## I Methodology

# IMPLEMENTATION OF THE HUMAN RIGHTS BASED APPROACH FOR CIVIL SOCIETY ORGANISATIONS











































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### **CONTENTS**

INTRODUCTION	7
HRBA IN ENSURING SUSTAINABLE DEVELOPMENT AND REDUCTION OF POVERTY	9
WHY IS HRBA APPLICATION IMPORTANT IN THE DEVELOPMENT AND IMPLEMENTATION OF PROJECTS AND PROGRAMMES?	10
CONTEXT - THE CURRENT STATE OF APPLICATION OF THE HUMAN RIGHTS-I APPROACH BY CIVIL SOCIETY ORGANISATIONS IN THE COUNTRY	
HRBA APPLICATION IN PROJECT AND PROGRAMME PLANNING OF CIVIL SOCIETY ORGANISATIONS	11
Situational analysis	
Identification of all stakeholders	
Project / programme implementation	14
MONITORING AND EVALUATION OF CSO PROJECTS AND PROGRAMMES	14
HRBA IMPLEMENTATION INDICATORS	17
BIBLIOGRAPHY	24































### INTRODUCTION

The approach based on human rights, in terms of methodology, is a framework aimed at including human rights in all development programmes, projects and activities. This approach puts the emphases on exercising the rights instead of meeting the needs of the most vulnerable groups in the society.

This methodology of the Human Rights-Based Approach (HRBA) is primarily intended for CSOs. The application of HRBA should not include a completely new way of operation but systematic and inclusive planning and implementation of projects and programmes, including always the protection of human rights in all aspects of work.

The Institute for Human Rights (IHR) together with a partner organisations has developed a Handbook for HRBA implementation for CSOs<sup>1</sup>, which as a comprehensive document that can be used together with this methodology.

When applying this approach and using this methodology, it should always be borne in mind that HRBA is a flexible method and that for any particular programme or project, in which you would implement its principles, you may come across elements that will be directly applicable and elements will be less applicable. It is important to always act from a position of respect for the fundamental human rights with a focus on achieving access to justice.

When applying this approach individuals are not merely passive users of services, but also **right holders**, i.e. they have the right to demand exercise and protection of their rights from **duty bearers**, who in turn have the obligation to ensure that such rights are exercised.

There is a long discussion about the differences between needs and rights and whether development interventions should be motivated by needs or by human rights. The most basic difference is that needs do not imply duties or responsibilities, although they can make promises and provoke responses that are non-obligatory or voluntary. In contrast, human rights always mean duties and obligations to the state and its entities.

Handbook for implementation of HRBA, Institute for Human Rights, Available at: https://www.ihr.org.mk/storage/app/media/Publications/%D0%9F%D0%A0%D0%98%D0%A0%D0%90%D0%A7%D0%9D%D0%98%D0%9A\_%D0%9C%D0%9A%20\_.pdf

Humanitarian approach	Needs-based approach	Human rights-based approach
People need help because of compassion	People deserve help	People have the right to help
Not based on needs nor rights, but on the moral need to help	Satisfies needs, but without encouragement	Recognizes that rights must be exercised, with an encouragement for active involvement
There are no goals, processes and results. Only a feeling and a voluntary approach.	The final goal is set in advance.	Although the goal is set in advance, the process and the results are also important.
People are seen as victims	Meeting needs is seen as a development goal in itself	People are encouraged to get involved in the process and demand their rights

HRBA focuses not only on the objectives and results of the work, but also on the process, as well as on the principles of human rights that are incorporated into everyday work.

The human rights-based approach is presented as an approach that integrates the norms, the principles and standards and the objectives of **the international human rights**system<sup>2</sup> for the purposed of management and development.

