

# UNFPA

**United  
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**A Human Rights-Based Approach to Programming**

**Practical Implementation Manual  
and Training Materials**

Gender, Human Rights and Culture Branch of the UNFPA Technical Division (GHRCB)  
and the Program on International Health and Human Rights, Harvard School of Public



**Harvard School of Public Health  
PROGRAM ON INTERNATIONAL HEALTH AND HUMAN RIGHTS**

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

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and the Gender, Human Rights and Culture Branch of the UNFPA Technical Division (GHRCB)



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PROGRAM ON INTERNATIONAL HEALTH AND HUMAN RIGHTS

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## Abbreviations and Acronyms

<b>3AQ</b>	Availability, Accessibility, Acceptability and Quality	<b>NGO</b>	Non-governmental Organization
<b>CCA</b>	Common Country Assessment	<b>NHRPS</b>	National Human Rights Protection Systems
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women	<b>NPC</b>	National Population Commission
<b>CIDA</b>	Canadian International Development Agency	<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>CRC</b>	Convention on the Rights of the Child	<b>OECD/DAC</b>	Organisation for Economic Co-Operation and Development/ Development Assistance Committee
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities	<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>DFID</b>	UK Department for International Development	<b>PRS</b>	Poverty Reduction Strategies
<b>DHS</b>	Demographic and Health Survey	<b>RBM</b>	Results-Based Management
<b>EU</b>	European Union	<b>RR</b>	Reproductive Rights
<b>GBV</b>	Gender-Based Violence	<b>SRH</b>	Sexual and Reproductive Health
<b>HRBA</b>	Human Rights-Based Approach	<b>STI</b>	Sexually Transmitted Infection
<b>IASC</b>	Inter-Agency Standing Committee	<b>SWAps</b>	Sector-wide approaches
<b>IAWG</b>	Inter-Agency Working Group	<b>UDHR</b>	Universal Declaration of Human Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>UNAIDS</b>	United Nations Joint Programme on HIV/AIDS
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights	<b>UNDAF</b>	UN Development Assistance Framework
<b>ICPD</b>	International Conference on Population and Development	<b>UNDG</b>	UN Development Group
<b>(ICPD)PoA</b>	ICPD Programme of Action (also known as Cairo consensus)	<b>UNDP</b>	UN Development Programme
<b>ICRC</b>	International Committee of the Red Cross	<b>UNFPA</b>	UN Population Fund
<b>IDP</b>	Internally Displaced Person	<b>UNHCR</b>	Office of the UN High Commissioner for Refugees
<b>IPV</b>	Intimate Partner Violence	<b>UNICEF</b>	UN Children's Fund
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies	<b>UNIFEM</b>	UN Development Fund for Women
<b>ILO</b>	International Labour Organization	<b>UNJP</b>	UN Joint Programme
<b>M&amp;E</b>	Monitoring and Evaluation	<b>USAID</b>	United States Agency for International Development
<b>MDGs</b>	Millennium Development Goals	<b>VAW</b>	Violence Against Women
<b>MICS</b>	Multiple Indicator Cluster Survey	<b>VCT</b>	Voluntary Counselling and Testing
<b>MOH</b>	Ministry of Health	<b>WFP</b>	World Food Programme
		<b>WHO</b>	World Health Organization



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**Part 1:**  
**Core Concepts of a Human Rights-Based Approach**

Introduction

Module 1: *Basics of Human Rights*

Module 2: *A Human Rights-Based Approach*

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## INTRODUCTION

# INTRODUCTION

This Manual provides step-by-step guidance on how to apply a **culturally sensitive, gender-responsive, human rights-based approach to programming** in UNFPA's three core areas of work:

1. population and development;
2. reproductive health; and
3. gender.

We also include a section on the application of a culturally sensitive, gender-responsive, human rights-based approach to UNFPA's work in emergency response.

## *Who should use this Manual?*

This Manual is designed primarily for use by **UNFPA Country Staff**. It will also be useful for:

- ▶ UNFPA implementing partners; and
- ▶ others working in the fields of population and development, sexual and reproductive health and reproductive rights, and gender equality and women's empowerment who are interested in adapting and applying a culturally sensitive, gender-responsive, human rights-based approach to their work.

Those working towards the advancement of the International Conference on Population and Development (ICPD) Programme of Action will also benefit from this Manual as much of UNFPA's work is geared towards the promotion of ICPD goals. The implementation of a culturally sensitive, gender-responsive, human rights-based approach is integral to UNFPA's advancement of ICPD principles.<sup>1</sup>

## *How this Manual was written*

This Manual was produced through a collaboration between the Program on International Health and Human Rights, Harvard School of Public Health and the Gender, Human Rights and Culture Branch of the UNFPA Technical Division, with the involvement of UNFPA staff and outside

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<sup>1</sup> For more information on ICPD, see the section on 'UNFPA's Vision' below.

consultants. It is based on a wide-ranging review of UNFPA and Action 2 materials,<sup>2</sup> as well as on extensive interviews with UNFPA staff. The final product reflects feedback solicited from selected UNFPA staff and from staff members of four regional human rights centres: the Inter-American Institute of Human Rights, the Center for Arab Women Training and Research (CAWTAR), Women in Law and Development in Africa (WILDAF) and International Women's Rights Action Watch - Asia Pacific (IWRAP - Asia Pacific).

The Manual incorporates many examples drawn from the experiences of UNFPA staff and partners, as well as composite examples that combine a range of experiences into one case study or illustration. Examples are drawn from UNFPA country programmes, as well as from partnerships between UNFPA and other UN agencies and NGOs. The principles we describe are applicable to a wide range of settings, and we hope this manual provides you with the tools to begin implementing a culturally sensitive, gender responsive, human rights-based approach in your daily work!

## How to use this Manual

This Manual is designed to be both a 'how to' Manual for conducting trainings as well as a reference for individuals on using a human rights-based approach (HRBA). In cases where training is possible, the Manual should be used in conjunction with the accompanying Training Materials (Part III). Those who receive this training are nonetheless encouraged to read the full Manual and to refer to it as necessary in their daily work.

If reading this Manual on your own, we suggest you work through it systematically from the beginning. Key things to note when working:

- ▶ Part I of the Manual contains Worksheets, which have been added to help you 'capture your learning' as you progress from one Module to the next. Use these Worksheets to help summarize and evaluate your learning.
- ▶ Part II of the Manual features case studies that illustrate the application of a human rights-based approach. Explanatory notes and Boxes of Questions follow the case studies. Try to answer the questions in the boxes as you proceed through the Manual, even though 'ready-made' answers to these questions are not provided because a **human rights-based approach is an approach that prompts you to think differently** and to **ask different questions. A HRBA does not automatically give you right answers, as often, in fact, there is more than one 'right' answer.** It is this method of thinking and of asking certain questions that we hope you will come away with upon completing this Manual.
- ▶ Although each of the three areas of UNFPA's work may not be equally relevant to your day-to-day activities, we nonetheless suggest you read the Manual in its entirety so that you can fully grasp and be comfortable with a culturally sensitive, gender-responsive, human rights-based approach and understand how it supports the interconnections between UNFPA's three areas of work.

This Manual is based upon the human rights-based approach described in the 2003 UN Statement of Common Understanding on a Human Rights-based Approach to Development Cooperation.<sup>3</sup> The steps for implementing this human rights-based approach have been detailed in the UN Action 2 Common Learning Package.<sup>4</sup>

For the purposes of harmonization, this Manual draws from the Action 2 Common Learning Package, but considers how a human rights-based approach applies **specifically to UNFPA programmes** in order to help you operationalize the human rights-based approach in your work.

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<sup>2</sup> See especially the Action 2 Common Learning Package (CLP). Available at: <http://www.undg.org/index.cfm?P=531>.

<sup>3</sup> Full text of The Human Rights-based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies is available at: [www.undg.org/archive\\_docs/3069-Common\\_understanding\\_of\\_a\\_rights-based\\_approach.doc](http://www.undg.org/archive_docs/3069-Common_understanding_of_a_rights-based_approach.doc).

<sup>4</sup> UN Action 2 Common Learning Practice is available at: <http://www.undg.org/index.cfm?P=531>.

## What is Action 2?<sup>5</sup>

Action 2 stems from the second report on UN reform in 2002 called Strengthening of the United Nations: an agenda for further change. It is a global programme designed to strengthen the capacity of UN country teams to support the efforts of Member States in reinforcing their national human rights promotion and protection systems. The Action 2 programme ensures that the UN will be ready to respond to these challenges by enhancing the capacity of its country teams with practical tools, training, advice, knowledge sharing and seed funding for capacity-building and pilot programming.

An interagency Plan of Action to strengthen human rights-related UN actions at the country level was elaborated upon and adopted by 21 heads of UN agencies. To support the implementation of the interagency Plan, the Action 2 Global Programme was officially launched in October 2004, and includes a number of activities in the areas of staff recruitment, fund raising, UN Country Teams project formulation and the development of human rights tools.

An interagency task force on Action 2 has been established in New York among the core agencies (UNICEF, UNDP, UNFPA, OHCHR, OCHA and DGO) to oversee the implementation of the Plan of Action. UNFPA is represented by the Gender, Human Rights and Culture Branch of the Technical Division.

The ultimate aim of the Action 2 programme is to ensure that the rights of individuals are respected and protected through strengthened national human rights protection systems. One of the ways to strengthen national human rights protection systems is to ensure that UN actions at the country level are **grounded in human rights principles and are guided by international norms and standards**.

The Action 2 programme thus supports UN country teams in adopting a **human rights-based approach**. The human rights-based approach is defined in the UN Common Understanding and consists of furthering the realization of human rights, being guided by human rights standards and principles, and developing the capacities of rights-holders and duty-bearers in all development programming.

The Action 2 Common Learning Package was developed by the Working Group on Training of the Action 2 Interagency Task Force to respond to the need to develop the basic capacities of UN Country Teams (UNCTs) on the human rights-based approach. It is a detailed Manual that explains the basic concepts of human rights and the steps that UNCTs should take in order to implement a human rights-based approach to programming.

If you are reading this Manual for the first time and are not familiar with Action 2, it will help you to read the full Action 2 Common Learning Package. Also check out the Action 2 website at:

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<sup>5</sup> The information in this table is taken from the Action 2 website at: <http://www.un.org/events/action2/index.html> and from the UNFPA Circular on Action 2, UNFPA involvement in Action 2, 27 April 2006. Action 2 is no longer operational, but its training material is still relevant.

## How this Manual is organized

PART 1: CORE CONCEPTS	
<b>Module 1:</b> Basic human rights concepts	This module provides a basic introduction to human rights and lays out UNFPA's overarching framework for a culturally sensitive, gender-responsive, human rights-based approach. Worksheets are included to assist your learning.
<b>Module 2:</b> Key elements of a HRBA	This module sets out the key definitions, principles and elements of a human rights-based approach. Worksheets are included to assist your learning.
PART II: APPLICATION OF A HRBA	
<b>Module 3:</b> Guide to implementing a HRBA in population and development	This module features a case study that illustrates a culturally sensitive, gender-responsive, human rights-based approach in UNFPA population and development activities. Questions are provided throughout to stimulate your thinking.
<b>Module 4:</b> Guide to implementing a HRBA in reproductive health work	Features a case study that illustrates a HRBA in UNFPA sexual and reproductive health activities. Questions are provided throughout.
<b>Module 5:</b> Guide to implementing a HRBA in gender work	Features a case study that illustrates a HRBA in UNFPA gender equality initiatives. Questions are provided throughout.
<b>Module 6:</b> Guide to implementing a HRBA in emergency response	Features a case study that illustrates a HRBA in UNFPA emergency response. Questions are provided throughout.
PART III: TRAINING	
<b>Training materials</b>	This section contains the training materials that accompany this Manual and includes PowerPoint slides, suggested agenda for a three-day training session, training exercises and a template for presenting the training for each module of the Manual.
<b>Glossary, Appendices</b>	This section contains the glossary as well as some key additional reading materials.
<b>Information Cards</b>	At the back of this Manual, five pull-out Information Cards and one poster provide summarized tips and advice that can help you when implementing a HRBA.

## Objectives of this Manual

This Manual has three main objectives:

1. To improve your capacity to adopt a culturally sensitive, gender-responsive, human rights-based approach to programming at headquarters, regional and field levels;
2. To provide practical tools for use by you or your Office in designing and implementing a human rights-based approach; and
3. To illustrate the benefits of using a human rights-based approach, while offering advice on how to sensitize partners and stakeholders to its value, especially with respect to issues related to UNFPA's mandate.

This third point is especially important. While UNFPA does not directly engage in implementation, it plays a critical role in supporting countries and civil society organizations in implementing ICPD strategies, and often faces opposition to sensitive ICPD issues such as women's sexual and reproductive health and reproductive rights and adolescents' and young people's sexual and reproductive health.<sup>6</sup> This Manual aims to give you the knowledge and the tools you need to support the **building of national capacity to implement a human rights-based approach** in programming and policies at all levels from an ICPD perspective. In doing so, you will promote greater ownership of ICPD goals by countries and communities, and thus further UNFPA's commitment to the principles of national ownership, national leadership and national capacity development.

The importance of applying a human rights-based approach to programming cannot be emphasized enough. Given that a HRBA is **a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights, the application of a HRBA alters the way that programmes are designed, implemented, monitored and evaluated.**<sup>7</sup>

### But why a HRBA?

Within UNFPA, there has been a growing appreciation for and understanding of the necessity of building a human rights perspective into the programming process. This Manual responds to this emerging organizational need. Furthermore, given UNFPA's commitment to supporting governments in advancing the ICPD Programme of Action, a HRBA can help to achieve this.

Over the last decade, human rights have gained prominence as a universal set of norms and standards that are increasingly shaping the programmes and activities of the United Nations. It is widely recognized that promoting and protecting human rights is crucial for achieving **peace, sustainable human development, democracy and security**, and that these human aspirations and common goals, which are the pillars of the UN, are inextricably linked and interdependent.<sup>8</sup> A human rights-based approach should be regarded as an essential tool for achieving sustainable development outcomes and advancing ICPD goals such as universal access to sexual and reproductive health care.

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<sup>6</sup> UNFPA, Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action. DP/FPA/2007/17, p. 5.

<sup>7</sup> Action 2 Learning Draft Resource Guide, p. 54.

<sup>8</sup> Action 2 Learning Draft Resource Guide, pp. 1-6.

## Key benefits to implementing a human rights-based approach

- ▶ Promotes realization of human rights and helps government partners achieve their human rights commitments;
- ▶ Increases and strengthens the participation of the local community;
- ▶ Improves transparency;
- ▶ Promotes results (and aligns with Results Based Management);
- ▶ Increases accountability;
- ▶ Reduces vulnerabilities by focusing on the most marginalized and excluded in society;<sup>9</sup> and
- ▶ More likely to lead to sustained change as human rights-based programmes have greater impact on norms and values, structures, policy and practice.<sup>10</sup>

So, why should you support the implementation of a HRBA? Three main rationales are suggested: (a) intrinsic, (b) instrumental and (c) institutional.<sup>11</sup> These added benefits, or 'value-added', of a HRBA are discussed in detail in Module 2, but we summarize them here for ease of reference.

