKAGE ON HRBA, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Programming Tool 6: Analysis of rights-holders capacity gaps

Knowledge and understanding of rights	Resource capacity to claim rights	Risks associated with claiming rights

SOURCE: SOURCE: ADAPTED FROM UN, UN COMMON LEARNING PACKAGE ON HRBA, HRBA PORTAL, AVAILABLE AT: [HTTP://HRBAPORTAL.ORG/?PAGE_ID=2188](http://hrbaportal.org/?PAGE_ID=2188).

Programming Tool 7: Logical framework template

Project description	Indicators	Source of verification	Assumption
Overall objective/goal			
Purpose/outcome			
Results/outputs			
Activities			

SOURCE: ADAPTED FROM EUROPAID DEVELOPMENT AND COOPERATION WEBSITE: [HTTP://EC.EUROPA.EU/EUROPEAID/HOW/DELIVERING-AID/PROJECT-APPROACH/INDEX_EN.HTM](http://ec.europa.eu/europeaid/how/delivering-aid/project-approach/index_en.htm).

Programming Tool 8: Programming checklist (Page 1 of 2)

	Yes/No	Comment
<i>Situation analysis</i>		
Are relevant universal and regional legal standards included?	<input type="checkbox"/> <input type="checkbox"/>	
Are relevant treaty monitoring body or country-specific recommendations included?	<input type="checkbox"/> <input type="checkbox"/>	
Is the status of incorporation of international standards into the national legal and planning frameworks included?	<input type="checkbox"/> <input type="checkbox"/>	
Are relevant universal and regional legal standards included?	<input type="checkbox"/> <input type="checkbox"/>	
<i>Causal, role pattern and capacity gap analysis</i>		
Has a causal tree been developed?	<input type="checkbox"/> <input type="checkbox"/>	
Have the duty-bearers and rights-holders and their corresponding duties and rights been identified?	<input type="checkbox"/> <input type="checkbox"/>	
Have the capacity gaps of rights-holders and duty-bearers been identified?	<input type="checkbox"/> <input type="checkbox"/>	

Programming Tool 8: Programming checklist (Page 2 of 2)

	Yes/No	Comment
<i>Programme development</i>		
Are the proposed strategies and outcomes addressing the root causes of the selected human rights challenges, including capacities of claims-holders to claim their rights, and of duty-bearers to carry out their duties?	<input type="checkbox"/> <input type="checkbox"/>	
Have key stakeholders, including disadvantaged and vulnerable groups, participated meaningfully in the validation of the causality analysis?	<input type="checkbox"/> <input type="checkbox"/>	
<i>Monitoring and evaluation</i>		
Do the indicators monitor the key HR challenges identified?	<input type="checkbox"/> <input type="checkbox"/>	
Do the indicators monitor participation of stakeholders?	<input type="checkbox"/> <input type="checkbox"/>	
Is monitoring and evaluation undertaken in a participatory manner?	<input type="checkbox"/> <input type="checkbox"/>	
Do the key stakeholders have adequate capacity to meaningfully participate in the monitoring and evaluation activities?	<input type="checkbox"/> <input type="checkbox"/>	

SOURCE: ADAPTED FROM AFRICAN INSTITUTE FOR COMMUNITY-DRIVEN DEVELOPMENT, *SUSTAINING LIVELIHOODS IN SUB-SAHARAN AFRICA*, ISSUE 22, ON ADDING VALUE TO DEVELOPMENT THROUGH HUMAN RIGHTS-BASED APPROACHES, JOHANNESBURG, FEBRUARY 2007, P. 6. AVAILABLE AT: [HTTP://WWW.KHANYA-AICDD.ORG/PUBLICATIONS/SLSA22.PDF](http://www.khanya-aicdd.org/publications/SLSA22.PDF).

Participation tool 1: Participation checklist (Page 1 of 2)

Disadvantaged/marginalized group 1:	Obstacles for participation of disadvantaged groups	Ways to ensure participation	Value added for development effectiveness and sustainability	Burdens of participation for project delivery and implementation
	Assessment and analysis			
	Design of capacity development strategies / Design of policy			
	Implementation			
	Monitoring			
	Evaluation			

SOURCE: UN PHILIPPINES, RIGHTS-BASED APPROACH TO DEVELOPMENT PROGRAMMING: TRAINING MANUAL, MANILA, UN PHILIPPINES, JULY 2002, P. 98.