Human rights standards, as well as the principles contained in the Universal Declaration of Human Rights<sup>3</sup>, UN conventions and other international instruments for the protection and promotion of human rights, set out the principles of HRBA. These basic principles are: recognition; encouragement, participation; synergy, non-discrimination and equality; accountability and rule of law; social justice, as well as transparency and access to information. These principles can be applied to all planning and implementation of the organisation's projects and programmes, including monitoring and evaluation.

HRBA involves conscious and systematic integration of human rights in all aspects of development and implementation of projects and programmes,<sup>4</sup> HRBA is based on the core elements that make up the process of planning and implementation of projects and programmes, but in addition to emphasizing the process, the outcome is especially important. This approach calls for equality and non-discrimination and inclusion of the

<sup>2</sup> Important international documents on human rights protection that this approach relies on: International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Convention on the Elimination of Discrimination against Women, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities

<sup>3</sup> Universal Declaration of Human Rights, United Nations General Assembly in Paris on 10 December 1948

<sup>4</sup> UNFPA A Human Rights – Based Approach to Programing – Practical Implementation Manual and Training Materials, 2014. cтр. 70

marginalized and the most vulnerable individuals or communities in the programming. Transparency and accountability are also important principles of HRBA.

Human rights-based approach puts people at the center of development and management and seeks to identify the underlying problems that prevent people from exercising their rights.

HRBA makes a clear distinction between persons whose rights should be exercised and entities that have a legal obligation to ensure that such rights are exercised. Hence, HRBA distinguishes between right holders and duty bearers.

**Right holders** are all people in accordance with the Universal Declaration of Human Rights. The focus of HRBA is on people who belong to a marginalized or vulnerable group in the society such as women, children, ethnic minorities, people with disabilities, etc.

According to HRBA, right holders have the right to claim their rights and to demand accountability from the duty bearers for violation of their rights.

**Duty bearers** are such entities or persons who have an obligation or duty to respect, protect and promote human rights and to refrain from violating them. The term "duty bearers" is most commonly used for state and other bodies at all levels. The state is the ultimate holder of duties as it ratifies international conventions. Other non-state entities, such as the business sector, could also be duty bearers.

# HRBA IN ENSURING SUSTAINABLE DEVELOPMENT AND REDUCTION OF POVERTY

HRBA recognizes poverty as an injustice and identifies marginalization, discrimination and exploitation as the root causes of poverty. According to HRBA, poverty is never the fault of the individual, nor can the solution be directed at the individual. However, HRBA also refuses to simply place the burden of poverty and injustice on abstract concepts such as society or globalization. Demands for human rights are always appropriate. Therefore, the central dynamic of HRBA is to identify the root causes of poverty, to enable right holders to claim their rights and to enable duty bearers to fulfill their obligations. Thus, HRBA keeps in its focus a number of central characteristics of poverty and development<sup>5</sup>.

HRBA recognizes that poverty is a violation of human rights and that poverty itself is a major cause of many human rights violations. Seeing poverty through the lens of justice draws attention to the fact that poverty is often imposed on people as an active act of discrimination and marginalization. It also draws attention to what was not done for people not to enter deep poverty. Sometimes the most atrocious human rights violations are through acts of omission. Unequal development and neglect of the most marginalized groups in society is seen as the main cause of poverty and the main

<sup>5</sup> Jakob Kirkemann Boesen & Tomas Martin, Applying a rights-based approach, Danish Institute for Human Rights

problem is sought in the power structures and unequal development rooted in the local, national and global context.

Once we understand that poverty is complex and multi-layered, we also need to recognize the need to address poverty with solutions that can address this complexity. HRBA does not see poverty as a mere lack of adequate resources, and therefore can rarely be addressed through material solutions. Even when resources are available, access to them is often denied to the poor because of who they are, where they live, or sometimes simply because of neglect and lack of care. Such discrimination may be the result of social norms and values that cause stigmatization and marginalization in communities, or it may be the result of discrimination in policies or the product of legal inequalities, or inequalities in status and rights. In this perspective, poverty is something that is done to people. In fact, it can be argued that people are not poor, but become poor.

herefore, when implementing programs / projects that include poverty reduction, it is important not to start from satisfying only the current needs, but to demand the rights of people to a dignified life out of poverty.