### *Intrinsic rationale*

The UN has acknowledged that a HRBA is the right thing to do, morally and legally:

- ▶ A HRBA is based on the universal values (freedom, equality, solidarity, etc.) reflected in the **human rights principles and standards** that provide a common standard of achievement for all women, men and children and all nations.
- ▶ A HRBA moves development action from the optional realm of benevolence (or charity) into the **mandatory realm of law**.
- ▶ A HRBA establishes **duties and obligations and corresponding claims**, while underscoring the importance of creating accountability mechanisms at all levels for duty-bearers to meet their obligations.
- ▶ A HRBA ensures people are not passive beneficiaries of State policies but **active participants in their own development** and further recognizes them as **rights-holders**, thereby placing them at the centre of the development process.

### *Instrumental rationale*

A HRBA leads to better and more sustainable human development outcomes because it:

- ▶ Focuses on analysing the inequalities, discriminatory practices and unjust power relations that exacerbate conflict in human rights and development processes.
- ▶ Has a special focus on **groups subjected to discrimination** and suffering from **disadvantage and exclusion**. For UNFPA, the groups to target include: the poorest of those already living in poverty, especially disadvantaged adolescents and youth; women survivors of violence and abuse; out-of-school youth; women living with HIV; women engaged in sex work; minorities and indigenous peoples; women living with disabilities; refugees and internally displaced persons; women living under occupation; and aging populations.<sup>12</sup> In addition, the twin principles of non-discrimination and equality call for a focus on gender equality and engaging with women's human rights in all development programmes.

<sup>9</sup> P. van Weerelt, *A Human Rights-based Approach to Development Programming in UNDP – Adding the Missing Link*, UNDP.

<sup>10</sup> CARE International reached this conclusion in a study that compared rights-based programmes to non rights-based programmes in 2006. Care International UK and DFID Programme Partnership Agreement: Annual Report, 2005-2006.

<sup>11</sup> Action 2 Learning Draft Resource Guide, pp. 54-55.

<sup>12</sup> UNFPA, Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17, p. 10.

- ▶ Emphasizes **participation**, particularly of discriminated and excluded groups at every stage of the programming process.
- ▶ Depends on the **accountability** of the State and its institutions with regard to respecting, protecting and fulfilling all the human rights of all people within its jurisdiction.
- ▶ Gives equal importance to **the processes and outcomes of development**, as the quality of the process affects the achievement and sustainability of outcomes.

### **Institutional rationale**

Recognizing that the UN has a core mandate on Peace, Security, Human Rights and Development, and that neutrality and respect for self-reliance make it a privileged partner to deal with sensitive issues, means that:

- ▶ Development challenges are examined from a holistic lens guided by human rights principles while taking into account the **civil, political, economic, social and cultural** aspects of a problem (e.g. an HIV prevention strategy guided by rights to education and health as well as right to information, right to nondiscrimination, etc.).
- ▶ A HRBA facilitates an integrated response to multifaceted development problems, including addressing the social, political, legal and policy frameworks that determine the relationship and capacity gaps of rights-holders and duty-bearers.
- ▶ A HRBA suggests using the recommendations of **international human rights mechanisms** in the analysis and strategic response to development problems.
- ▶ A HRBA can also shape relations with partners since partnerships should be participatory, inclusive and based on mutual respect in accordance with human rights principles.

The Committee on Economic, Social and Cultural Rights has summarized some of the key elements that give a HRBA enormous potential for strengthening development efforts and achieving results:

**“The real potential of human rights lies in its ability to change the way people perceive themselves vis-à-vis the government and other actors. A [human] rights framework provides a mechanism for reanalyzing and renaming ‘problems’ like contaminated water or malnutrition as ‘violations’ and, as such, something that need not and should not be tolerated....Rights make it clear that violations are neither inevitable nor natural, but arise from deliberate decisions and policies. By demanding explanations and accountability, human rights expose the hidden priorities and structures behind violations and challenge the conditions that create and tolerate poverty.”**

*Committee on Economic, Social and Cultural Rights*<sup>13</sup>

<sup>13</sup> Committee on Economic, Social and Cultural Rights, quoted in the Action 2 Learning Draft Resource Guide, p. 55.

At this point, some of you might think that you are already applying a HRBA to your programming. If that is truly the case—congratulations! However, are you sure you are really doing so?

Sometimes, people believe they're applying a HRBA when that is not fully the case. Or, you may be implementing a HRBA inconsistently—at some stages of the programme, but not at all stages. If you are asking yourself what the difference is between a HRBA and a 'normal' programming approach, these questions should help you:

Are you consistently implementing the following elements that are necessary, specific and unique to a human rights-based approach?<sup>14</sup>

- ▶ In your situation assessment and analysis, do you identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying and structural causes of the non-realization of rights?
- ▶ Do you consistently assess the capacity of rights-holders to claim their rights and of dutybearers to fulfil their obligations in your programmes? Do you then design your programmes around developing strategies to build these capacities?
- ▶ Do you monitor and evaluate both outcomes and processes guided by human rights principles and standards in your programmes?
- ▶ Is your programming informed by the recommendations of international human rights bodies and mechanisms?

If you answered 'no' to at least one question in the above box, then you will benefit from reading this Manual! Reading this Manual and applying it to your work will result in greater success in promoting and advancing the human rights and health of the individuals and groups with whom you work.

**“...We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”**

*UN Former Secretary-General Kofi Annan's Report, In Larger Freedom*

**“We must recognize the role of human rights in eradicating hunger and poverty, and the connection between development, human rights and security.”**

*UN Secretary-General Ban Ki-moon in a message on World Food Day, 16 October 2007.*

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<sup>14</sup> See UN Statement of Common Understanding.

## Why has UNFPA created this Manual?

The purpose of this Manual is to help UNFPA staff and implementing partners, as well as other actors and NGOs engaged in ICPD-related work, effectively operationalize a human rights-based approach in their work. More specifically, it is a response to requests by UNFPA staff for specific and concrete guidance a 'how to' Manual on applying a HRBA.

In addition, UNFPA participates at the country level in Common Country Assessments (CCA) and the UN Development Assistance Framework (UNDAF), both of which are mandated to apply a human rights-based framework. This Manual, in harmony with the Action 2 Common Learning Package, will enable you and your colleagues working within UNFPA to contribute more effectively to these UN frameworks that demand a HRBA. This is especially important in the context of the 'one-UN' concept (common offices and programmes across all UN agencies in-country), which is now being rolled out across country programmes.

Finally, the Manual operates within the broad framework of results-based programming. Given this framework, the Manual will help you to implement a culturally sensitive, gender-responsive HRBA that can greatly facilitate results. Paying attention to human rights demands attention to the processes through which developmental goals are achieved, not only to the goals and results themselves. Rather than being a distraction from results-based management, a HRBA can make a significant contribution to improving both delivery and long-term outcomes.<sup>15</sup>

### UNFPA's vision:

**UNFPA, the United Nations Population Fund, is an international development agency that promotes the right of every woman, man and child to enjoy a life of health and equal opportunity. UNFPA supports countries in using population data for policies and programmes to reduce poverty and to ensure that every pregnancy is wanted, every birth is safe, every young person is free of HIV/AIDS, and every girl and woman is treated with dignity and respect.**

*UNFPA Mission Statement*

In its Mission Statement, UNFPA stresses the universality and indivisibility of human rights, focusing on ICPD principles such as reproductive rights, autonomy and empowerment of women, and the participation and representation of young people. **The promotion and protection of human rights are therefore fundamental to the work of UNFPA.** UNFPA has been committed to the advancement of human rights in the world since its origins. The idea that all individuals are entitled to the enjoyment of equal rights and protection is central to UNFPA's way of working.<sup>16</sup>

Human rights are fundamental to UNFPA's work not only because all of the governments with whom UNFPA works have ratified at least one human rights treaty relevant to sexual and reproductive health, but because incorporating human rights principles into programming is critical to ensuring that UNFPA can reach its goal of promoting the rights of every woman, man and child to enjoy a life of health and equal opportunity.<sup>17</sup>

<sup>15</sup> See pp. 10-23 of the Action 2 Learning Draft Resource Guide to read more about UN agency commitments to a HRBA and the role of the UN in promoting and protecting human rights

<sup>16</sup> See Human Rights: The Foundation for UNFPA's Work. Available at: <http://www.unfpa.org/rights/overview.htm>.

<sup>17</sup> UNFPA, Mission Statement. Available at: <http://www.unfpa.org/about/index.htm>.

According to the UNFPA's Strategic Plan, 2008-2011, in order to promote greater ownership by countries and communities, UNFPA supports the building of capacity to implement a rights-based approach in programming and policies at all levels from an ICPD perspective. Such an approach focuses on inclusion, interdependence, participation and non-discrimination. At all levels, special attention will be focused on the most excluded and marginalized population groups of society.<sup>18</sup>

### UNFPA Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme Of Action <sup>19</sup>

The UNFPA strategic direction for 2008-2011 focuses on supporting national ownership, national leadership and capacity development, as well as advocacy and multisectoral partnership development for positioning the agenda of the International Conference on Population and Development.

The goals of the strategic plan in UNFPA's three interrelated focus areas of population and development, reproductive health and gender are as follows:

1. Population and development: Systematic use of population dynamics analyses to guide increased investments in gender equality, youth development, sexual and reproductive health and HIV/AIDS for improved quality of life and sustainable development and poverty reduction.
2. Reproductive health and rights: Universal access to sexual and reproductive health by 2015 and universal access to comprehensive HIV prevention by 2010 for improved quality of life.
3. Gender: Gender equality advanced and women and adolescent girls empowered to exercise their human rights, particularly their reproductive rights, and live free of discrimination and violence.

UNFPA is fully committed to the principles of national ownership, national leadership and national capacity development. These principles form the fundamental basis of the Fund's strategic plan. UNFPA plans to operationalize its strategic plan by:

- ▶ implementing a **human rights-based approach** in programming and policies at all levels;
- ▶ ensuring systematic gender equality and women's empowerment in all programmes;
- ▶ adopting a culturally-sensitive approach that engages local communities;
- ▶ promoting South-South cooperation; and
- ▶ according the highest priority to addressing the needs of the least developed countries.

In its mandate, UNFPA is guided by the ICPD Programme of Action, which places a strong emphasis on the human rights of individual women and men.<sup>20</sup> UNFPA consistently supports governments in promoting the ICPD Programme of Action and the human rights and gender principles upon which it is grounded. Understanding that human rights can only truly have an impact if implemented in a culturally sensitive, and gender-responsive way, UNFPA believes that a **culturally sensitive, gender-responsive human rights-based approach** is simply a practical application of its commitment to promoting the human rights of individuals.

<sup>19</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

<sup>20</sup> ICPD, Programme of Action. Available at: <http://www.unfpa.org/public/publications/pid/1973>.

### Summary of the ICPD Programme of Action

At the 1994 International Conference on Population and Development (ICPD) in Cairo, 179 countries agreed that population and development are inextricably linked, and that empowering women and meeting people's needs for education and health, including sexual and reproductive health, are necessary for both individual advancement and balanced development. The conference adopted a 20-year Programme of Action (PoA), which placed individual human rights at the center, rather than achieving abstract demographic targets.

The ICPD PoA lays out a set of fifteen principles that are a careful balance between the recognition of individual human rights and the right to development of nations. According to the principles, advancing gender equality, eliminating violence against women and ensuring women's ability to control their own fertility were acknowledged as cornerstones of population and development policies. Concrete goals of the ICPD are centred on providing universal education; reducing infant, child and maternal mortality; and ensuring universal access by 2015 to reproductive health care, including family planning, assisted childbirth and prevention of sexually transmitted infections including HIV/AIDS.<sup>21</sup>

In addition, States should take all appropriate measures to ensure, on a basis of equality of women and men, universal access to health care services, including those related to sexual and reproductive health, which includes family planning and sexual health. The PoA reaffirm the basic right of all couples and individuals to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so.<sup>22</sup>

ICPD was followed by ICPD +5 and ICPD at 10.

- ▶ Five years after ICPD, the five-year review (ICPD +5), presented the UN General Assembly with a chance to re-examine the challenges governments faced in improving sexual and reproductive health and reproductive rights, including in the context of HIV/AIDS (as HIV had largely been absent from the discussion in Cairo). ICPD +5 identified Key Actions for the Further Implementation of the ICPD Programme of Action, including new benchmark indicators of progress in four key areas: 1) education and literacy; 2) reproductive health care and unmet need for contraception; 3) maternal mortality reduction; and 4) HIV/AIDS.<sup>23</sup>
- ▶ 2004 marked the ten-year anniversary and the mid-point of the 20-year ICPD Programme of Action. Although a global review of ICPD did not take place, a number of UN Economic Commissions held regional review meetings, with the Asia and the Pacific, and Latin American regions strongly reaffirming their commitment to the ICPD Programme of Action. UNFPA conducted an in-depth, country-by-country analysis of achievements, constraints, lessons learned and viable approaches towards full implementation of the ICPD PoA.

UNFPA is committed to supporting governments in achieving their ICPD goals, as these goals are essential to the advancement of women's human rights and development.

As 'ICPD at 15' draws closer, UNFPA is continuing to focus on supporting national ownership, national leadership and capacity development, as well as advocacy and multisectoral partnership development for positioning the ICPD agenda.<sup>24</sup> Furthermore, in line with UN reform efforts, UNFPA will welcome all opportunities to position the ICPD agenda in all planning frameworks and will dedicate increased effort to the challenge of linking ICPD goals with the **Millennium Development Goals** (MDGs) in national planning and development processes.<sup>25</sup> In doing so, UNFPA will consistently build capacity to implement a human rights-based approach in all

<sup>21</sup> UNFPA, Summary of the ICPD Programme of Action. Available at: <http://www.unfpa.org/icpd/summary.cfm>.

<sup>22</sup> Ibid.

<sup>23</sup> UNFPA, ICPD +5. Available at: <http://www.unfpa.org/icpd/icpd5-keyactions.cfm>.

<sup>24</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

<sup>25</sup> Ibid.

programmes and policies, and will continue to be guided by gender equality programming as well as culturally sensitive approaches.

The ICPD agenda also offers a basis to support countries to achieve the MDGs and other internationally agreed goals. The Millennium Declaration that sets the United Nations agenda for peace, security and development concerns in the 21st century reflects a human rights perspective, and underscores goals and indicators to measure progress in advancing human rights. UNFPA is supporting governments in reaching the MDGs by employing a human rights-based approach to its programmes and policies. UNFPA firmly believes that human rights are essential to achievement of the MDGs, as human rights are so critical to the ultimate eradication of poverty.

### The Millennium Declaration Reaffirms Human Rights

The Millennium Declaration underscores human rights as one of the pillars and main purposes of the United Nations and reaffirms commitments to human rights, democracy and good governance. The 189 Member States that signed it resolved to strengthen their capacity at the country level to implement the principles and practices of human rights, including minority rights, the rights of women, the rights of children and the rights of migrants.