Monitoring and evaluation tool 1: Guidelines for indicator selection

Overall
<ul style="list-style-type: none"> ● Ensure that evidence of progress or regression in the realization of certain rights is measured.
Capacity
<ul style="list-style-type: none"> ● Ensure that evidence of capacity of duty-bearer to fulfil duties and comply with obligations is measured. ● Ensure that evidence of capacity of rights-holders to advocate and/or mobilize for their rights is measured.
Participation, accountability, non-discrimination
<ul style="list-style-type: none"> ● Ensure that evidence of involving key stakeholders in defining the programme goals is measured. ● Ensure that evidence of involving stakeholders in designing appropriate indicators to measure programme progress is measured. ● Ensure that evidence of involving vulnerable and marginalized groups in all phases of programming cycle is measured. ● Ensure that evidence of fair and equal representation for all stakeholders across all affected sub-groups is measured. ● Ensure that evidence of technical support provided to women and other vulnerable groups in building their capacity to participate in programming and decision-making is measured. ● Ensure that differentiated impact on women and men is measured.

Monitoring and evaluation tool 2: Monitoring and evaluation checklist

	Yes/No	Comment
Does the project/programme design include a comprehensive monitoring and evaluation plan?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the progress or regression in the realization of certain rights?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which the capacity of duty-bearers to fulfil their duties and comply with their obligations has increased?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which the capacity of rights-holders to advocate and/or mobilize for their rights has increased?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which all stakeholders across all affected sub-groups, including minorities, have been affected by the intervention?	<input type="checkbox"/> <input type="checkbox"/>	
Does the plan measure the extent to which men and women have been differently affected by the intervention?	<input type="checkbox"/> <input type="checkbox"/>	
Is monitoring and evaluation conducted through the application of participatory tools?	<input type="checkbox"/> <input type="checkbox"/>	

Integration of vulnerable groups (minorities) tool 1: Guidelines

Country Assessment documents	<ul style="list-style-type: none"> ● Conduct situational analysis of minorities ● Ensure presence of minority experts and advocates from governmental and CSO sector ● Include disaggregated data on minorities in Country Assessment ● Ensure that minorities are reflected throughout the Country Assessment not only in demographic overview; ● Include dedicated analysis on issues of particular importance to minorities (religious freedom, right to non-discrimination, right to cultural identity, access to justice, access to education, right to participate in public life etc.).
Country Strategy document	<ul style="list-style-type: none"> ● Include measure to build the government capacities for working on issues of minorities; ● Aim to ensure that Country Strategy document specifically names minorities and considers the particular obstacles they face with as distinct from other vulnerable groups; ● Identify minorities as beneficiaries of programmes;. ● Ensure that call for proposals are distributed to minority organizations and minority media outlets; ● Ensure that TORs for positions include requirements for cultural sensitivity, expertise on non-discrimination and encourage minorities to apply.
Implementation	<ul style="list-style-type: none"> ● Seek out for partnership with minority CSOs for project implementation; ● Ensure TORs for project implementation include criteria for monitoring impact of the projects on minorities; ● Include baseline data and indicators for monitoring and evaluation of the impact of projects on minorities.
Millennium Development Goal Reports	<ul style="list-style-type: none"> ● Include disaggregated data tracking how minorities are achieving the MDGs; ● Include dedicated analysis on issues of particular importance to minorities (e.g. environmental impact on minority-specific livelihoods; discrimination in access to employment or education).
Evaluation	<ul style="list-style-type: none"> ● Ensure elaboration of TORs for evaluation includes input from minority stakeholders; ● Provide evaluation consultants with contact info for relevant minority CSOs; ● Distribute call for evaluators among minority CSO networks, minority media and in minority languages; ● Ensure that Evaluation Reports evaluate impact on marginalised minority groups.
Engagement with Civil Society Organisations	<ul style="list-style-type: none"> ● Actively inform minorities about proposed projects for their regions; ● Offer support to minority CSOs so that they can participate in CSO stakeholder activities (e.g. funding to travel, background briefings); ● Ensure language accessibility: at a minimum, provide basic information in relevant minority languages; publish documents in minority languages where project activities will affect minorities; ● Adapt participation processes to facilitate greater participation by minorities (e.g. language access; longer, more flexible consultation periods; hold meetings in minority areas; respect for traditional decision-making processes of minority communities); ● Participate in events hosted by minority CSOs to build relationships; ● In CSO capacity assessments, examine CSO engagement with minority groups (e.g. projects of cooperation with minority CSOs, minority staff, ability to communicate in minority languages, non-discrimination policies, monitoring of impact on minority groups, any field presence in minority areas).