# WHY IS HRBA APPLICATION IMPORTANT IN THE DEVELOPMENT AND IMPLEMENTATION OF PROJECTS AND PROGRAMMES?

- Promotes the realization of human rights and helps duty bearers to accomplish their human rights commitments;
- Increases and strengthens participation of the local community;
- Improves transparency;
- Implements results (and aligns with results-based management);
- Increases responsibility;
- Reduces weaknesses by focusing on the most marginalized and the excluded from the society;
- The participation of marginalized groups and communities in the policy-making process, especially those who are directly affected by them, is crucial in a democratic society. When marginalized groups are involved in decision-making and policy-making, they will be able to influence the situation management and their position in society in a way that promotes attainment of fair and sustainable development and social order.

# CONTEXT - THE CURRENT STATE OF APPLICATION OF THE HUMAN RIGHTS-BASED APPROACH BY CIVIL SOCIETY ORGANISATIONS IN THE COUNTRY

There are various types of CSOs in the country established for different purposes - to solve or alleviate a number of problems, and at the same time there are organisations with different capacity and social capital to work with.

In certain areas of action there is a larger number of organisations, whereas in other areas there is a shortage of organisations. Still, in recent years, the civil society organisations in the country have demonstrated with their activities willingness and readiness to introduce many social changes in the country.

The IHR survey<sup>6</sup> showed that although most of the organisations are not familiar with the human rights-based approach, most of them include the basic HRBA principles when planning and implementing programmes and projects. Still, a very small part of them monitor and evaluate programmes and projects. There is a need for promotion of the systematic use of the Human Rights Based Approach especially for those organisations that work directly with the marginalized groups.

## HRBA APPLICATION IN PROJECT AND PROGRAMME PLANNING OF CIVIL SOCIETY ORGANISATIONS

CSOs usually organise their work within projects (within a predetermined time period) or with longer-term programmes that often involve long-term processes of monitoring the work of institutions, research or offering direct services to citizens.

Regardless of the type of activities carried out by the civil society organisation, or the way the work is organised, the concept of "project" or "programme" is most often used when implementing activities. Therefore, this methodology focuses primarily on HRBA application within the project cycle.

A project is a series of activities that are jointly aimed at achieving a clearly defined goal within a pre-defined time and with a defined budget.<sup>7</sup>

The project cycle monitors the progress of the project, from the initial idea, to identification of the problem and the stakeholders, to design of activities and funds, to implementation, to monitoring and evaluation. We will address here the most important processes of the project cycle that need the application of HRBA and they are the situational analysis, stakeholder identification and monitoring and evaluation.

<sup>6</sup> The questionnaire was sent to 200 SCOs. Replies were received only from 19 organizations.

<sup>7</sup> https://ec.europa.eu/international-partnerships/funding/managing-project\_en

Systematic and mindful consideration of human rights is necessary in all aspects of project cycle implementation.

### Situational analysis

Following problem identification, the **situational analysis** is the first step in a typical project cycle. It should take into account the current situation and the relevant circumstances surrounding the problem.

Project planning begins with identifying the problem that needs to be addressed from a human rights perspective and the main reasons that led to it. This allows to detect who is affected by the problem, what the situation is and what impact(s) the problem has on stakeholders.

During a situational analysis a broad examination is conducted of the social, institutional and structural causes of the problem, as well as of the social norms, institutional capacities at all levels of government, available mechanisms for seeking responsibility, and the legal framework of the problem. All of these factors can have both a positive and a negative effect on the rights of vulnerable groups. It is therefore important that they are clearly identified. It is important to answer the principal question "Why is there a particular problem? ...What are the main reasons?"