The **Millennium Development Goals** (MDGs) are a set of quantified and time-bound goals for dramatically improving the human condition by the year 2015. Limited in number, they allow developing countries to focus and mobilize action to seven key priority areas. The Goals are unique in their explicit recognition that poverty eradication can be achieved only through stronger partnerships among development actors and through increased action by rich countries – expanding trade, relieving debt, transferring technology and providing aid.<sup>26</sup> The MDGs should not be viewed as ends in themselves but as benchmarks of progress towards the Millennium Declaration’s overarching goal of eradicating human poverty – guided by basic values of freedom, equality, solidarity, tolerance, respect for nature and shared responsibilities.

Human rights and the MDGs are not mutually exclusive: They are two sets of interdependent and mutually reinforcing commitments. “The [MDGs] reflect a human rights agenda – rights to food, education, health care and decent living standards. The need to ensure all these rights confers obligations on the governments of countries both rich and poor.”<sup>27</sup>

Finally, the UN 2005 World Summit Outcome was a milestone towards a global adoption of a human rights-based approach as it was the first time that the Member States in the General Assembly resolved to mainstream human rights into their national policies while endorsing former Secretary-General Kofi Annan’s reform agenda to integrate human rights throughout the UN system. The Summit resolution affirmed a strengthened role for all UN bodies and agencies within their respective sectors and mandate areas in order to assist Member States to mainstream human rights in their national policies.<sup>28</sup>

<sup>26</sup> UNDP, Human Development Report 2003, pp. 27 and 30.

<sup>27</sup> Human Development Report, quoted in Action 2 Learning Draft Resource Guide, p. 7.

<sup>28</sup> Action 2, Learning Draft Resource Guide, p. 4.

**“We resolve to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the OHCHR and all relevant UN bodies.”**

*2005 World Summit Outcome, section IV Human Rights and Rule of Law<sup>29</sup>*

The UN 2005 World Summit Outcome reaffirmed that gender equality and the promotion of the full universal enjoyment of all human rights and fundamental freedoms are essential to advancing development, peace and security.<sup>30</sup>

The Outcome also endorsed the inclusion of “achieving universal access to reproductive health by 2015” into national strategies for attaining the MDGs. The General Assembly adopted the Political Declaration on HIV/AIDS of the High-Level meeting in 2005, reaffirming the commitment to achieving universal access to reproductive health by 2015.<sup>31</sup>

These commitments reassert the relevance of ICPD goals to the attainment of the MDGs, in particular:

- ▶ MDG 1 - eradicate extreme poverty and hunger;
- ▶ MDG 3 - promote gender equality and empower women;
- ▶ MDG 4 - reduce child mortality;
- ▶ MDG 5 - improve maternal health; and
- ▶ MDG 6 - combat HIV/AIDS, malaria and other diseases.

UNFPA is devoted to supporting governments to achieve ICPD goals and the MDGs through the implementation of a **culturally sensitive, gender-responsive HRBA**.

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<sup>29</sup> 2005 World Summit Outcome, Final document. Available at: <http://www.un.org/summit2005/documents.html>.

<sup>30</sup> Action 2, Learning Draft Resource Guide, p. 4.

<sup>31</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 1: Basics of Human Rights



photo by Lynsey Addario ©

# MODULE 1

## BASICS OF HUMAN RIGHTS

*This module presents the overarching framework of a culturally sensitive, gender-responsive, human rights-based approach to programming; discusses the key characteristics of human rights; and reviews the basic definitions of human rights principles and concepts. Much of what is contained in this Module is an adaptation of the information contained in the Action 2 Learning Draft Resource Guide.*

### **By the end of this Module, you will be able to:**

- ▶ describe and explain the links between culture, gender and human rights;
- ▶ explain what is meant by UNFPA's 'culturally sensitive, gender-responsive, human rights based approach';
- ▶ define human rights and provide at least five examples of human rights-based actions by UNFPA;
- ▶ name the important characteristics of human rights;
- ▶ explain what is meant by a State's obligations to respect, protect and fulfil human rights;
- ▶ name some of the key international human rights treaties important to UNFPA;
- ▶ explain the difference between binding and non-binding international instruments;
- ▶ explain the significance of ICPD to UNFPA's work; and
- ▶ explain how governments are held accountable under international human rights law.

**“Human rights are the expression of those traditions of tolerance in all religions and cultures that are the basis of peace and progress. Human rights are foreign to no culture and native to all nations.”**

*Kofi Annan, Former UN Secretary-General,  
International Human Rights Day, 10 December 1997*

## A. Culture, gender and human rights: A holistic and integrated package

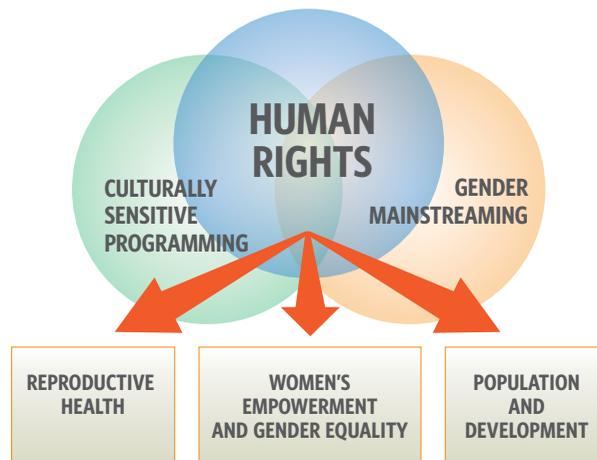
International human rights are universally recognized, but their practical implementation requires a clear sense of the interplay between **gender**, **culture** and **human rights**. The effective application of a human rights-based approach within a development process that is sensitive to both **cultural factors** and **gender dynamics** will advance equality and social inclusion and will contribute to the alleviation of poverty and the realization of all related human rights.

These three core factors of 1) cultural sensitivity, 2) gender-responsiveness and 3) human rights, lie at the foundation of all UNFPA programmes and policies. They are intricately linked and directly reinforce one another. Attention to each and **every factor** is required if UNFPA's core mission of furthering sexual and reproductive health for all is to be attained. **Because a human rights-based approach aims to promote and protect rights, reduce inequality and harness the substantive participation of those who are most affected, it is by definition sensitive to issues of culture and gender.** UNFPA is unique insofar as it is one of the few UN agencies that pay particular attention to emphasizing that a human rights-based approach must require both cultural sensitivity and gender-responsiveness.

### The Action 2 Learning Draft Resource Guide points out the importance of culture and gender when implementing human rights:

**Promoting gender equality...fits perfectly within the overarching umbrella provided by the human rights approach.** Gender equality is recognized by an impressive body of international law, making it an obligation to mainstream gender in all programmes and activities in order to combat discrimination that perpetuates inequalities and contributes to underdevelopment, exclusion and poverty; keeping in mind that the overall aim is the realization of **all** human rights for **all** people....<sup>1</sup>

...[When carrying out your human rights-based situation analysis, you must] consider the overall political and economic environment, and **be sensitive to the critical role of local culture**; all of which are factors that may facilitate or hinder the enjoyment of human rights.<sup>2</sup>



Let us briefly define each of these features: human rights-based programming, cultural sensitivity and gender-responsiveness.

<sup>1</sup> Action 2 Learning Draft Resource Guide, p. 1.

<sup>2</sup> Ibid., p. 80.

## Human rights-based programming

You will learn about a human rights-based approach in much more detail in Module 2. Here, it is explained only briefly.

A culturally sensitive, gender-responsive human rights-based approach has replaced the ‘basic needs’ approach that UNFPA used to follow. Central to a HRBA is that:

- ▶ All programmes of development cooperation, policies and technical assistance have to further the realization of *human rights*;
- ▶ All sectors of programming and development cooperation have to be guided by human rights principles, such as universality, indivisibility, equality and non-discrimination, participation and inclusion, and accountability. (You will read more about these human rights principles and human rights in general later in this Manual); and
- ▶ In a human rights-based approach, human rights help to frame the relationship between individuals and groups with claims (**rights-holders**) and State and non-State actors with corresponding obligations (**duty-bearers**). ‘State actors’ refers to the government, while ‘non-State actors’ include health service providers, parents, religious leaders, tribal elders, private sector companies or other parties that have obligations to various rights-holders. You will read more about State and non-State actors in Module 2.

### Some definitions

**Human rights** are intrinsic values that give all human beings dignity.

A **human rights-based approach** entails consciously and systematically paying attention to human rights in all aspects of programme development.

A **HRBA** is thus a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.<sup>3</sup>

A human rights-based approach to programming is powerful, because it emphasizes the fact that governments are the primary duty bearers under a human rights framework. As a result, they have obligations to put in place equitable laws and systems that enable individuals to enjoy their rights, and to seek judicial recourse under the rule of law when rights have been violated. By contrast, as rights-holders, people can claim those rights that are recognized as legitimate entitlements. This approach emphasizes the empowerment of those who are affected by policies and their participation in the decision-making process.<sup>4</sup>

- ▶ Remember that being culturally sensitive and gender-responsive sometimes entails being able to see some actors as both duty-bearers and rights-holders at the same time! This effectively expands our understanding under the human rights framework of governments as the primary duty-bearers, and enables us to see traditional leaders, for instance, as important duty-bearers with respect to their role in guiding communities.

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<sup>3</sup> Ibid., p. 54

<sup>4</sup> UNFPA, *Rights into Action*, p. 6.

Because a human rights-based approach is grounded in the principles of universality, indivisibility, equality and non-discrimination, participation and inclusion, and accountability, it encourages cultural sensitivity and gender-responsiveness. However, this does not mean that questions specific to culture or gender do not need to be asked when implementing a HRBA! Because of these links between human rights, gender and culture, whenever we refer to a human rights-based approach (HRBA) in this Manual, what we in fact mean is a *culturally sensitive, gender-responsive, human rights-based approach*.

### Examples of a culturally sensitive, gender-responsive HRBA to programming

**There are few programmes that are correctly and accurately implementing a culturally sensitive, gender-responsive HRBA. As a result, these examples highlight programmes that are making efforts to do so and are, at least partially, succeeding:**

- ▶ In one country in South Asia, UNFPA is supporting the government and other partners in developing the capacities of women and girls in poor communities (rights-holders) to better articulate their claims with respect to their right to health. This programme includes training sessions that emphasize the rights to sexual and reproductive health, to information, and to freedom from discrimination. Throughout this programme, UNFPA is promoting the principles of participation, non-discrimination and inclusion of marginalized groups in an effort to ensure that a human rights-based approach is applied.<sup>5</sup>
- ▶ In a country where Islamic religious and cultural traditions greatly inform some communities' perspectives on sexual and reproductive health and reproductive rights, UNFPA is supporting two NGOs to provide training and facilitate multisectoral dialogues on human rights dimensions of sexual and reproductive health issues within an Islamic context. The data that shaped the design and content of this project were collected in partnership with Muslim women and other local partners. Developing the project and pre-testing it among a diverse group of Muslims helped both the implementing NGOs and the training participants expand their understanding of the Islamic context for reproductive rights issues. In response to the success of the initial trainings, the NGOs organized two forums for the purpose of enabling Muslim religious leaders and women from various organizations and interest groups to discuss reproductive rights issues such as family planning, polygamy, arranged marriage and domestic abuse in the context of Islam. The forum participants closed with gender equality recommendations that can be integrated into the Shari'a and the Code of Muslim Personal Laws.<sup>6</sup>
- ▶ In another country, UNFPA is part of a UN Joint Programme that is strengthening national implementation mechanisms to protect and promote women's and girls' human rights. By targeting national level decision makers and religious leaders (duty-bearers) as well as impoverished and marginalized women in six cities (rights-holders), UNFPA is demonstrating how participatory and coordinated cross-sectoral approaches can improve health services for women, augment resource availability for women's programmes and improve women's and girls' human rights. Throughout the programme, UNFPA and its partners are attempting to pay systematic attention to human rights and to be informed by international human rights treaties.<sup>7</sup>

<sup>5</sup> UNFPA, *UNFPA at Work: Six Human Rights Case Studies*, 2008. Available at: <http://www.unfpa.org/public/publications/pid/1975>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

## Additional Resources

1. Action 2 Common Learning Package and other Action 2 materials, 2007, available at: <http://www.un.org/events/action2/index.html> and <http://www.undg.org/index.cfm?P=531>.
2. UN Statement of Common Understanding of a Human Rights-Based Approach to Development Cooperation, 2003, available at: [www.undg.org/archive\\_docs/3069-Common\\_understanding\\_of\\_a\\_rights-based\\_approach.doc](http://www.undg.org/archive_docs/3069-Common_understanding_of_a_rights-based_approach.doc).
3. UNFPA, Rights into Action: UNFPA Implements Human Rights-Based Approach, 2005, available at <http://www.unfpa.org/public/publications/pid/1338>
4. UNFPA, Human Rights-Based Programming, What It Is/How To Do It, 2007, available at: <http://www.unfpa.org/public/publications/pid/393>

## Culturally sensitive programming

Since its inception, UNFPA has navigated its way through potentially sensitive issues connected to attitudes and behaviours within cultures, including sexual and reproductive health matters, family planning, female genital mutilation/cutting, women's empowerment, and gender equality.<sup>8</sup> Much of the ICPD agenda that UNFPA promotes touches on such sensitive issues.

## What is culture?

**Culture** refers to beliefs, attitudes, values, behaviours and traditions that are learned and shared by virtue of membership and socialization in groups.<sup>9</sup>

While not passing judgement on any tradition, culture or religion, UNFPA recognizes that cultural values are not static, and that even within one point in time their interpretation within even one culture may vary significantly.<sup>10</sup> To this end, UNFPA has identified a 'culturally sensitive approach' to programming that may be used in diverse and complex cultural contexts. The culturally sensitive approach ensures that we can locate, within every cultural context the methods, conditions and language that are favourable to human rights. The objects of the approach are:

- ▶ to engage the varied and critical social and cultural actors within the development process;
- ▶ to enable internally-owned, constructive and coherent dynamics of transformation where necessary, and re-enforcement of supportive practices wherever possible; and
- ▶ to strengthen existing modalities, which empower women and promote gender equality.

Thus, the culturally sensitive approach includes respecting the cultures of others; honouring commitments and promoting universally recognized human rights in ways that enable communities to own these rights.<sup>11</sup> To help you systematically incorporate this culturally sensitive approach into your work, UNFPA created the 'culture lens', which is an analytical and programming tool that helps you, as well as policy makers and development practitioners, analyse, understand and utilize positive cultural values, assets and structures in your planning and programming processes.<sup>12</sup>

<sup>8</sup> UNFPA, *Reaching Common Ground: Culture, Gender and Human Rights*, p. 13. Available at: <http://www.unfpa.org/swp/2008/en/index.html>.