SOURCE: ADAPTED FROM MARGINALISED MINORITIES IN DEVELOPMENT PROGRAMMING, UNDP RESOURCE GUIDE AND TOOLKIT, 2010, UNDP DEMOCRATIC GOVERNANCE GROUP, BUREAU FOR DEVELOPMENT POLICY, NEW YORK, USA

Appraisal tool 1: Project and programme appraisal checklist (Page1 of 2)

	Yes/No	Comment
<i>Situation Analysis</i>		
Does the programme/project link development problems identified to human rights standards?	<input type="checkbox"/> <input type="checkbox"/>	
Are recommendations from human rights treaty bodies taken as a source of information in the situation analysis?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme identify duty bearers and claim holders?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme identify vulnerable groups including minorities and analyses the causes of vulnerability?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme provide a comprehensive analysis of the duty bearers' and claim holders' capacities to fulfil their duties and claim their rights respectively?	<input type="checkbox"/> <input type="checkbox"/>	
Are beneficiaries presented as active agents or passive recipients?	<input type="checkbox"/> <input type="checkbox"/>	
Does the project/programme analyse the different needs of women and men?	<input type="checkbox"/> <input type="checkbox"/>	

Appraisal tool 1: Project and programme appraisal checklist (Page 2 of 2)

	Yes/No	Comment
<i>Programme Intervention</i>		
Does the suggested intervention include a focus on addressing the identified capacity gaps?	<input type="checkbox"/> <input type="checkbox"/>	
Do it address the structural causes for the non-realisation of human rights?	<input type="checkbox"/> <input type="checkbox"/>	
<i>Programme Intervention (continued...)</i>		
Does the suggested intervention address the different needs of women and men? If so, how?	<input type="checkbox"/> <input type="checkbox"/>	
Does the suggested intervention address the specific causes of identified vulnerable groups?	<input type="checkbox"/> <input type="checkbox"/>	
<i>Monitoring and Evaluation</i>		
Is a monitoring framework included in the project design?	<input type="checkbox"/> <input type="checkbox"/>	
If so, does it foresee the application of participatory monitoring methodologies?	<input type="checkbox"/> <input type="checkbox"/>	
In the evaluation framework, do indicators measure (1) the fulfilment of duties or compliance with obligation of duty bearers; (2) progress or regression in the realization of certain rights; (3) changes in power relations; (4) participation of stakeholders in the project implementation process?	<input type="checkbox"/> <input type="checkbox"/>	

Annex 2: The human rights-based approach: a more effective framework for international development policies in New EU Member States: executive summary

Executive summary

(*This Executive Summary is from the earlier policy paper on this topic: Ussar, M., The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States, Minority Rights Group, London, 2011.*)

1. Background

The mainstreaming of human rights in development cooperation is a legal and political obligation for all Member States of the European Union (EU), including the New Member States. This paper argues that, rather than being an additional burden, human rights mainstreaming through the application of the human rights-based approach (HRBA) offers practical solutions for the New Member States to overcome some of the specific challenges they face as relatively new donors of official development assistance (ODA), such as limited human and financial resources and limited public awareness on aid. Moreover, it shows that the specific context for ODA in the New Member States provides excellent opportunities for the integration of HRBA and would allow them to capitalize on their particular expertise and their 'added value' as donors while being in line with international and EU obligations.