An important part of the process of planning and formulating projects is the choice of strategy to address a particular issue. This step is aimed at identifying potential activities that are likely to contribute to reducing the disparity in capacity between right holders and duty bearers. Such activities should be aimed at increasing the responsibility, authority, resources and decision-making processes and communication skills of right holders and duty bearers, taking into account the underlying/structural causes of the identified problem. <sup>9</sup>

### Identification of all stakeholders

When preparing the stakeholders and actors analysis, which is key in the project or programme planning process, it is necessary to consider how the project would affect each group as well as the relevance of each stakeholder for the specific project/programme.

Stakeholders are individuals, groups or institutions with an interest in the project or an opportunity to influence the results of the project, positively or negatively. Stakeholders can be directly or indirectly affected by the project. The range of potential stakeholders is diverse and may include target groups of users (usually specific groups of persons such as persons with disabilities, national minorities, women, children, LGBTI, etc.), locally affected

<sup>8</sup> Handbook for implementation of HRBA, Institute for Human Rights, Available at: https://www.ihr.org.mk/storage/app/mediaPublications/%D0%9F%D0%A0%D0%98%D0%A0%D0%90%D0%A7%D0%9D%D0%98%D0%9A\_%D0%9C%D0%9A%20\_.pdf

<sup>9</sup> Ibid.

communities or individuals, national and local authorities, NGOs (domestic and sometimes international), politicians, academia, private sector entities, labour organisations, etc.

Stakeholder analysis is the process of identifying key project stakeholders and assessing their project interests, as well as these stakeholders can influence project outcomes. It is necessary to understand the relationship between power and potential alliances and conflicts between stakeholders. Stakeholder analysis provides a basis for planning the engagement of stakeholders throughout the project cycle. Engagement of stakeholders is a comprehensive term that covers a range of activities and interactions with stakeholders throughout the project cycle.

The engagement of stakeholders supports the development of strong, constructive and responsible relationships that are key to healthy project design and implementation. The effective involvement of stakeholders improves the acceptance and the sense of ownership of the project, which in turn increases the sustainability of the results.

### Levels of stakeholder participation in project decision making



In identifying stakeholders, it is also very important to prepare gender-sensitive analysis in order to identify gender-sensitive inclusion policies so as to avoid gender inequality in decision-making. Gender analysis should also provide data on the number of men and women who are potentially affected by the project. It is especially important during to take into consideration the women from rural areas, women that belong to minorities, women with disability etc.

Once relevant stakeholder groups have been identified, the next step is to identify their project interests and how their interests can be affected.

Most importantly, the identification of stakeholders should be as specific as possible. General terms such as state institutions, citizens of the state, civil society and the like should be avoided. <sup>10</sup>

<sup>10</sup> Guidance Note UNDP, Social and Environmental Standards (SES), Stakeholder Engagement, UNDP 2017, Available at: https://info.undp.org/sites/bpps/SES\_Toolkit/SES%20Document%20Library/Final%20UNDP%20SES%20Stakeholder%20 Engagement%20GN\_Oct2017.pdf

### **Project / programme implementation**

**Implementation** is a phase when the implementation of everything planned in the planning phase begins.

Project implementation with the application of HRBA differs from implementation without HRBA:

- Right holders and duty bearers are included in the implementation of projects in which HRBA is applied.
- The project implementation strategy is focused on strengthening right holders,
- as well as on strengthening the responsibility of duty bearers to fulfill their obligations toward right holders.
- When implementing projects in which HRBA is applied, the principles of human rights are respected by default.
- Sustainable results are achieved that bring about profound changes in society, as they
  are mainly focus on deep problems such as injustice, inequality, discrimination and
  non-recognition of rights.

# MONITORING AND EVALUATION OF CSO PROJECTS AND PROGRAMMES

Monitoring and evaluation are essential elements of any project the purpose of which is to determine the degree to which project goals have been achieved during the life of the project as well as following its completion. Based on them, clear and accurate reporting of the achieved results is done. In addition, they provide an opportunity for critical job analysis, organisational learning and informed decision-making.