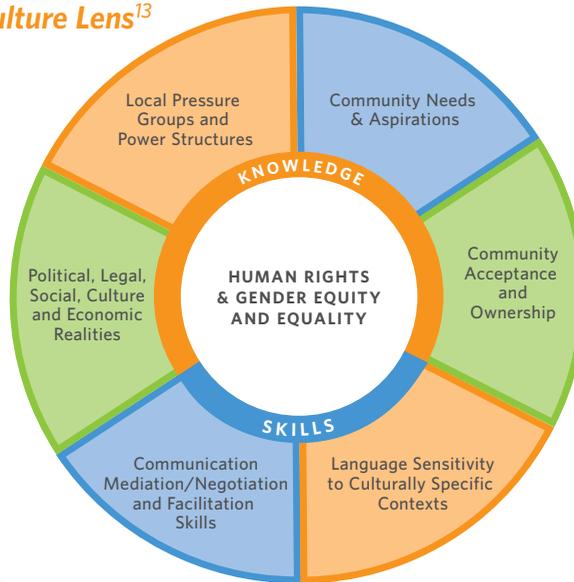
<sup>9</sup> UNFPA, *Cultural Programming: Reproductive Health Challenges and Strategies in East and Southeast Asia*, 2005. Available at: [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2005/culture\\_programming.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2005/culture_programming.pdf).

<sup>10</sup> UNFPA, *Rights into Action*, p. 13.

<sup>11</sup> UNFPA, *Guiding Principles for Working from Within*. Available at: <http://www.unfpa.org/culture/guiding.htm>.

<sup>12</sup> UNFPA, *The Culture Lens*, available at <http://www.unfpa.org/culture/culture.htm>.

## Diagram of the Culture Lens<sup>13</sup>



A culture lens clarifies:

- ▶ The realities and socio-cultural assets of societies in which programmes are delivered;
- ▶ The influential local power structures and pressure groups that can be potential allies or adversaries to development programming; and
- ▶ The internal cultural tensions and aspirations of the various sub-cultures.<sup>14</sup>

A culturally sensitive approach is both interlinked with and essential to implementing human rights in practice. "Culturally sensitive approaches are action-oriented. They can provide effective tools for understanding the interrelationships between human rights and cultures, as well as for tackling oppression within cultures. Culturally sensitive approaches recognize that "people are more likely to observe normative propositions if they believe them to be sanctioned by their own cultural traditions" and that "observance of human rights standards [relies] on cultural legitimacy."

However, the processes for encouraging this cultural legitimacy require important safeguards: The approach to engaging with culture must itself be guided by human rights principles of non-discrimination, equality and accountability. . . . The practical starting point to building the rights and freedoms necessary for human development is not to avoid the struggles over the meanings of rights, but to acknowledge them; that is, to find out where they are located and the perspectives and roles of different actors. . . . Culturally sensitive approaches should contribute to policies by taking local norms and practices seriously into account. This means working with and building on norms and practices that are supportive of core goals such as human rights, and subjecting those that are not to scrutiny and debate. "The practice of human rights risks losing relevance and legitimacy if it does not concern itself with what goes on at the local level."

Culturally sensitive approaches must not only explore and engage with local systems of meanings but also understand cultures at national and international levels and recognize the interrelationships among them. . . . Culturally sensitive approaches must be gendered."<sup>15</sup>

Ms. Obaid states that "in our development efforts in poor communities, we need to be able to work with people at their own level and to find common ground. We may not believe in what they

<sup>13</sup> UNFPA, Training Manual on Culturally Sensitive Approaches to Development Programming, New York, 2008.

<sup>14</sup> UNFPA, The Culture Lens. Available at: <http://www.unfpa.org/culture/culture.htm>.

<sup>15</sup> UNFPA, Reaching Common Ground: Culture, Gender and Human Rights. Available at: <http://www.unfpa.org/swp/2008/en/index.html>.

do, we may not agree with them, but we need to have the compassion and the commitment to understand them and to support them as they translate universal principles into their own codes, messages and ways of doing things. Human rights is our frame of reference. And we use culturally sensitive approaches to promote human rights in ways that people can identify with and can internalize in the context of their own lives.”<sup>16</sup>

### Examples of culturally sensitive approaches to programming

- ▶ Buddhist values of moderation, self-discipline and compassion have been tapped into in the fight against HIV/AIDS in a number of Southeast Asian countries. The temple is often the heart of the community—the place where people go to seek spiritual guidance and support. Aware of the role performed by Buddhist and lay clergy within local communities, many organizations, including UNFPA and its partners, have taken the opportunity to use the revered status of the Buddhist clergy to help promote and demonstrate messages of compassion and care, and to raise awareness on sensitive issues relating to sexual health. In one country, supported by the EC/UNFPA Reproductive Health Initiative for Youth in Asia (RHIYA), monks were trained to promote messages on safe sex to adolescents at risk of STDs/HIV and unwanted pregnancies. In addition, they contributed to the elimination of the stigma associated with HIV/AIDS by providing accurate information on HIV/AIDS transmission and prevention, and emphasizing compassion for those already affected.<sup>17</sup>
- ▶ Among a forest dwelling ethnic group in another country, it is taboo to allow blood in the house. Traditionally, childbirth therefore takes place in the forest, with a woman either alone or accompanied by older women and/or her husband, and both mother and child stay in the forest for three days. This practice, compounded by endemic malnutrition and high fertility rates, contributes to a high level of maternal mortality. An innovative approach was developed to alleviate women’s fear of delivery in the forest, while at the same time accommodating cultural prohibitions regarding blood:
  - Village men decided that, when the time came, a husband would construct a birthing hut for his wife just outside the village, close to the forest or rice fields. In the hut, the woman would have access to a traditional birth attendant (TBA) trained by an NGO, and the availability of referral in cases of complications to a district level clinic.
  - The men also decided that, provided the mother and baby were clean, they could return to the home after one day, rather than waiting for three days in the forest.

A combination of factors contributed to the successful outcome of this intervention:

- ▶ Participatory rural appraisal conducted by the NGO Concern Worldwide brought discussion to the fore about the traditional birthing practice and women’s fears of delivery in the forest.
- ▶ Village men decided to make the necessary cultural adaptations to address the situation and enabled significant moderations to take place regarding traditional practice.
- ▶ Village men also took on the responsibility of building birthing huts for their wives.
- ▶ Technical inputs from Concern Worldwide helped develop local health service capacity through the training of TBAs and by building a small clinic in the locality, thereby enabling referral networks to be established.
- ▶ Women were subsequently more confident than they had been previously and, at the same time, awareness was raised within the community about the importance of being able to access referral services and the link with the possibility of reducing maternal deaths.<sup>18</sup>

<sup>16</sup> Statement made by Thoraya Obaid, Executive Director, UNFPA.

Available at: <http://www.unfpa.org/culture/tips.htm>.

<sup>17</sup> UNFPA, Cultural Programming: Reproductive Health Challenges and Strategies in East and SouthEast Asia, p. 41, 2005.

<sup>18</sup> UNFPA, Cultural Programming: Reproductive Health Challenges and Strategies in East and Southeast Asia., p. 36, 2005.

Despite the value and necessity of acknowledging culture, take note that 'cultural sensitivity' does not mean that 'culture' can be used as an excuse to disregard or violate human rights. Do you think that harmful practices such as female genital mutilation/cutting or child marriage are sanctioned by a culturally sensitive approach? The answer is no. Even if embedded in long-standing traditions, such cultural customs must change, as they are both harmful to health and in conflict with international human rights standards.<sup>19</sup> Culture cannot be interpreted in such a way as to justify the denial or violation of human rights.

**“By adopting culturally sensitive approaches to promote human rights standards and principles, UNFPA is not making value judgements on any cultural values held by communities or groups; rather it is addressing harmful practices that represent violations of international standards of human rights. For example, campaigning to end female genital cutting is not a value judgement on any African culture where the practice is being exercised, but it is a judgement that the practice denies the right to freedom from discrimination on the basis of gender and the right to health. A human rights perspective affirms that the rights of women and girls to freedom from discrimination and to the highest standard of health are universal. Cultural claims cannot be invoked to justify their violation.”<sup>20</sup>**

### Additional Resources

1. UNFPA, Mediating Change Through Culturally Sensitive Approaches: Reflections from a Regional Retreat for Africa, 2005. Available at: [www.unfpa.org/culture/docs/mediating\\_change.pdf](http://www.unfpa.org/culture/docs/mediating_change.pdf).
2. UNFPA, Culture Matters - Working with Communities and Faith-based Organizations: Case Studies from Country Programmes. Available at: [www.unfpa.org/upload/lib\\_pub\\_file/426\\_filename\\_CultureMatters\\_2004.pdf](http://www.unfpa.org/upload/lib_pub_file/426_filename_CultureMatters_2004.pdf).
3. UNFPA, Working from Within: Culturally Sensitive Approaches in UNFPA Programming, 2004. Available at: [www.unfpa.org/upload/lib\\_pub\\_file/268\\_filename\\_Culture\\_2004.pdf](http://www.unfpa.org/upload/lib_pub_file/268_filename_Culture_2004.pdf).
4. UNFPA, Culture in the Context of UNFPA Programming: ICPD+10 Survey Results on Culture and Religion, 2005. Available at: [http://www.unfpa.org/upload/lib\\_pub\\_file/528\\_filename\\_culture\\_religion.pdf](http://www.unfpa.org/upload/lib_pub_file/528_filename_culture_religion.pdf).
5. UNFPA, Guide to Working from Within: 24 Tips for Culturally Sensitive Programming, 2004. Available at: <http://www.unfpa.org/culture/tips.htm>.
6. UNFPA, Culture Matters: Lessons from a Legacy of Engaging Faith-based Organizations, 2008. Available at: <http://www.unfpa.org/public/pid/1353>.
7. UNFPA, Reaching Common Ground: Culture, Gender and Human Rights, 2008. Available at: <http://www.unfpa.org/swp/2008/presskit/docs/en-swopo8-report.pdf>.

<sup>19</sup> UNHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, 2006.

<sup>20</sup> Policy Note on Implementing a Human Rights-Based Approach to Programming in UNFPA, p. 3, 2004.

## Gender-responsive programming

Gender equality and women's empowerment is one of UNFPA's core programme areas. Gender equality is a key issue underlining ICPD goals and also makes up Goal Number 3 of the MDGs (promote gender equality and empower women). Furthermore, gender mainstreaming is a cross-cutting approach relevant to all programming and policy areas within UNFPA and within the UN in general. The concept of bringing gender issues into the mainstream of society was clearly established as a global strategy for promoting gender equality in the Platform for Action adopted at the United Nations Fourth World Conference on Women held in Beijing (China) in 1995. It highlighted the necessity to ensure that gender equality is a primary goal in all areas of social and economic development.

### What are 'gender' and 'gender mainstreaming'?

**Gender:** Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relationships between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.<sup>21</sup>

**Gender mainstreaming:** Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.<sup>22</sup>

Within UNFPA, the application of a gender-responsive approach requires an understanding of the causes of discrimination and unequal power relations between men and women in a specific context, whether rooted in prevailing social attitudes and customary practices or discriminatory laws and policies, among other factors. In essence, applying a gender equality perspective means "looking at ways to change 'the rules of the game', by questioning and responding to the underlying values and factors for unequal status and treatment".<sup>23</sup>

UNFPA policy calls for a dual approach to gender equality. This means that:

1. Gender equality is to be mainstreamed across all UNFPA's activities; and
2. UNFPA is to support explicit programme components on women's empowerment.<sup>24</sup>

Ensuring gender equality is thus simultaneously an integral part of the process of carrying out a programme, as well as a programming goal in itself. Gender mainstreaming is a crosscutting strategy for achieving this goal, because it helps to create the enabling environment that promotes—and enforces—gender equality in laws, policies, practices and value systems.<sup>25</sup>

<sup>21</sup> Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI).

<sup>22</sup> UN Economic and Social Council (ECOSOC), E/1997/L.3014, July 1997.

<sup>23</sup> UNFPA, *Delivering on the Promise of Equality: UNFPA's Strategic Framework on Gender Mainstreaming & Women's Empowerment, 2008-2011*.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Op. cit.*, *Rights into Action*, p. 13.

Notice how promoting gender equality fits perfectly within a culturally sensitive human rights-based approach.<sup>26</sup>

- ▶ Think about the ways in which gender and culture are linked, and how violations of women's rights are often sanctioned under the cover of local cultural practices and norms.<sup>27</sup>
- ▶ Also, think about how promoting change must require an understanding of the role of women in a particular context and culture.
- ▶ Finally, remember that gender equality is part and parcel of a human rights-based approach. A human rights-based approach requires that (a) gender perspectives are included throughout the programming phases, and (b) women's empowerment is reflected in priorities and development challenges that result from the CCA and UNDAF processes.

### Understanding gender equality and women's empowerment

Gender equality implies a society in which women and men enjoy the same opportunities, outcomes, rights and obligations in all spheres of life. Equality between women and men exists when both sexes are able to share equally in the distribution of power and influence; have equal opportunities for financial independence through work or through setting up businesses; and enjoy equal access to education and the opportunity to develop personal ambitions. A critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives. Women's empowerment is vital to sustainable development and the realization of human rights for all.<sup>28</sup>

Given that achieving gender equality and eliminating all forms of discrimination are at the heart of a HRBA, HRBAs and gender-responsive approaches are inextricably related and should be integrated. Gender roles and gender relations have an immense influence on health and on the realization of human rights. Thus, reducing gender inequality "in all its facets and manifestations and transforming gender stereotypes and gender relations" <sup>29</sup> is possibly the most effective strategy to advance human rights, further sexual and reproductive health, reduce poverty, and promote development—all important UNFPA goals.

Finally, an important part of UNFPA's gender-responsive approach is its focus on financing for gender equality and gender-responsive budgeting. Budgets are an important policy tool of governments and are especially useful when applying a human rights-based approach, because they are a way of holding governments accountable to their human rights obligations. "A government can have a very good policy on reproductive health, gender-based violence, or HIV/AIDS, but if it does not allocate the necessary money to implement it, the policy is not worth any more than the paper it is written on."<sup>30</sup> A gender-responsive HRBA will, therefore, necessarily pay attention to the impact of government budgets on different social groups.

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<sup>26</sup> Action 2 Learning Draft Resource Guide, p. 1.

<sup>27</sup> UNFPA, *Ending Violence Against Women: Programming for Prevention, Protection and Care*, 2007.

<sup>28</sup> UNFPA, *Empowering Women*. Available at: <http://www.unfpa.org/gender/empowerment.htm>.

<sup>29</sup> UNAIDS, *Operational Guide on Gender & HIV/AIDS: A Rights-based Approach*, 2005.

<sup>30</sup> UNFPA & UNIFEM, *Gender Responsive Budgeting and Women's Reproductive Rights: A Resource Pack*, p. 12, 2006.