2. Main findings

The HRBA as a 'lens' to human development

The human rights-based approach to development is based on the recognition that human rights and development are

closely interrelated and mutually reinforcing. It stems from the United Nations (UN) Declaration on the Right to Development (1986), is enshrined in the Millennium Declaration and has been taken up by major development actors such as the UN system, the Organisation for Economic Development and Co-operation/Development Assistance Committee (OECD/DAC) and the EU. The HRBA aims to integrate human rights into development programming in order to support a conceptual shift from development based on externally devised, charity-focused aid provided to passive recipients to looking at development as a process that empowers people through an inclusive and participatory approach. The focus of HRBA is on *rights* rather than *needs*. It is a 'lens' for looking at specific development problems that leads to a comprehensive understanding of problems to be addressed and facilitates the identification of effective, inclusive and sustainable solutions to those problems. The approach is based on the identification of 'rights-holders' and corresponding 'duty-bearers' in specific development contexts and the promotion of their capacities to claim their rights and fulfil their duties respectively.

Legal and political obligations to mainstream human rights

As members of the EU and the international community, the New Member States face various legal and political commitments to mainstream human rights in their development assistance. These include the nine core international human rights conventions (in particular the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child), the Millennium Declaration; *The European Consensus* (on the EU Development Policy), the Cotonou Agreement and – of specific importance to the New Member States – the European Neighbourhood and Partnership Instrument, which regulates the EU's relations with its

immediate neighbours. Mainstreaming human rights is, therefore, not a question of choice but obligation.

Specific characteristics of New Member States as donors of ODA

Although different in many respects, the New Member States share the following characteristics:

1. they are fairly new ODA donors in the process of developing their institutional and policy frameworks for development assistance;
2. they have limited national human resources and expertise on development cooperation;
3. there is limited public awareness on the importance of development cooperation in these states;
4. they have small ODA budgets;⁴⁴
5. they have a recent history of being aid recipients;⁴⁵
6. they have substantive experience in democratization and civil society strengthening (particularly former Eastern bloc countries);
7. they have special appreciation of the value of solidarity and respect for human rights for the promotion of peace and stability (particularly in the context of Cyprus);
8. some apply the principle of 'delegated cooperation' by which aid is given to a bilateral or multilateral donor for implementation (particularly in the context of Cyprus).

Opportunities to integrate the HRBA in the New Member States

The specific context faced by the New Member States provides the following opportunities for the integration of HRBA:

- *The process of developing aid frameworks and training staff is an excellent opportunity to integrate the HRBA.* The HRBA is a relatively new approach and donors with a long history of development assistance and already established and large aid administrations face the challenge of reforming and re-training. The New Member States are currently in the process of setting up their development cooperation frameworks and have a unique opportunity to be able to integrate and utilize the HRBA from the outset.
- *The HRBA as a practical solution to developing effective development projects even with limited human resources.* The HRBA provides a practical conceptual lens that facilitates the development of comprehensive, legitimate and just development intervention. Substantive tools and guides exist that can support the application of the HRBA even with limited human resources.
- *Linking public awareness-raising campaigns on development cooperation to human rights can make them more effective.* Due to the recent histories of many New Member States, public awareness of human rights seems relatively high compared to awareness of development cooperation. Linking development with human rights provides an attractive avenue for public awareness-raising.
- *The HRBA provides tools for quality aid, which is particularly important for donors with limited ODA budgets.* Although the New Member States must undertake serious efforts to increase their ODA budgets, HRBA offers an opportunity to strengthen the focus on quality (as opposed to mere quantity) of aid in order to better support the achievement of international targets, such as the Millennium Development Goals (MDGs).
- *Their recent history of being recipients of development assistance makes New Member States well placed to appreciate the importance of HRBA principles.* New Member States have first-hand experience of receiving well-conceived (and badly conceived) assistance. This underlines their appreciation of the importance of assistance conceived through a participatory process, applying a holistic approach, aiming to empower recipients and adhering to principles of accountability and transparency.
- *Substantive experience in democratization and civil society strengthening as a 'niche' in development cooperation linked to the HRBA.* Their recent histories provided many New Member States with ample experience in relation to democratization and civil society strengthening, which are of substantial importance to the HRBA. These areas of expertise should be more explicitly related to the HRBA, as they are conceptually linked and would place New Member States' aid firmly in line with international obligations.
- *Particular appreciation of the value of solidarity and respect for human rights for the promotion of peace and stability (particularly in the context of Cyprus).* Cyprus's experience in working on peace and reconciliation, and the importance attached to the value of solidarity puts it in an advantaged position to appreciate and practise the HRBA in its external assistance.
- *The HRBA lends itself very well for application through 'delegated cooperation'.* As funding is given directly to other donors, integrating the HRBA in delegated cooperation essentially only requires that the selection of donors and programmes to be supported includes an assessment of their integration of the HRBA. This necessitates a strong development policy that sets out the principles for Cyprus's aid, including HRBA. Doing so would allow Cyprus to have a further

assurance that its aid will be effective and would provide a clear identity for Cyprus's aid in line with international and EU standards.