Monitoring and evaluation include monitoring and evaluating the actual results of the project against those planned or expected.

**Monitoring** is organised and continuous collection, analysis and use of data during the project implementation in order to monitor the progress of the project.

**Evaluation** is periodic and retrospective assessment of the efficiency, effectiveness, impact, sustainability and relevance of a project in the context of set objectives. It is usually conducted as an independent assessment, in order to identify findings on which future decisions will be based. Evaluation is used to measure and assess the long-term impact of the project.<sup>11</sup>

A key difference between monitoring projects with or without HRBA is that in projects with HRBA, in addition to measuring product(s), outcome(s) and impact(s), the processes must be measured as well.

<sup>11</sup> A step by step guide to monitoring and evaluation, 2014; стр.5. Достапно на: https://transitionnetwork.org/wp-content/uploads/2016/09/Monitoring-and-evaluation-guide.pdf

Monitoring and evaluation are an important way to ensure that projects are implemented according to plan and achieve the desired results. HRBA puts a lot of emphasis on monitoring and evaluation. When applying the human rights-based approach it is important not only to monitor and evaluate the results, but to monitor the process by which they are achieved as well. The main HRBA principle is that development processes should be based on the principles of human rights and therefore we should continuously ensure that project processes are responsible, participatory and non-discriminatory. When monitoring processes, it is important to note that projects/programmes should not cause any harm to human rights. In trying to improve one human right you must make sure that you do not end up violating other human rights. Any doubts or indications that your project has an adverse effect should be investigated and removed immediately. You also need to make sure that human rights principles are an integral part of your work.

It is especially necessary to monitor possible open or hidden discrimination in the way projects are implemented. Certain practices applied in project implementation can have an adverse effect on the rights of a certain group of people or be discriminatory. An important element when monitoring discrimination is to use sufficiently clustered or segregated data. It may be concluded from the initial analysis that women are not discriminated against, but a closer look can show that women in rural areas or women belonging to certain minorities are significantly excluded from the process. Monitoring should be regular and it is ideal to include feedback mechanisms to ensure genuine participatory monitoring and to recognize the status of stakeholders as right holders. An important element of feedback mechanisms is that right holders are aware of the objectives, planned outcomes, and all the standards by which the project is being implemented.

### HRBA application in monitoring:

- A monitoring plan should have a time schedule with dates and deadlines that is focused on monitoring project activities and goals that are implemented and accomplished with the human rights-based approach.
- Measurable indicators
- Established monitoring mechanism with full representation of all stakeholders and their involvement in the monitoring processes.
- Monitoring process that strictly abides by HRBA principles.
- Capacity building programme that will ensure that all stakeholders/duty bearers can participate in an effective and meaningful manner.
- Monitoring mechanism with an appropriate authority, capacity and resources.
- Monitoring results are transparent and available.

### **HRBA** application in evaluation

HRBA-based evaluation assesses the work plan from the human rights perspective, assesses its impact in introducing changes in people's quality of life, and assesses its implementation against established HR standards, norms and principles.

Human rights require a monitoring and evaluation system that is:

- Participative and inclusive;
- Transparent;
- Accountable.

### Некои од клучните поставени прашања при процесите на мониторинг и евалуација:

- Has the project shaped or caused the creation of the environment necessary to exercise human rights?
- Were budget priorities implemented in favor of the most vulnerable?
- The monitoring and evaluation system assesses the impact of the work plan on changes in people's quality of life:
- Has the project resulted in changes in quality of life in line with human dignity?
- Are people enjoying their human rights as a result of the project?
- Are people exercising and demanding their rights in a responsible manner?
- It also takes into consideration the basic intervention assumptions with respect to human rights standards, norms and principles:
- Is the intervention directly related to human rights?
- Does the intervention result in equitable outcomes that benefit marginalized groups in society?
- Did the intervention include complementary, integrated and targeted strategies for strengthening, inclusion and equality?