## Examples of a gender-responsive approach to programming

- ▶ Prior to 2003, survivors of rape in one African country were accused of fornication and thrown in jail while the perpetrators went free. Correcting that gross injustice—and getting society to recognize the problem of rape at all—began with the grass-roots efforts of four midwives, who could no longer ignore the stories they were hearing from their clients. With UNFPA support, the first statistics on sexual violence were collected, and a centre was established to respond to the multiple needs of survivors. Breaking the taboos surrounding the discussion of rape was the first step in addressing the problem. Local imams lent their support to the effort, convincing government officials, judges, the police and members of the community that protecting women and easing the suffering of those most vulnerable was a religious obligation.<sup>31</sup>
- ▶ In one Latin American country, UNFPA has worked for more than a decade with indigenous communities to address the powerlessness, discrimination and low self-esteem that women experience in their daily lives. Training on human rights issues and new opportunities for dialogue and reflection on gender equality have helped indigenous women regain pride in their cultural heritage.<sup>32</sup>

## Additional resources on gender mainstreaming and women's empowerment work

1. The latest version of the UNFPA Strategic Framework on Gender Mainstreaming & Women's Empowerment 2008-2011. Available at: <http://new.vawnet.org/category/Documents.php?docid=1293>.
2. UNAIDS, Operational Guide on Gender & HIV/AIDS, 2005. Available at: [www.genderandaids.org/downloads/events/Operational%20Guide.pdf](http://www.genderandaids.org/downloads/events/Operational%20Guide.pdf).
3. UNFPA, Programming to Address Violence Against Women: Ten Case Studies, 2007. Available at: <http://www.unfpa.org/public/publications/pid/386>.
4. UNFPA, Focusing on Gender: An Assessment of Gender Integration in UNFPA Materials, 2006. Available at: <http://www.unfpa.org/public/publications/pid/372>.
5. UNFPA, Ending Violence Against Women: Programming for Prevention, Protection and Care, 2007. Available at: <http://www.unfpa.org/public/global/pid/399>.
6. UNFPA, State of World Population 2005. The Promise of Equality: Gender Equity, Reproductive Health & the MDGs. Available at: <http://www.unfpa.org/swp/2005/index.htm>.

UNFPA's unique focus on a culturally sensitive, gender-responsive, human rights-based approach to programming is important because the organization's work involves programming around very sensitive matters.<sup>33</sup> Think about many of the issues that fall within the ICPD agenda—sexual and reproductive health and reproductive rights, women's empowerment, HIV prevention, violence against women, safe motherhood in emergency situations, and so forth—and how it is that these are considered sensitive topics. Whenever you work on these issues, you will be aided by your understanding of how cultural sensitivity, gender-responsiveness and human rights are essential to one another. We believe that a culturally sensitive, gender-responsive HRBA will help you create programmes that succeed in securing the freedom, well-being and dignity of all people.

<sup>31</sup> UNFPA, Programming to Address Violence Against Women: 10 Case studies, pp. 1-9, 2007.

<sup>32</sup> UNFPA, State of World Population 2005. The Promise of Equality: Gender Equity, Reproductive Health & the MDGs, 2005

<sup>33</sup> UNFPA, Mediating Change Through Culturally Sensitive Approaches: Reflections from a Regional Retreat in Africa, 2005.

## WORKSHEET 1:

Test your knowledge of a culturally sensitive approach, a gender-responsive approach, and a human rights-based approach and how they are integrated.

1. In 100 words or less, what is UNFPA's 'culturally sensitive approach'?
2. In 100 words or less, what is UNFPA's 'gender-responsive approach'?
3. In 100 words or less, what is UNFPA's 'human rights-based approach'?
4. How are the above three approaches linked together? Why are they so integrated?
5. Why does a HRBA require cultural sensitivity and gender-responsiveness?

## B. Basic concepts and principles of human rights

**“The intention [of UNFPA] is to promote the integration of human rights in our work, both at headquarters and in the field.”**

*Policy Note on Implementing a Human Rights-Based Approach to Programming in UNFPA*

### **What are human rights?**

Human rights are intrinsic values that give all human beings dignity. As is stated in the very first line of the preamble to the Universal Declaration of Human Rights (UDHR):

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”<sup>34</sup>

This is followed by the first line of Article 1 of the UDHR: “All human beings are born free and equal in dignity and rights.”<sup>35</sup>

Human rights are thus basic values that are essential to human dignity. Human rights are legally guaranteed by human rights law. They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity. Human rights impose obligations on governments (who are the primary duty-bearers).

Governments are obliged to respect, protect and fulfil human rights (see below for a definition of these terms). Human rights also underlie all fifteen ICPD principles.

### **Universal Declaration of Human Rights**

The horrors experienced during the Second World War, most notably the genocide committed by the Nazi regime, shocked the world. There was international agreement that such atrocities could not be condoned and that a unified declaration against human rights violations was necessary to prevent such violations from recurring. Established in 1945, the United Nations set up a Commission on Human Rights to create such a declaration. On December 10th, 1948, 48 countries signed the Universal Declaration of Human Rights, the outcome of the work of the Commission on Human Rights.

Since the Universal Declaration on Human Rights was adopted, human rights have become codified in international, regional and national legal systems. The Universal Declaration of Human Rights serves as the foundation upon which all subsequent human rights instruments were defined and has been endorsed by virtually all States.

As explained in the Action 2 Learning Draft Resource Manual, human rights law obliges governments (principally) and other duty-bearers to do certain things and prevents them from doing others. For example, under human rights law, the State has a duty to ensure that the right to the highest attainable standard of health is fulfilled by establishing measures for the implementation, including progressive implementation, of this right. At the same time, the State has a duty

<sup>34</sup> Universal Declaration of Human Rights. Available at: <http://www.un.org/Overview/rights.html>.

<sup>35</sup> Ibid.

to refrain from any action that may serve to discriminate against a group of individuals in the exercise of their rights on grounds of race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status.

### **All human rights: Civil, cultural, economic, political and social**

During the Cold War, human rights discourse became highly politicized at the international level with the polarization of States that prioritized civil and political rights on the one hand (such as the right to a fair trial, freedom of religion, freedom of speech, etc.), and those that prioritized economic, social and cultural rights on the other (e.g. right to health, right to education, right to an adequate standard of living, right to food, etc.).

In the 1993 Vienna Conference, a consensus was reached that recognized all rights as equally important. The Vienna Declaration on Human Rights provides that “all human rights are universal, indivisible and interdependent and interrelated.” There is no hierarchy in human rights, meaning that civil, cultural, economic, political and social rights have equal status. The Vienna Declaration of Human Rights also recognized that women’s rights are human rights.<sup>36</sup>

Unfortunately, despite this consensus, many governments around the world still continue to prioritize their commitment to civil and political rights over and above social, economic and cultural rights. At times, governments might proclaim their support for social, economic and cultural rights in laws and policies, but will do little to implement these rights in practice. Nor will they devote enough money in their budgets towards the progressive realization of such rights (hence, for example, the importance of promoting gender-responsive budgeting). As a result, when supporting governments to achieve ICPD goals, UNFPA often has to be a lead advocate for the importance of social, economic and cultural rights.

### **Collective rights**

In some cases the equal worth and dignity of all human beings can only be assured through the recognition and protection of individuals’ rights as members of a group.

- ▶ The term ‘collective rights’ or ‘group rights’ refers to the rights of peoples and groups, including ethnic and religious minorities and indigenous peoples, where the individual is defined by his or her ethnic, cultural or religious community.
- ▶ In many instances human rights claims are generally made more effectively by people acting together as a group.
- ▶ For example, although all human beings have the right to freedom of association, it is when that right is asserted collectively that it can be realized most meaningfully.
- ▶ In some specific cases the right in question protects a common interest that the group, rather than any single individual, is entitled to claim, such as the rights of indigenous peoples to traditional lands, which is recognized in ILO Convention No. 169.<sup>37</sup>

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<sup>36</sup> Action 2 Learning Draft Resource Guide, p. 24.

<sup>37</sup> Ibid., pp. 24-25.

## Important characteristics of human rights

### Human rights:

- ▶ Are universal—the birthright of all human beings.
- ▶ Focus on the inherent dignity and equal worth of all human beings.
- ▶ Cannot be waived or taken away.
- ▶ Impose obligations upon States and State actors. These obligations require a State to do something—e.g. ensure that everyone has access to basic education, shelter and food—and also not to violate rights—e.g. refrain from invading an individual’s privacy.
- ▶ Are internationally guaranteed.
- ▶ Are legally protected.

Although the above box refers to human rights as ‘universal’, this in no way implies that respect for different cultures is negated. In fact, as we mentioned above, a culturally sensitive approach to human rights is essential if human rights are to be realized universally.

Human rights are spelled out in international treaties that form part of international human rights law. What these treaties do is put into legal language the obligations of governments (principally) and other duty-bearers (such as health care workers and parents) to do certain things as well as to prevent them from doing others.

## Some frequently asked questions on a human rights-based approach to development cooperation<sup>38</sup>

### 1. Is there any hierarchy among human rights?

No, all human rights are equally important. The 1948 Universal Declaration of Human Rights makes it clear that human rights of all kinds—economic, political, civil, cultural and social—are of equal validity and importance. The international community has reaffirmed this fact repeatedly. This is reflected in the principle of the indivisibility of human rights (defined in Module 2).

### 2. Do individuals, as well as States, have obligations?

Yes. Human rights responsibilities can also attach to private individuals, international organizations and other non-State actors. Parents, for example, have explicit obligations under the Convention on the Rights of the Child. Moreover, individuals have general responsibilities towards the community at large, and, at a minimum, must respect the human rights of others.

### 3. Do human rights depend on culture?

Practical implementation does demand sensitivity to culture. UNFPA documents make it clear that the application of a HRBA requires an understanding of the fundamental role of culture. In its Policy Note on Implementing a Human Rights-Based Approach to Programming in UNFPA (2004), UNFPA points out “cultures may be viewed as contextual environments for the implementation of human rights policies.” It also explains that a clear understanding of the beliefs and values of the people will facilitate the implementation of a HRBA and “allow for higher degrees of ownership by communities of UNFPA programmes.”<sup>39</sup>

*(continued on following page)*

<sup>38</sup> OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, 2006. Available at: [http://www.ohchr.org/english/about/publications/docs/FAQ\\_en.pdf](http://www.ohchr.org/english/about/publications/docs/FAQ_en.pdf).

<sup>39</sup> UNFPA, Policy Note on Implementing a Human Rights-Based Approach to Programming in UNFPA, p. 2, 2004.

## Some frequently asked questions on a human rights-based approach to development cooperation (continued)

### 4. What is the relationship between human rights and human development?

Human rights and development both aim to promote well-being and freedom based on the inherent dignity and equality of all people. Human rights contribute to human development by guaranteeing a protected space where the elite cannot monopolize development processes, policies and programmes. The human rights framework also introduces the important idea that certain actors have duties to facilitate and foster development.

### 5. What is the relationship between human rights and poverty reduction?

Poverty is a result of disempowerment and exclusion. Poverty is not only a lack of material goods and opportunities, such as employment, ownership of productive assets and savings, but the lack of physical and social goods, such as health, physical integrity, freedom from fear and violence, social belonging, cultural identity, organizational capacity, the ability to exert political influence, and the ability to live a life with respect and dignity. Human rights violations occur both as a cause and a consequence of poverty.

### Limitations on human rights

In a narrow range of circumstances, including for the purpose of protecting public health, governments are allowed to restrict certain human rights. One example of this might be a case where a government chooses to restrict travel (thereby restricting the freedom of movement) in a region experiencing a virulent outbreak of a communicable disease. Limitations on rights, however, are considered a serious issue under international human rights law. When a government limits the exercise or enjoyment of a right, this action must be taken as a last resort, and the government has to address the criteria spelled out in the Siracusa Principles<sup>40</sup> adopted by the UN Economic and Social Council.<sup>41</sup>

### Siracusa Principles<sup>42</sup>

- ▶ First, the proposed restriction [on human rights] has to be provided for and implemented in accordance with the law.
- ▶ Second, the restriction has to be directed towards a legitimate objective of general interest, such as preventing further transmission of the HIV virus.
- ▶ Third, it must be strictly necessary to achieve the objective in question.
- ▶ Fourth, no less intrusive and restrictive means should be available to reach this objective.
- ▶ Fifth, it cannot be unreasonable or discriminatory in its application.

<sup>40</sup> UNCHR, Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, 1984, UN Doc E/CN.4/1984/4. Available at: <http://www.unhcr.org/refworld/docid/4672bc122.html>.

<sup>41</sup> S. Gruskin, M. Grodin, G. Annas, and S. Marks (eds.), *Perspectives on Health and Human Rights*, Routledge Taylor & Francis Group, New York, 2005.

<sup>42</sup> This summary of the Siracusa Principles is taken from: S. Gruskin and B. Loff, *Do Human Rights Have a Role in Public Health Work?*, *The Lancet*, vol. 360, p.1880, 2002.

Despite this notion of valid limitations of rights, there are certain rights that are non-derogable. This means that no government can restrict these rights, even during times of emergency. The list of non-derogable rights includes:

- ▶ the right to life;
- ▶ freedom from torture, cruel, inhuman or degrading treatment or punishment, and from medical or scientific experimentation without free consent;
- ▶ freedom from slavery or involuntary servitude;
- ▶ the right not to be imprisoned for contractual debt;
- ▶ the right not to be convicted or sentenced to a heavier penalty by virtue of retroactive criminal legislation;
- ▶ the right to recognition as a person before the law; and
- ▶ freedom of thought, conscience and religion.

**“These rights are not derogable under any conditions even for the asserted purpose of preserving the life of the nation.”<sup>43</sup>**

**“...[Member States and the UN shall promote] universal respect for, and observance of, human rights and fundamental freedoms.”**

*Article 55 of the UN Charter*

### **Human rights as a foundation of the UN**

The international human rights regime evolved within the United Nations. As stated in the UN Charter, promoting human rights has been a fundamental purpose of the organization since its inception. The Charter proclaims the objective of the UN “to save succeeding generations from the scourge of war” and “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.”<sup>44</sup>

Under the UN Charter, all of the principal United Nations bodies have been given direct or indirect responsibility for ensuring attention to human rights including the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat.

In the last decade or so, the United Nations has taken major steps to integrate human rights into all aspects of development.

- ▶ In 1997 the former Secretary-General of the United Nations, Kofi Annan, emphasized the links between peace and security, poverty reduction, sustainable human development, and the promotion and respect for human rights. This message formed the basis of his reform agenda for the United Nations.
- ▶ The Secretary-General’s 2002 Report, *Strengthening the UN: An Agenda for Further Change*, contained further proposals for strengthening human rights, and underscored the importance

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<sup>43</sup> Op. cit., UNCHR, *Siracusa Principles*.

<sup>44</sup> United Nations Charter. Preamble, quoted in *Action 2 Learning Draft Resource Manual*, pp. 26-27.

of developing the capacity of UN country teams to integrate human rights in the Common Country Assessment (CCA) and UN Development Assistance Framework (UNDAF).