3. Key recommendations

For governments in the New Member States

- a. Develop a comprehensive official development policy, which explicitly integrates the HRBA and its core principles.
- b. Develop comprehensive and standardized implementation frameworks for development cooperation, which explicitly integrate the HRBA. These frameworks should be as concrete as possible

and include safeguards to ensure that the HRBA is meaningfully integrated and applied.

- c. Build capacity of staff in decision-making, policy development and programming on the HRBA.
- d. Poland and Cyprus to use the EU Presidency to promote the HRBA, for instance, during the European Development Days, in discussions on the EC Green Paper on the EU's development policy, aid effectiveness and financial perspectives.

For CSOs in the New Member States

- a. Build capacity of staff at all levels on the HRBA.
- b. Implement the HRBA in all development programmes and along the entire project/programme cycle.
- c. Call on governments to fulfil the recommendations above.
- d. Participate in EU and international fora to promote the HRBA.

Annex 3: Application of the human rights-based approach to the water and sanitation sector

(From German Institute for Human Rights, GTZ and the German Federal Ministry for Economic Cooperation and Development, Promising practices on the human rights-based approach in German development cooperation, Eschborn, GTZ, November 2009. Some adaptations have been made for clarity.)

Background

Kenya is a multi-ethnic society, with considerable difficulties in its transition to democracy. There are historic inequalities in the access of different ethnic groups to power and resources (particularly land) which have not been addressed and are prone to escalate into violent conflict as witnessed in the 2008 presidential elections. Corruption remains endemic.

Kenya suffers from chronic water shortages due to the skewed relationship between limited available resources, population growth and environmental degradation. Women and children are particularly affected. The urban poor have very limited access to water and sanitation. Management of water resources is slowly improving due to a comprehensive water sector reform process that began in 2002.

The objective of the German-Kenyan programme 'Reform of the Water Sector' is to increase the sustainable access of the urban poor to water and sanitation, and to improve the management of water resources. The programme works on the national and regional levels and in selected localities.

It has five components:

1. Support to the Ministry of Water and Irrigation in the implementation of sector reforms.
2. Regulation of the water sector.
3. Commercialization of water and sanitation services.
4. Improvement of water resource management.
5. Support for ecological sanitation.

The programme is carried out in cooperation between GTZ (Deutsche Gesellschaft für Technische

Zusammenarbeit, the implementing agency of the German Ministry for Development Cooperation), the KfW (Kreditanstalt für Wiederaufbau, government-owned credit bank) and the DED (Deutscher Entwicklungsdienst, German Development Service), and is financed by the German Ministry for Economic Cooperation and Development, SIDA (Swedish Department for Development Cooperation) and the EU. The programme started in 2003 and is expected to run until 2013.

Human rights framework

Articles 11 and 12 of the ICESCR establish 'the right to an adequate standard of living' and 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'. The right to water and sanitation is understood to be part of those two rights. The General Comment No. 15 (2002) specifies the right to water: water for domestic and personal use must be available, accessible, acceptable and of an appropriate quality. A similar specification is currently under development for the right to sanitation. Human rights standards are complemented with cross-cutting human rights principles: non-discrimination and equality of opportunities, participation and empowerment, transparency and accountability.

Towards an HRBA

The Kenyan Water Act of 2002 contains useful provisions for equitable access to water supply and sanitation services. The policy and institutional set up enabled a stringent pro-poor focus, which turned into an HRBA in 2005/6. To achieve fast-track solutions for the poor in informal urban settlements, the programme supported the establishment of a Water Services Trust Fund: water service providers can apply for funding, for example to extend services to informal settlements. In addition, progressive tariff structures were devised and cross-subsidization made water affordable for the poor.