### HRBA IMPLEMENTATION INDICATORS

This section lists general indicators that should be followed during the main phases of the project cycle.

There is an important conceptual and methodological difference between human rights indicators and indicators for measuring the application of a human rights-based approach.<sup>12</sup>

Incorporating human rights principles in the planning, implementation and monitoring and evaluation of projects and programmes involves using indicators to assess the degree to which the project/programme itself reflects an overall commitment to human rights standards and principles. Decisions that have been taken in the situational analysis and implementation of the project/programme, as well as the institutionalization of decision-making procedures ought to reflect a direct commitment to human rights standards and principles.<sup>13</sup>

The indicators listed in this table are in line with the established goals and are general principles that need to be achieved. Specific indicators and targets need to be defined for each different project / program.

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Situational/problem analysis	
CSO implements a detailed HRBA-based process to establish the situation	
Project has clearly stated goals based on HRBA	

<sup>12</sup> Human Rights Indicators, A Guide to measurement and Implementation, United Nations Human Rights Office, New York and Geneva, 2012

<sup>13</sup> Ibid.

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Human rights violations have been identified and analyzed to ensure that the violated human rights are protected by the national and international legal framework for the protection of human rights	
When analyzing the problem / situation, sufficient attention is paid to the analysis of discrimination and inequality	
The main duty bearers have been identified to meet their human rights obligations	
The most important human rights related relations between right holders and duty bearers been identified	
Claims that right holders can raise (as opposed to duty bearers) as well as the respective obligations of duty bearers have been identified.	

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
The most important deficiencies in the capacities of right holders have been identified that restrict their right to demand realization and protection of their rights, as well as the most important deficiencies in the capacities of duty bearers to fulfill their obligations towards right holders.	
The specific obligations that duty bearers undertake in order to respect, protect and exercise the rights of right holders have been identified.	
Throughout the planning process, the views of vulnerable or marginalized groups who are most at risk of discrimination are represented.	
CSO identifies possible key negative or positive impact(s) on other human rights	
The project / program addresses the reasons for human rights violations (structural, cultural, etc.)	

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Programs / projects include human rights standards and take into account the recommendations of United Nations bodies	
Identifying stakeholders	
In the due diligence process, target groups are directly consulted and involved as active participants	
A number of processes are provided that facilitate and encourage participation (for example, online consultations, public gatherings in places that are easily accessible, especially to vulnerable groups, meetings, etc.).	
In the identification process, various social actors are consulted (relevant ministries, other civil society organizations, ombudsman, independent bodies and commissions relevant to the problem, etc.).	
Mechanisms for involving right holders throughout the process have been established	

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Learning among stakeholders is promoted	
Project/programme implementation	
During the implementation of each activity, the obligation to respect all human rights principles has been carefully taken into account.	
Activities include equal participation of women and men and adopt a gender perspective throughout the process.	
In implementing each activity, the obligation to respect all human rights principles has been carefully taken into account.	
Material resources necessary for implementation are procured from suppliers who respect human rights.	

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Monitoring and evaluation	
Measurable monitoring and evaluation indicators are established	
Stakeholders are actively involved in the monitoring and evaluation processes	
There is a mechanism in place for obtaining feedback from stakeholders during project/programme implementation	
Principles of human rights, such as participation, transparency and inclusion, are applied during implementation	
Data, where possible, are collected disaggregated by gender, ethnicity, rural and urban environment, social status, sexual orientation and gender identity	

General indicators	Additional measurable indicators depending on the area of work of the CSO
Planning projects and programmes	
Information that identifies individuals or reveals an individual's personal characteristics should not be made public as a result of data collection (Data sharing must be in accordance with preestablished data protection procedures)	
There is a risk plan in place that would be applied should a certain action occur that could negatively affect certain people or groups.	

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