- ▶ The Secretary-General's 2005 Report, *In Larger Freedom: Towards Development, Security and Human Rights for All*, provided a framework for addressing peace, security, development and human rights, and reaffirmed these areas as the main pillars of the United Nations.<sup>45</sup>

## The international human rights legal regime

The Universal Declaration of Human Rights (UDHR) (see box above) can well be understood to be the cornerstone document of the modern human rights movement. Although the UDHR did not begin by being a legally binding document, nations have endowed it with a tremendous legitimacy through their actions, and it has now become part of 'customary law'. Portions of the UDHR are cited in the majority of national constitutions drafted since it came into being, and governments often cite the UDHR in their negotiations with other governments, such as when pointing out obligations that must be met.<sup>46</sup>

Under the auspices of the UN, more than 20 multilateral human rights treaties have been formulated since the adoption of the Universal Declaration of Human Rights. These treaties create legally binding obligations on the nations that ratify them (or accede to them), thereby giving these treaties the status and power of international law. The key international human rights treaties—the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966), and the International Covenant on Civil and Political Rights (ICCPR 1966)—further elaborate the content of the rights set out in the UDHR and contain legally binding obligations for the governments that ratify them. Together with the UDHR and the UN Charter, these documents are often called the International Bill of Human Rights.<sup>47</sup>

Remember that international human rights law is part of public international law and binds the actions of States, not individuals. International treaties, therefore, are explicit agreements between nations to assume obligations and to be bound by particular rules.

### International treaties, declarations and conference documents and reports relevant to UNFPA

#### Treaties and other legally binding documents:

- ▶ The Charter of the United Nations.
- ▶ International Covenant on Economic, Social and Cultural Rights (ICESCR)
- ▶ International Covenant on Civil and Political Rights (ICCPR)
- ▶ Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- ▶ Convention on the Rights of the Child (CRC)
- ▶ Convention on the Rights of Persons with Disabilities (CRPD)

#### Declarations, consensus documents and reports:

- ▶ Universal Declaration of Human Rights, 1948
- ▶ Declaration on the Elimination of Violence Against Women, 1993

*(continued on following page)*

<sup>45</sup> See Action 2 Learning Draft Resource Guide, pp. 5-10.

<sup>46</sup> S. Gruskin and D. Tarantola, *Health and Human Rights*, in S. Gruskin, et al., *Perspectives on Health and Human Rights*, op cit., p. 8. Marks (eds.), *Perspectives on Health and Human Rights*, Routledge Taylor & Francis Group, New York, 2005.

<sup>47</sup> Ibid.

## International treaties, declarations and conference documents and reports relevant to UNFPA (continued)

(Declarations, consensus documents and reports continued)

- ▶ World Conference on Human Rights, Vienna Declaration and Programme of Action, 1993
- ▶ International Conference on Population and Development (ICPD) Programme of Action (also known as the Cairo Consensus) and ICPD +5 and ICPD +10 goals, 1994, 1999, 2004
- ▶ Fourth World Conference on Women, Declaration and Platform for Action (also known as Beijing Platform for Action), 1995
- ▶ Glen Cove Meeting: Human rights approaches to women's health with a focus on sexual and reproductive health and reproductive rights, 1996
- ▶ International Guidelines on HIV/AIDS and Human Rights (last revised 2002), 1998
- ▶ Millennium Declaration, 2000 (and the MDGs)
- ▶ UNGASS Declaration of Commitment on HIV/AIDS, 2001
- ▶ UN World Conference Against Racism, 2001
- ▶ Glen Cove +5: Application of Human Rights to Sexual and Reproductive Health, 2001
- ▶ UN Secretary-General's reports, including Programme for Reform (1997), its second phase, An Agenda for Further Change (2002) known as Action 2, and the Secretary-General's Report, In Larger Freedom.
- ▶ Declaration on the Rights of Indigenous Peoples, 2007

### Hint: Getting to know some of the major treaties

**ICESCR** – This treaty includes economic, social, and cultural rights such as the right to health (art. 12), the right to education (art.13), and the right to an adequate standard of living (art. 11), etc. This is an important treaty to become familiar with!

**ICCPR** – This treaty includes civil and political rights such as the right to freedom of religion (art. 18), the right to a fair trial (art. 14), freedom from torture (art. 7), etc.

Both the above treaties, however, incorporate certain core understandings based on the UDHR, for example, the principles of equality and non-discrimination.

**CEDAW** – This treaty addresses social, cultural and economic discrimination against women. It compels States to work to eradicate discrimination in all its forms, including disadvantages conferred by gender roles. It includes the elimination of discrimination against women in areas of education (art. 10), employment (art. 11), health (art. 12), marriage and family relations (art. 16), and so forth. CEDAW is particularly useful for fulfilling UNFPA's mandate and provides the first internationally agreed definition of 'discrimination against women'!

- ▶ Think about using CEDAW as an advocacy tool in working for legal and policy changes at the local and national level and to promote gender equality, women's empowerment and sexual and reproductive rights.
- ▶ Use CEDAW and the committee's concluding observations as a guide when advising governments on how to design their gender programmes.
- ▶ The existence of an international legal framework for women's rights, however, does not automatically imply implementation of these rights at the national level, as implementation of rights is largely dependent on the will of Governments.

*(continued on following page)*

### Hint: Getting to know some of the major treaties (continued)

- ▶ As a result, a lot of UNFPA's efforts focus on encouraging and building this political will, which is done by engaging not just governments, but also cultural actors, religious leaders and opinion-makers across civil society.<sup>48</sup> CEDAW highlights government responsibility not just regarding a government's own actions, but also for eliminating discrimination that is being perpetrated by private individuals and organizations.
- ▶ CEDAW recognizes that discrimination is often most deeply rooted in spheres of life such as culture, the family and interpersonal relations—and that if change does not take place at those levels, efforts to achieve gender equality will be frustrated.<sup>49</sup>

**CRC** – This treaty clarifies States' responsibility for a broad set of rights of children under the age of 18. It also obligates States to ensure appropriate prenatal and post-natal health care for mothers (art. 24), ensure that children have access to accurate information, especially that aimed at the promotion of their physical and mental health (art. 17), and abolish traditional practices prejudicial to the health of children (art. 24(3)). Nearly all States have ratified this convention, making it a strong tool for holding governments accountable on the human rights issues of concern to UNFPA.<sup>50</sup>

**Treaties** are contracts between governments. This means that they are legally binding on the States that are party to them and call for compliance with the principles and standards contained in each instrument.<sup>51</sup>

#### Ratification and accession

Legal State responsibility for human rights arises as a result of procedures of ratification and accession. **Ratification** is a two-step process where a Head of State or other designated actor signs the treaty signalling intent to be bound, and written approval is then provided at the national level by the appropriate constitutional organ, such as the parliament or congress.<sup>52</sup> **Accession** is the consent by the State to be bound in cases when it has not previously signed the instrument and where only one signature is needed.<sup>53</sup>

States may be in agreement with being legally bound for most but not all provisions of a human rights treaty at the time of ratification/accession. Under international law, a State may ratify a human rights treaty with **reservations** indicating that it does not agree to be bound by certain specific articles but only if these reservations do not go against the central spirit of the treaty. States may also issue interpretative statements called **declarations** or **understandings** which serve to explain the meaning they give to certain provisions at the national level. While these are also permissible, **they should not run counter to the object and purpose of the treaty in question.** A number of States have withdrawn their reservations at the time of ratification. The monitoring treaty bodies encourage the withdrawal of reservations.<sup>54</sup>

<sup>48</sup> UNFPA, An Operational Tool on the Convention on the Elimination of All Forms of Discrimination Against Women, 1999.

<sup>49</sup> Action 2 Learning Draft Resource Guide, p. 31.

<sup>50</sup> Information in this box adapted from UNFPA, The State of World Population 1997. The Right to Choose: Reproductive Rights and Reproductive Health, pp. 9-10

<sup>51</sup> Action 2 Learning Draft Resource Guide, p. 28. For further reading, see Fact Sheet No.2 (Rev.1), The International Bill of Human Rights, available at: [www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf), and Fact Sheet No. 30, The United Nations Human Rights Treaty System, available at: [www.ohchr.org/Documents/Publications/FactSheet30en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet30en.pdf).

<sup>52</sup> Action 2 Learning Draft Resource Guide, p. 28.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid, p. 29. For further details on these steps, refer to the Treaty Handbook of the United Nations – Office of Legal Affairs. Available at: [http://untreaty.un.org/ola-internet/Assistance/handbook\\_eng/hbframeset.htm](http://untreaty.un.org/ola-internet/Assistance/handbook_eng/hbframeset.htm).

A number of countries have made certain reservations that they justify based on their traditions or culture. Unfortunately, the treaty with the most reservations is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979). Take a look at some of the examples of reservations to CEDAW:

- ▶ One country has made a reservation with respect to Article 11(2) (which requires a government to provide paid maternity leave), claiming that its government “is not at present in a position to take the measures required by article 11(2) to introduce maternity leave with pay or with comparable social benefits throughout [the country].”<sup>55</sup>
- ▶ Another country in Asia has made a general reservation with respect to Article 2 (which requires States to “pursue...without delay a policy of eliminating discrimination against women”), stating that “the Government...does not consider as binding upon itself the provisions of article 2...as they conflict with Shari’a law based on Holy Quran and Sunna.”<sup>56</sup>

Examples of reservations to the ICESCR include:

- ▶ One country in sub-Saharan Africa has made a reservation to Article 10(2) (which requires a government to accord “special protection to mothers during a reasonable period before and after childbirth”), claiming that “while the...Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in [the country] do not render necessary or expedient the imposition of those principles by legislation.”<sup>57</sup>
- ▶ Another African country has made a general reservation to Article 13 (the right to education), stating that the country “[is] bound, however, in respect of education, only by the provisions of its Constitution.”<sup>58</sup>

What do you think about these reservations? Do any of them go against the ‘spirit of the treaty’?

### **Regional human rights treaties**

In addition to international human rights treaties, there are also **regional human rights treaties**, which essentially concern the same sets of rights, but are only open for signature by States in the relevant region.

- ▶ Regional human rights treaties are important to consider when applying a human rights-based approach to programming as they provide an additional set of tools by which to assist governments in fulfilling their obligations.
- ▶ As a result, regional human rights mechanisms can be important partners for close collaboration with the UN on activities of mutual concern.
- ▶ Regional human rights systems reinforce international standards and machinery by providing the means by which human rights concerns are addressed within the particular social, historical and political context of the region concerned.

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<sup>55</sup> Available at: <http://www.ohchr.org/>

<sup>56</sup> Available at: <http://www.ohchr.org/english/law/cedaw.htm>.

<sup>57</sup> Available at: [http://www.iwraw-ap.org/mechanism/r\\_details.htm](http://www.iwraw-ap.org/mechanism/r_details.htm).

<sup>58</sup> Ibid.

**Asia and Arab States:** Asia has not yet succeeded in establishing any viable human rights regime. As for Arab States, in summary:

- ▶ In the Middle East region, an **Arab Charter on Human Rights** was adopted by the League of Arab States in 1994 but was not ratified by States.<sup>59</sup>
- ▶ Efforts were made by the member States of the Arab League to improve the text. The new draft of the Charter, adopted by the Arab Standing Committee on Human Rights in January 2004, is a substantial improvement on the original document, but the revised document is still regarded as falling short of providing critical human rights protections.
- ▶ As of January 2008, the Arab Charter was ratified by seven countries, thus bringing it into force. The **Arab Committee for Human Rights** is responsible for monitoring the Charter.

**Europe:** The most developed and strongest regional human rights regime exists in Western Europe with its systems for setting standards, monitoring, and promoting human rights among more than 45 countries. In summary:

- ▶ **The European Convention for the Protection of Human Rights and Fundamental Freedoms** (entered into force in 1953)<sup>60</sup> and its numerous Protocols guarantee civil and political rights, while the **European Social Charter** (adopted 1961, revised in 1996) supports economic and social rights.
- ▶ The **European Court of Human Rights** has authoritative decision-making powers. Its decisions are normally enforced and have significant weight on law and practice in a number of European States. For example, its decisions helped to restrict corporal punishment in schools in the United Kingdom and to eliminate discrimination against unmarried mothers and children born outside of marriage in Belgium.<sup>61</sup>

**The Americas:** The Inter-American human rights regime falls under the **Organization of American States (OAS)**. In summary:

- ▶ Like the European Convention, the **American Declaration of the Rights and Duties of Man** (1948) recognizes many human rights that are similar to those within the Universal Declaration of Human Rights.
- ▶ The **American Convention on Human Rights** (1969)<sup>62</sup> recognizes civil and political rights and the right to property.
- ▶ In addition, there is the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights** (1988) commonly referred to as the Pact of San José, Costa Rica<sup>63</sup>, as well as the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women**, which entered into force in 1995.<sup>64</sup>
- ▶ The **Inter-American Court of Human Rights** was established in 1979 and sits in San José, Costa Rica. The Inter-American Court has not yet had a strong impact in part because although it may make binding enforcements, its jurisdiction to adjudicate cases is optional for the States that ratify.

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<sup>59</sup> The Arab Charter. Available at: <http://www1.umn.edu/humanrts/instree/arabhrcharter.html>.

<sup>60</sup> The European Convention. Available at: <http://www.hri.org/docs/ECHR50.html>.

<sup>61</sup> J. Donnelly, *Universal Human Rights In Theory & Practice*, Cornell University Press, 2003, p.139, from Action 2 Learning Draft Resource Manual, p. 41.

<sup>62</sup> The American Convention. Available at: <http://www1.umn.edu/humanrts/oasinstr/zoas3con.htm>.

<sup>63</sup> Additional Protocol to the American Convention of Human Rights in the Area of Economic, Social and Cultural Rights. Available at: <http://www.oas.org/juridico/English/Treaties/a-52.html>.

<sup>64</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 33 I.L.M. 1534 (1994), entered into force March 5, 1995. Available at: <http://www1.umn.edu/humanrts/instree/brazil1994.html>.

**Africa:** The African regional human rights system falls under the **African Union**, which was established in 2001 and replaced the Organization of African Unity (OAU). In summary:

- ▶ The African Union's objectives include promoting peace, security and stability on the continent; democratic principles and institutions, popular participation and good governance; and promoting and protecting human rights in accordance with the **African Charter on Human and Peoples' Rights**<sup>65</sup> and other human rights instruments.
- ▶ The African Charter was adopted by the OAU in 1981 and entered into force in 1986. Today there are several protocols to the Charter including the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**.<sup>66</sup>
- ▶ The African Charter includes important distinguishing features from other regions, including explicit recognition of collective or peoples' rights, the rights to peace and development and the importance of individual duties. The rights it guarantees are limited and subject to State discretion.<sup>67</sup>
- ▶ The **Protocol on the establishment of an African Court on Human and Peoples' Rights** entered into force in 2004. The Court is mandated to complement the protective mandate of the African Commission on Human and Peoples' Rights. It will act in an adjudicatory and advisory capacity. It will receive cases from State parties, African intergovernmental organizations, individuals and NGOs.<sup>68</sup>

### Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

This instrument entered into force in 2005 and, among other things, requires States to:

- ▶ combat all forms of discrimination against women;
- ▶ eliminate harmful practices such as female genital mutilation, scarification, medicalization and para-medicalization of female genital mutilation;
- ▶ protect women from armed conflicts such as asylum seeking women, refugees, returnees and internally displaced persons, and against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity; and
- ▶ protect women's health and reproductive rights, including the right to control their fertility, the right to decide on the number and spacing of their children, the right to choose any method of contraception, and the right to be protected against sexually transmitted infections, including HIV/AIDS.<sup>69</sup>

### African Charter on the Rights and Welfare of the Child

This instrument entered into force in 1999, and although it includes many of the rights embodied in the Convention on the Rights of the Child, it is distinguished by the elaboration of the child's responsibilities to his/her family, society, the State and international community. The Charter establishes an **African Committee of Experts on the Rights and Welfare of the Child** to promote and protect the rights and welfare of children. This body collects and documents information, undertakes inter-disciplinary assessment of problems in Africa, formulates and establishes principles and rules aimed at protecting children, and cooperates with international and regional institutions.<sup>70</sup>

<sup>65</sup> The African Charter. Available at: <http://www.umn.edu/humanrts/instree/zrafchar.htm>.