The new tariff guidelines were coupled with low-cost solutions in the form of water kiosks. These deliver water of controlled quality and price, and are able to rapidly up-scale access to water for the urban poor in peri-urban and densely populated areas. Water kiosks make it possible to replace informal service provision, which is not controlled by the government and usually supplies water of inferior quality at much higher prices. In line with the HRBA, kiosk facilities and their management concept actively involve the unserved or under-served. In addition, the programme supported increased participation of water users through the establishment and strengthening of Water Resource User Associations.

Gender mainstreaming is a goal in the relevant national strategies. This goal is measured by a sizeable increase in women's representation in decision-making in the water sector. Women's representation was also made part of the application requirements to the Water Services Trust Fund. However, water institutions currently still do not prescribe women's representation, with some exceptions where a minimum of 30 per cent women is mandatory.

Human rights standards, taken from the General Comment, and human rights principles (see Box 1) were turned into indicators and integrated into the National Water Resource Management and National Water Services Strategies. The service providers were asked to sign service provision agreements with the relevant Water Services Boards and the Regulatory Boards.

Apart from collecting feedback on compliance with the standards, the programme supports management information systems for sector institutions, so data on performance of water service providers and compliance with set targets, indicators and benchmarks are more transparent and accessible.

Overall water governance and accountability was strengthened by supporting clear lines of responsibilities within the institutional landscape through the Ministry of Water and Irrigation.

Tariff reforms: aim for affordable access and sustainability

Tariff setting was oriented towards criteria harmonized with human rights standards so that essential water and sanitation services would become accessible and affordable for the poor. At the same time the Kenyan water sector reform aims to better cover water costs. Covering the operation and management costs of service provision is a first step. Another important step is to create water service

providers that can generate economies of scale and cross-subsidize water for the poor from charges to big consumers. The Water Services Regulatory Board licenses regional Water Service Boards to ensure that water services are sustainable and can improve performance, for example through contracting commercially oriented water service providers. These are mainly registered private companies under the ownership of municipalities or user associations. Water companies are now required to adopt a customer service approach and to set up adequate complaints mechanisms, such as customer care desks. Water companies are also required to report on the extension of services to the settlements of the urban poor.

Lastly, a Water Appeals Board has been set up to increase accountability. The Water Act has mandated the Appeals Board to act as a last resort within the water sector, and decide upon the violation of rights and proprietary interests stemming from decisions of other sector institutions.

Process

The programme introduced the HRBA as a part of its advisory services to the Ministry of Water and Irrigation. The Ministry, in turn, adopted the human right to water as a guiding framework for the harmonization of donor activities in the Kenyan water sector. Thus, the different Kenyan strategy documents in the water sector – such as the strategies on National Water Resource Management, on National Water Services, and the Sanitation Concept – contain specific chapters on the human right to water and sanitation.

A prerequisite for the adoption of an HRBA at ministry level was an intensive dialogue and familiarization of key stakeholders with the contents of the Committee on Economic, Social and Cultural Rights General Comment No. 15. This has helped to overcome worries and misunderstandings about the right to water, for example that it would imply free provision of safe drinking water to the poor.

On the policy level, the HRBA supported a commitment to extend water kiosks to urban informal settlements nation-wide. To do so, an innovative instrument that allows for the coordination of planning, funding and participation (the so called Urban Project Cycle) has been put in place. In the meantime, this instrument has become the national standard to promote low-cost solutions for the urban poor.

Dialogue was not only key with respect to the ministry, but also within the sector. Thus, the water sector has become far more open to civil society participation than it was prior to the reforms. For example: the general public,

the media, water users, representatives from government institutions and development agencies, civil society and the private sector came together for hearings in Nairobi to discuss the two national water strategies.

Impact

Results and impact have been achieved on different levels. To name the most important ones:

- The Kenyan Ministry of Water and Irrigation has recognized the right to water as the framework for its national water policy and expects that donors also comply with this right .
- Aid effectiveness in the sector has increased, as has the commitment of resources to the sector.
- The establishment of a Water Services Trust Fund, the use of innovative coordination instruments, and the participation of key stakeholders have helped to fast-track and up-scale access to service for the unserved and under-served.
- The HRBA promoted a comprehensive pro-poor orientation in the sector. With the Water Services Trust Fund in place, utilities can now extend services to poor people living in areas long ignored by the formal service providers. Service providers can thus no longer define their own service areas leaving the urban poor out, or report only on the areas served by their network.
- Sector institutions, such as the autonomous Regulator, the Water Services Trust Fund and the Water Resource Management Authority, have incorporated human rights aspects in their guidelines and service quality standards.
- Stakeholder participation is now much more common and goes beyond that mandated by the Water Act. This has helped to make strategies and key documents more comprehensive and focused on the needs of people – unlike the previously dominant top-down approach. The ongoing up-scaling of access with the

participation of the service providers would not have been possible to such an extent without the HRBA.

Challenges There remain a number of challenges due to the complexity of the water sector. Up-scaling access to water and sanitation services for the poor remains the biggest challenge. In addition, increased participation and empowerment of the unserved and under-served in decision-making processes in the water sector should go hand in hand with more human rights awareness among rights-holders. Civil society and community-based organizations are important partners in effecting this.

Another challenge relates to monitoring: in the long term, who should monitor compliance with human rights standards as part of the National Strategies, Concepts and Service Provision Agreements of private providers and how?

And, lastly, while the HRBA has resulted in bringing sanitation higher up on the political agenda, up-scaling access to sanitation for the urban poor in dense settlements requires urgent further action.

Lessons learned

An HRBA should be incorporated into a water programme right from the start. The approach adds legitimacy and legality to pro-poor strategies and can gear the legal and institutional framework accordingly. This is particularly necessary where commercialization and private sector participation is called for and the policy level lacks capacity in ensuring that social responsibilities are taken up.

All sector institutions, including NGOs and community-based organizations, need to be involved in order to make duty-bearers and rights-holders work towards the common aims.

While the HRBA appeared challenging in the beginning, it was after all, not so difficult to integrate it into policies and practices – and it has added demonstrable value. The positive Kenyan experiences are beginning to be replicated in other countries in East Africa.

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Notes

- 1 Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia acceded in 2004 and Bulgaria and Romania in 2007.
- 2 In particular the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC).
- 3 United Nations Millennium Declaration, General Assembly Resolution 55/2, 8 September 2000, para. 24.
- 4 Joint statement by the Council and the representatives of the government of the Member States meeting within the Council, the European Parliament and the Commission on the European Union Development Policy: *The European Consensus* (2006/C 46/01), para. 101.
- 5 The Cotonou Agreement regulates the EU's external relations with African, Caribbean and Pacific (ACP) countries. Partnership Agreement between the Member of the African, Caribbean and Pacific Group of States of the one Part, and the European Community and its Member States, of the other Part, signed in Cotonou, Benin, 23 June 2000.
- 6 Kricheswsky, L., *Development Policy in the Accession Countries*, 2nd edn, March 2003, Vienna, TRIALOG, p. 5.
- 7 Ussar, M. *The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States*, London, MRG, 2011, p. 7.
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- 10 Although the overall and long-term impact of HRBA has not been comprehensively evaluated, important development actors have acknowledge the importance of effective human rights mainstreaming for sustainable and effective development. Moreover, some evaluations of specific projects suggest that the approach is fundamental to achieve effective development assistance.
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- 19 These questions are adapted from the document *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation*, New York and Geneva, UN, 2006. Available at: <http://www.ohchr.org/Documents/Publications/FAQen.pdf>.
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- 23 Ministry of Foreign Affairs of Denmark, *Freedom from Poverty – Freedom to Change*, Strategy for Denmark's Development Cooperation, Copenhagen, July 2010, p. 4.
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- 25 The Sisters of Mercy have been working in South Africa since 1898. The Congregation was founded in Ireland by Catherine McAuley and has grown into an international congregation with more than 11,000 sisters working with the poorest of the poor in every continent around the world. The Sisters in South Africa and their partner organizations work in four provinces under the following sectors: Advocacy, HIV/AIDS, Health, Capacity building, Vocational training, Gender and education. There is an overall programmatic focus on economic justice integrated into all aspects of their work.
- 26 The concept of delegated cooperation, introduced in 2006, involves the provision of aid to other development agencies, such as agencies in EU Member States or international organizations, for the implementation of projects and programmes in countries and on issues of common interest.
- 27 See for example Hungary and Cyprus.
- 28 The implementation of a number of human rights instruments is monitored by committees (e.g. ICERD is monitored by the Committee on the Elimination of All Forms of Racial Discrimination). State parties are required to provide regular reports on their efforts to implement the human rights instruments they have ratified. These reports are considered by the respective committee and concluding observations are published. Concluding observations can be found on the website of the UN Office of the High Commissioner for Human Rights, at: <http://www2.ohchr.org/english/bodies/treaty/index.htm>.
- 29 The Universal Periodic Review is conducted by the UN Human Rights Council every four years. It involves the review of the human rights records of all UN Member States and leads to the adoption and publication of a report, which contains detailed information on the status of human rights in a given country.
- 30 *UN Common Learning Package on HRBA*, HRBA Portal, available at: http://hrbaportal.org/?page_id=2188.