<sup>66</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Available at: [http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html).

<sup>67</sup> Action 2 Learning Draft Resource Guide, p. 41.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., p. 43.

<sup>70</sup> Ibid.

## 'Soft' human rights law

Some human rights standards are also contained in other types of instruments, such as political consensus documents, declarations and recommendations, which are generally regarded as having moral and political force and providing a guiding reference to States. Examples of such documents relevant to UNFPA include:

- ▶ The ICPD Programme of Action;
- ▶ The Declaration of Commitment on HIV/AIDS;
- ▶ The Declaration on the Rights of Indigenous Peoples; and
- ▶ The Declaration on the Elimination of Violence Against Women.

Though technically 'non-binding' commitments, these documents demonstrate that the international community is giving attention to certain issues. As a result, they are generally regarded as providing a guiding reference to States. Individually and collectively, these documents have been of critical importance in helping to elaborate provisions relevant to vulnerable groups, women's human rights, and in linking the concepts of health and human rights.<sup>71</sup> These commitments have helped to create new approaches for considering the extent of government accountability for health and gender issues, and even though not legally binding it is important that you become familiar with them.

The ICPD Programme of Action is of particular significance for UNFPA. UNFPA is committed to building national capacities to implement a human rights-based approach to programming and policies that will further the ICPD agenda. For UNFPA, therefore, adopting a human rights-based approach goes hand-in-hand with advancing the ICPD agenda.

The fifteen principles outlined in the ICPD PoA are based on fundamental human rights drawn from international human rights treaties.

### Fifteen key principles from the ICPD PoA

In the ICPD Programme of Action—also known as the Cairo Consensus—delegates from all regions and cultures agreed on 15 Principles, which can be summarized as follows:

1. All human beings are born free and equal in dignity and rights.
2. Human beings are at the centre of concerns for sustainable development.
3. The right to development is a universal and inalienable right—the lack of development may not be invoked to justify human rights violations.
4. Advancing gender equality and equity and the empowerment of women, the elimination of violence against women, and ensuring women's ability to control their own fertility are cornerstones of population programmes.
5. Population-related goals are integral parts of cultural, economic and social development.
6. Interrelationships between population, resources, the environment and development should be fully recognized.
7. All States and all people should contribute to the eradication of poverty.
8. States should take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health-care services, including those related to sexual and reproductive health care.

*(continued on following page)*

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<sup>71</sup> S.Gruskin & D.Tarantola, Health and Human Rights, in S. Gruskin, et al., Perspectives on Health and Human Rights, op. cit., pp. 9-10.

## Fifteen key principles from the ICPD PoA (continued)

9. The family is the basic unit of society and should be strengthened, taking into consideration the various forms of family according to different cultural, political and social systems.
10. Everyone has the right to education. Particular attention must be paid to the education of women and female children.
11. All States and families should give the highest possible priority to children.
12. Countries should guarantee all basic human rights to all migrants.
13. Everyone has the right to seek asylum.
14. States should recognize and support the identity, culture and interests of indigenous people, and enable them to participate fully in the political, economic and social life of the country.
15. Growth should be based on equal opportunities for all people. Developed countries should continue to improve their efforts to promote sustained and equitable growth that benefits developing countries.

These principles play a key role in UNFPA's work. In addition to your focus on the ICPD principles and framework, however, you will also need to familiarize yourself with the key human rights treaties relevant to UNFPA's work (see Box on 'International treaties, declarations, and conference documents and reports relevant to UNFPA' above).

The full body of international human rights instruments consists of more than 100 treaties, declarations, guidelines, recommendations and principles that together set out international human rights standards that can be useful to your work.<sup>72</sup>

### *The nature of State obligations*

Although the human rights framework confers responsibilities on a wide range of actors (as will be explored later), governments are the primary duty-bearers with regard to human rights. Their obligations towards human rights are understood in three ways: obligations to respect rights, protect rights and fulfil rights. So, for example, a wealthy country that has ratified the ICESCR, is obliged to **respect, protect** and **fulfil** the rights of all people living within its borders, as well as provide technical assistance and cooperation.

1. To **respect** human rights, means that a government cannot violate human rights directly in laws, policies, programmes or practices. For example, governments cannot arbitrarily deny girls the same educational opportunities and standard of medical care that is offered to boys.
2. To **protect** a right means that government s must prevent violations by others (e.g. State and non-State actors including individuals, groups, institutions and corporations), and must provide affordable and accessible redress. For example, States must ensure that employers do not discriminate against employees living with HIV, and must provide avenues for redress (e.g. complaint, compensation) if individuals are subject to discrimination on the basis of their HIV status.
3. To **fulfil** a right means that governments must take measures that move towards the realization of rights. These measures should be legislative, administrative, budgetary, and could include some other types of action. The key is to create an **enabling environment**

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<sup>72</sup> Action 2 Learning Draft Resource Manual, p. 29.

through all appropriate means, particularly through resource allocation. For example, a State should remove all legal and regulatory barriers to access to health services, such as user fees for emergency health services.

### **Human rights obligations: Some are progressive; others are immediate**

Traditionally, civil and political rights were expected to have immediate effect such as the right to life, the right to equal protection before the law, freedom of association and expression, and more. For economic, social and cultural rights, it was understood that many rights, such as the right to education and the right to the highest standard of health, need to be implemented progressively in light of available resources. It is now understood that it is possible to take some level of immediate action with respect to every human right, and that absolute fulfilment of every right, particularly economic, social and cultural rights, cannot happen overnight. The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child both provide that States should “take steps, to the maximum of available resources, towards the **progressive achievement** of the full realization of these rights.”<sup>73</sup>

Think about the difficulties a government might face when trying to immediately realize all of its human rights commitments, particularly those related to economic, social and cultural rights. Despite these difficulties, governments cannot make the excuse that they do not have sufficient resources to fulfil human rights. States have a core obligation to satisfy the **minimum essential level** of each right. They must take some steps towards the realization of the rights through measures such as enacting laws and setting goals, targets and timeframes for their national plans for fulfilling rights, which may also include seeking international development assistance. This is known as **‘progressive realization’**.<sup>74</sup>

### **Progressive realization of human rights<sup>75</sup>**

International human rights law explicitly allows for progressive realization of rights—especially in the case of economic, social and cultural rights (see Article 2, ICESCR). The ICCPR, by contrast, does not have an article allowing for progressive realization, so civil and political rights generally require immediate realization<sup>76</sup>.

While the idea of progressive achievement is common to policy-making, the human rights approach imposes certain conditions on the behaviour of the State, so that it cannot use **progressive realization as an excuse for deferring or relaxing its efforts**.

- ▶ First, the State must take **immediate action** to begin to fulfil all human rights.
- ▶ Second, even when faced with a lack of resources, the international human rights system specifies some **core obligations** that require States to ensure, with immediate effect, certain minimum levels of enjoyment of various human rights.
- ▶ Third, the State must prioritize its fiscal operations so that resources can be diverted from relatively non-essential uses to those that are essential for the fulfilment of rights relevant to poverty reduction.
- ▶ Fourth, to the extent that fulfilment of certain rights will have to be deferred, the State must develop, in a participatory manner, a time-bound plan of action for their progressive realization. The plan will include a set of intermediate as well as long-term targets, based on appropriate indicators, so that it is possible to monitor the success or failure of progressive realization.

*(continued on following page)*

<sup>73</sup> Action 2 Learning Draft Resource Manual, pp. 25-26.

<sup>74</sup> Ibid.

<sup>75</sup> From P. Hunt, S. Osmani, M. Nowak, Summary of the Draft Guidelines on a Human Rights Approach to Poverty Reduction.

<sup>76</sup> There are few exceptions. For instance, the right to a fair trial requires human and financial resources for a country to have an effective justice system.

## Progressive realization of human rights (continued)

- ▶ Finally, the State will be called to account if the monitoring process reveals less than full commitment on its part to realize the targets.

For example, a State may decide that in order to fulfil its obligations under Article 12 of the ICESCR (the right to health), it shall adopt a domestic policy to provide comprehensive sexual and reproductive health services to all individuals in need. Due to resource constraints, however, the State might be able to cover only a small percentage of the population. The principle of progressive realization would require the government to take measures to **progressively** extend coverage by building new facilities, training health workers, and so forth in all regions of the country. The government should also show that it has a plan in place to gather more resources to fulfil its obligations under the ICESCR, for example by soliciting support from donors and/or reassessing budget priorities.

According to the Committee on Economic, Social and Cultural Rights<sup>77</sup>, for socio-economic rights, the following obligations are of *immediate effect*:

- ▶ The obligation **not to discriminate** between different groups of people in the realization of the rights in question;
- ▶ The obligation to **take steps** (including creating specific strategies and programmes) targeted deliberately towards the full realization of the rights in question; and
- ▶ The obligation to **monitor progress** in the realization of human rights. Accessible mechanisms of redress should be available where rights are violated.

Taking the right to health as an example, it is not permissible for available resources to be devoted exclusively to first-rate services for only half the population or only those living in urban areas. Available resources should be dedicated to ensuring that the standard of health of the entire population is progressively improved, with immediate planning towards that objective, and effective mechanisms for monitoring progress and, as necessary, redress.<sup>78</sup>

### Examples of human rights

Among the human rights concepts and principles recognized in the Universal Declaration of Human Rights and other international Human Rights documents, those which have been most actively a part of UNFPA's work to date include:

- ▶ right to life, liberty and security,
- ▶ right to health (including mental health, reproductive health, sexual health, etc.),
- ▶ right to decide the number and spacing of children,
- ▶ right to privacy,
- ▶ right to information,
- ▶ right to be free from discrimination on specified grounds,
  
- ▶ right to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment,
- ▶ right to be free from sexual violence,

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<sup>77</sup> See General Comment No. 3 of the Committee on Economic, Social and Cultural Rights, quoted in Action 2 Learning Draft Resource Manual, p. 26.

<sup>78</sup> Action 2 Learning Draft Resource Manual, p. 26.

- ▶ right to education,
- ▶ right to enjoy scientific progress and to consent to experimentation,
- ▶ right to marry and found a family,
- ▶ right to an adequate standard of living, and
- ▶ equal rights of men and women in marriage.

For some practical examples of UNFPA programming efforts that have furthered some of these rights, take a look at the table on the following page.<sup>79</sup>

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<sup>79</sup> UNFPA, *Culture Matters: Working with Communities and Faith-based Organizations*, p. 4.  
Adapted from *A Rights-based Approach to Reproductive Health, Outlook*, vol. 20, no. 4, p. 3, December 2003.

HUMAN RIGHTS	ESTABLISHING AGREEMENT	HUMAN RIGHTS-BASED ACTIONS SUPPORTED BY UNFPA THAT ARE INSPIRED BY THIS RIGHT
Right to life and survival	UDHR, article 3; ICCPR, article 6; CRC, article 6; ICPD PoA, principle 1.	<ul style="list-style-type: none"> <li>▶ <b>Prevent avoidable maternal deaths</b> (e.g. UNFPA is helping to promote the right to life by supporting governments to prevent maternal deaths and reduce maternal mortality).</li> <li>▶ <b>Ensure access to dual-protection contraceptive methods</b> (e.g. UNFPA is helping governments improve access to condoms, which in turn reduces the risk of becoming infected with HIV and other sexually transmitted infections, and also helps individuals and couples to space births, both actions that promote the right to life and survival).</li> <li>▶ <b>Eliminate violence against women</b> (by working to eradicate violence against women, UNFPA is helping to save women's lives, and is thereby promoting the right to life).</li> </ul>
Right to liberty and security of the person	UDHR, article 3; ICESCR, article 12; CEDAW, articles 11, 12, & 14; ICPD PoA, principle 1.	<ul style="list-style-type: none"> <li>▶ <b>Mobilize towards the elimination of female genital mutilation/cutting</b> (e.g. UNFPA is helping to promote women and girls' right to security of person by protecting them from a procedure that has harmful health consequences).</li> <li>▶ <b>Encourage clients to make independent sexual and reproductive health decisions</b> (e.g. by educating individuals on their reproductive health, UNFPA is enabling them to make more informed decisions with respect to their bodies and is thus promoting the right to liberty and security of person).</li> <li>▶ <b>Strengthen human rights protection systems to protect the reproductive rights of women and girls, including the right to be free from violence</b> (e.g. UNFPA is helping to promote the right to liberty and security of person by supporting the creation of a culture that strengthens protection of reproductive rights).</li> </ul>
Right to marry and establish a family	CEDAW, articles 11, 12, & 14; ICPD PoA, principle 9.	<ul style="list-style-type: none"> <li>▶ <b>Prevent early or coerced marriages</b> (by working to prevent child marriage and coerced marriages, UNFPA is promoting the right to choose when to marry and establish a family).</li> </ul>

(continued on following page)

HUMAN RIGHTS	ESTABLISHING AGREEMENT	HUMAN RIGHTS-BASED ACTIONS SUPPORTED BY UNFPA THAT ARE INSPIRED BY THIS RIGHT
Right to decide the number and spacing of one's children	UDHR, article 12; ICCPR, article 17; ICESCR, article 10; CEDAW, article 16; CRC, article 16; ICPD PoA, principle 8.	<ul style="list-style-type: none"> <li>▶ <b>Provide access to a range of modern contraceptive methods</b> (by promoting access to contraceptives, UNFPA is helping to promote the right to decide the number and spacing of one's children).</li> <li>▶ <b>Help people choose and use a family planning method</b> (again, through promoting education and access to family planning services, UNFPA is giving individuals and couples the power to choose the number and spacing of their children).</li> </ul>
Right to the highest attainable standard of health	ICESCR, article 12; CEDAW, articles 12 & 14; CRC, article 24; ICPD PoA, principle 8.	<ul style="list-style-type: none"> <li>▶ <b>Provide access to affordable, available, acceptable, comprehensive and good quality sexual and reproductive health services</b> (reproductive health has an enormous impact on overall health, and therefore by promoting access to reproductive health services, UNFPA is helping to advance the right to the highest attainable standard of health).</li> </ul>
Right to the benefits of scientific progress	UDHR, article 27; ICESCR, article 15.	<ul style="list-style-type: none"> <li>▶ <b>Fund research on women's as well as men's health needs</b> (e.g. UNFPA is helping to advance the right to the benefits of scientific progress by funding research on health needs, especially research that can benefit the most marginalized populations).</li> <li>▶ <b>Provide access to obstetric care that can prevent maternal deaths</b> (e.g. UNFPA is helping to advance the right to the benefits of scientific progress by promoting access to obstetric care to prevent maternal deaths).</li> <li>▶ <b>Increase demand, access to and utilization of quality HIV and STI prevention services</b> (UNFPA is also helping to advance the right to the benefits of scientific progress by supporting governments in increasing access to quality HIV prevention services).</li> </ul>