- 31 UNDP and OHCHR, *Methodology and Tools for Human Rights-based Assessment and Analysis, Bosnia and Herzegovina*, 2004, available at: <http://hurilink.org/tools/MethodologyandToolsforHRBAassessmentandAnalysis-BiH.pdf>.
- 32 The World Bank defines participatory monitoring and evaluation as “a process through which stakeholders at various levels engage in monitoring or evaluating a particular project, program or policy, share control over the content, the process and the results of the M&E activity and engage in taking or identifying corrective actions.” See: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20509352~menuPK:1278203~pagePK:148956~piPK:216618~theSitePK:410306,00.html>.
- 33 Alur, A., Nath, S. and Kumar, P., coordinated by Carter, J., *Participatory Monitoring and Evaluation: Field Experiences*, NGO Programme Karnataka-Tamil Nadu, Hyderabad, Intercooperation, November 2005.
- 34 *Monitoring and Evaluation: Some Tools, Methods and Approaches*, World Bank, Washington, DC, 2004.
- 35 The Consultative Body is comprised of the Permanent Secretary of the Ministry of Foreign Affairs, Representatives of the Ministry of Finance; Commerce; Industry and Tourism, Agriculture, Natural Resources and Environment, Labour and Social Insurance; Education and Culture, the Planning Bureau and NGOs.
- 36 This information was obtained from a number of different sources in the NGDO community in Cyprus.
- 37 Ministry of Foreign Affairs of the Republic of Hungary, Resolution 1/2003, International Development Cooperation Interdepartmental Committee, Budapest, 29 July 2003.
- 38 Civil Advisory Board of the Hungarian International Development Cooperation Interdepartmental Committee, website of the Ministry of Foreign Affairs of the Republic of Hungary, available at: http://www.mfa.gov.hu/kum/en/bal/Archivum/Archives/civil_advisory.htm.
- 39 Hungary’s External Relations Strategy 2008, unofficial translation available at: http://www.mfa.gov.hu/kum/en/bal/foreign_policy/external_relations_strategy/
- 40 *Tasks for 2008 in Terms of Hungarian Development Policy*, website of the Ministry of Foreign Affairs of the Republic of Hungary, available at: http://www.mfa.gov.hu/NR/rdonlyres/06C1F916-0339-49F5-8903-85B444D9295D/0/1_2008nefeKB1hatEN.pdf
- 41 Strategy for Poland’s Development Cooperation, adopted by the Council of Ministers on 21 October 2003, Warsaw.
- 42 Ministry of Foreign Affairs of the Republic of Poland, *Poland’s Development Cooperation: 2009 Annual Report*, Warsaw, 2010, p. 57.
- 43 Interview and email exchange with Jan Hofmokl, Development Cooperation Department, Ministry of Foreign Affairs, Poland.
- 44 ODA for 2009 was 0.17%, 0.09% and 0.08% of GNI for Cyprus, Hungary and Poland respectively. The CONCORD Aid Watch report 2010 finds that even these amounts include non-genuine aid. See Penalty Against Poverty: More and better EU aid can score Millennium Development Goals, Concord and AidWatch, 2010, pages 38, 41 and 45, available at <http://www.concordeurope.org/Public/Page.php?ID=25122>.
- 45 Due to the current political situation in Cyprus, the Turkish Cypriot Community is currently still a recipient of aid, even though Turkish Cypriot NGOs are increasingly interested in engaging in international development. A case in point is the Management Center, which runs one EC-funded project in Azerbaijan.

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**Integration of the human rights-based approach into development policies and programmes:
A guide for the New EU Member States**