*(continued on following page)*

HUMAN RIGHTS	ESTABLISHING AGREEMENT	HUMAN RIGHTS-BASED ACTIONS SUPPORTED BY UNFPA THAT ARE INSPIRED BY THIS RIGHT
Right to seek, receive and impart information	UDHR, article 19; ICCPR, article 19; CEDAW, articles 10(e), 14(b) & 16(e); CRC, articles 12, 13 & 17; ICPD PoA, principle 8.	<ul style="list-style-type: none"> <li>▶ <b>Make family planning information freely available</b> (UNFPA is advancing the right to information by supporting access to quality family planning information).</li> <li>▶ Offer appropriate information for people to make informed sexual and reproductive health decisions (again, similar to the point above, UNFPA is promoting the right to information by advocating that people have sufficient facts to make informed sexual and reproductive health decisions).</li> </ul>
Right to education	UDHR, article 26; ICESCR, article 13; CEDAW, articles 5(b) & 10; CRC, articles 28 & 29; ICPD PoA, principle 10.	<ul style="list-style-type: none"> <li>▶ <b>Increase access of young people to gender-sensitive life skills-based SRH education</b> (UNFPA advocates for and supports government efforts to increase young people's access to life skills-based SRH education, thereby promoting young</li> </ul>
Right to an adequate standard of living	UDHR, article 25; ICESCR, articles 9 & 11; CEDAW, articles 11(e) & 13; CRC, articles 26 & 27; ICPD PoA, principle 2.	<ul style="list-style-type: none"> <li>▶ <b>Support governments in gathering and analysing accurate data on population dynamics for improved sexual and reproductive health and poverty reduction</b> (by supporting governments in accurate data collection and analysis, UNFPA can help governments understand how to address the root causes of poverty, thereby helping to promote the right to an adequate standard of living).</li> <li>▶ <b>Support national governments in integrating data on population dynamics, gender equality and young people into policies and programmes</b> (by supporting governments in integrating such important data into their policies and programmes, UNFPA is helping to ensure that policies adequately respond to a population's needs and lift them out of poverty, thereby promoting the right to an adequate standard of living).</li> <li>▶ <b>Educate governments on the linkages between population issues and poverty reduction and the importance of incorporating SRH and HIV into poverty reduction plans</b> (by educating governments on these important linkages, UNFPA can help governments create more effective poverty reduction strategies which can, in turn, help to lift people out of poverty and improve the country's economic status—all of which aims to further the right to an adequate standard of living).</li> </ul>

Depending on the context and the type of work you are doing, all or some of the human rights listed above will be important to you. Most actions you take will require attention to several rights, not just one. Spend some time becoming familiar with some of the key international human rights treaties (ICESCR, ICCPR, CEDAW and CRC), as well as with the ICPD Programme of Action. A good understanding of human rights and familiarity with the many different rights will be very helpful to you as you go about supporting the implementation of a human rights-based approach in your work. For a better idea of how these rights tie into your work in population and development, sexual and reproductive health, and gender equality, read Modules 3, 4, 5 and 6.

## Accountability under international human rights law

### What is accountability?

**Accountability** is the process whereby governments/public service organizations/other institutions and the individuals within them are held responsible for their decisions and actions—including their stewardship of public funds, fairness and all aspects of performance—in accordance with agreed rules, contracts, standards and fair and accurate reporting on performance results vis-à-vis mandated roles and/or plans.<sup>80</sup>

There are various UN bodies that play a role in ensuring that governments are aided to fulfil their human rights commitments and are held accountable under international human rights law. We shall go through each of these in turn.

#### 1. Human Rights Council

The United Nations General Assembly created the Human Rights Council in 2005 (it replaced the Commission on Human Rights). The General Assembly elected the first 47 members of the Human Rights Council on May 9, 2006.<sup>81</sup> The Human Rights Council is a subsidiary body of the General Assembly formed by the United Nations Member States to strengthen the promotion and protection of human rights around the world.

The Council is responsible for promoting universal respect for and protection of human rights and fundamental freedoms for all. It addresses violations, promotes human rights assistance and education, helps to develop international human rights law, reviews the human rights record of Member States, works to prevent abuses, responds to emergencies and serves as an international forum for dialogue on human rights issues.

A full list of members is available at:

<http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm>

When supporting a national situation assessment and analysis in a country, or when helping with an environmental scan, it will be worthwhile to check and see what the Human Rights Council may have said about the country's human rights record. Has the Council made any judgements that impact on the right to sexual and reproductive health, gender equality or women's empowerment in the country? What does the Council have to say about any relevant human rights abuses in the country? This information can be useful when engaging in advocacy and policy dialogue with governments and civil society organizations around the ICPD agenda.

#### 2. Charter-based human rights accountability mechanisms<sup>82</sup>

International human rights accountability mechanisms include the Treaty-based and charter-based mechanisms that operate to monitor the implementation of international human rights standards

<sup>80</sup> UNFPA, Accountability Framework. Report of the Executive Director, DP/FPA/2007/20.

<sup>81</sup> Action 2 Learning Draft Resource Manual, p. 32.

<sup>82</sup> This information is taken from Action 2 Learning Draft Resource Manual, pp. 33-35.

and also address complaints of human rights violations.

**The charter-based mechanisms** emanate from resolutions of the Organs of the UN Charter, such as the Human Rights Council, or the General Assembly.

Charter-based mechanisms include Special Procedures. **'Special procedures'** is the general name given to the mechanisms assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. The Office of the High Commissioner for Human Rights provides these mechanisms with personnel and logistical and research assistance to support them in the discharge of their mandates.<sup>83</sup>

Special procedures' mandates usually call on mandate holders to examine, monitor, advise and publicly report on human rights situations in specific countries or territories, known as **country mandates**, or on specific topics worldwide, known as **thematic mandates**. Various activities can be undertaken by special procedures, including responding to individual complaints, conducting studies, providing advice on technical cooperation at the country level, and engaging in general promotional activities.

Special procedures are either an individual (called 'Special Rapporteur', 'Special Representative of the Secretary-General', 'Representative of the Secretary-General' or 'Independent Expert') or a working group usually composed of five members (one from each region).

As a UNFPA staff member, you will find that the Special Rapporteurs who are most relevant to your work might include the following:

- ▶ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- ▶ Special Rapporteur on violence against women, its causes and consequences; and
- ▶ Special Rapporteur on the right to education.

Special Procedure Representatives and Experts undertake country visits or fact-finding missions to assess the general human rights situation in a given country as well as the specific institutional, legal, judicial, administrative and de facto situations under their respective mandates. They meet with authorities; members of the national human rights institution, if applicable; NGOs, CSOs and survivors of human rights violations; the UN and other inter-governmental agencies; the diplomatic community; and the press. On the basis of their findings, they issue **conclusions** and make **recommendations**, through their public reports to the Human Rights Council and to the General Assembly where so mandated.

The reports of these Special Rapporteurs can be extremely useful to UNFPA's advocacy and capacity-building work. Often, the Special Rapporteurs also aim to articulate international standards or to better define government obligations with respect to certain rights, such as the right to health. As you begin to implement a human rights-based approach, you will find it helpful to read the reports of the Special Rapporteurs, such as the Rapporteur on the right to health who has provided much-needed detail regarding what governments must do in order to progressively realize the right to health. This can help you when thinking how best to build the capacity of States to fulfil their obligations.

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<sup>83</sup> Special Procedures of the Human Rights Council. Available at: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

### Example of good practice

The Special Rapporteur on the Right to the Highest Attainable Standard of Health commented on a West African country's Poverty Reduction Strategy (PRS) in one of his reports.<sup>84</sup> His comments were welcomed by representatives of the Government and may be useful to UNFPA staff given the role you play in supporting governments in their Poverty Reduction Strategies. The Special Rapporteur stated that the country's PRS was one of the best in francophone Africa. Nonetheless, to strengthen their PRS, he recommended that the Government.

- ▶ Make **specific reference in its PRS to its obligations to fulfil the right to health**, including the underlying determinants of health (such as access to clean water,); its commitment to address the HIV epidemic; and its commitment to improving access to essential drugs. These are all features that were already part of the country's PRS, but the Special Rapporteur emphasized the importance of making it explicit within the PRS that these obligations are being undertaken as part of the Government's intention to fulfil the right to health.
- ▶ Acknowledge and **address the particular health access issues of all marginal groups**, such as the country's different ethnic or racial groups. Thus, in the PRS, further attention could usefully be given to the right to health of all vulnerable groups, such as the country's nomadic populations, especially as particular health interventions for specific vulnerable groups will probably be needed.
- ▶ Make **specific reference in its PRS regarding access to health-related education and information**. From the point of view of the right to health, a pro-poor health policy should include education and information campaigns concerning the main health problems in local communities, including methods of prevention and control. As the PRS is reviewed, this element of the right to health deserves due attention.<sup>85</sup>

As a UNFPA staff member, it may help to keep some of these suggestions in mind when you next provide input to governments on their Poverty Reduction Strategies. This is one reason why reading the reports of Special Rapporteurs can be so useful to your work!

So, as you begin to design and implement human rights-based programmes, consider reading the reports of UN Special Rapporteurs that are relevant to your area of work. They may provide you with useful information and advice that you can draw upon as you work with governments to build their capacity, or to ensure that ICPD issues are properly incorporated in Poverty Reduction Strategies or other national development frameworks, plans and policies.

For more information on the Special Procedures, and to read the reports, visit the OHCHR web page <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

### 3. Treaty-based mechanisms<sup>86</sup>

When a State ratifies an international treaty, it assumes the obligation to submit reports periodically to the treaty bodies on the measures it has taken to ensure the enjoyment of the rights provided in the treaties.

The **treaty bodies** are committees of independent experts nominated and elected by States parties to the respective treaties<sup>87</sup>, which monitor implementation of the eight main international human rights treaties:

- ▶ Committee on Economic, Social and Cultural Rights (CESCR), monitoring implementation of the ICESCR
- ▶ Human Rights Committee (CCPR), monitoring implementation of the ICCPR

<sup>85</sup> Ibid., pp. 15-16.

<sup>86</sup> Information adapted from Action 2 Learning Draft Resource Manual, pp. 35-39.

<sup>87</sup> The Committee on Economic, Social and Cultural Rights is elected by ECOSOC.

- ▶ Committee on the Elimination of Racial Discrimination (CERD), monitoring implementation of the ICERD
- ▶ Committee on the Elimination of Discrimination Against Women (CEDAW), monitoring implementation of the CEDAW
- ▶ Committee Against Torture (CAT), monitoring implementation of the CAT
- ▶ Committee on the Rights of the Child (CRC), monitoring implementation of the CRC
- ▶ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), monitoring implementation of the CMW
- ▶ Committee on the Rights of Persons with Disabilities (CRPD), monitoring implementation of the CRPD

Governments report to the treaty bodies approximately every five years, depending on the treaty body. Reports of States parties are examined by the treaty bodies, along with information from a variety of sources, including from UN agencies and civil society, in the presence of a delegation from the reporting State.

The examination of a report culminates in the adoption of **'Concluding Observations/comments'**, in which the treaty body presents its congratulations on certain actions and expresses concerns about others. It makes specific recommendations to the State party for future action, including seeking assistance from specific UN agencies and international organizations, where appropriate. The State party is expected to undertake the necessary measures to implement the recommendations of the treaty bodies.

#### **Added value of reporting procedure for UNFPA**

UN country teams are in a unique position to utilize the reporting process under the treaty body system in their own activities in a common effort to strengthen national efforts. The submission of the report is an opportunity for the State to reaffirm its commitment to implementation of the treaty and to carry out a range of activities, such as:<sup>88</sup>

- ▶ Conduct a **comprehensive review** of national legislation, administrative rules and practices to assess whether they are in harmony with the international standards.
- ▶ Encourage **public participation and national dialogue** about existing laws and policies with a view to ensuring transparency in the preparation of the report.
- ▶ **Monitor** regularly and systematically the human rights situation in the country.
- ▶ Strengthen **governance institutions and independent human rights institutions** to promote and protect human rights.
- ▶ Promote the formulation of **economic and social policies** that are more conducive to the realization of human rights.
- ▶ **Evaluate the progress achieved**, assess the obstacles and set national targets and benchmarks.
- ▶ Use the concluding comments/recommendations to **advocate for change** with the national government.

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<sup>88</sup> Committee on Economic, Social and Cultural Rights on Reporting by States parties, General Comment 1.

UNFPA can support governments in their attempts to carry out these activities through policy dialogue and advocacy efforts, especially with respect to topics such as gender equality and sexual and reproductive health.

### Other functions of treaty bodies

- ▶ In their 'General Comments', treaty bodies interpret the treaty to clarify the scope and meaning of the human rights standards contained in the treaty's articles. Rather than dealing with a particular country, general comments analyse a specific article or general issue in the Covenant in an extended and comprehensive fashion. The general comments are available on the Treaty Body Database of the Office of the United Nations High Commissioner for Human Rights (<http://www.unhcr.ch/tbs/doc.nsf>).

#### Example of the utility of General Comments

A 1992 General Comment (in this case called General Recommendation) by the committee monitoring CEDAW, found violence against women within families to violate a number of rights, including the right to life, the right to liberty and security of person, and the right to equality in the family.<sup>89</sup> The committee called for a variety of responses, such as criminal penalties and civil remedies in domestic violence cases; outlawing the 'defence of family honour' as a justification for assault or murder; services to ensure the safety of victims of family violence; rehabilitation programmes for perpetrators of domestic violence; and support services for families where incest or sexual abuse has occurred.

In its work on eradicating violence against women, UNFPA can turn to this General Comment by the Committee monitoring CEDAW when providing advice to governments on what they are required to do in order to show that they are taking firm steps to further gender equality and reduce violence against women.

- ▶ **Individual complaint procedure.** Some treaty bodies act as a quasi-judicial body examining individual cases of alleged violations. The Optional Protocols to ICCPR, CEDAW and CRPD, and optional clauses in CERD, CAT and the CMW provide for such procedures. The committees examine such complaints culminating in a final, non-binding decision (called 'final views, suggestions or recommendations') that declares the complaint either inadmissible or admissible, and—in the latter case—issues an opinion on the merits (determining whether the complainant's human rights have been violated).
- ▶ **Inquiry procedures under the Optional Protocol to CEDAW.** The Optional Protocol to CEDAW provides for a procedure of 'suo moto' inquiry by the treaty body (also known as 'inquiry of its own motion'). This may be initiated if the committee receives reliable and plausible information to the effect that discrimination against women is being systematically practiced in the territory of a State party. A treaty body may carry out a fact-finding mission to the country concerned, subject to approval by its Government. The CEDAW Committee has so far initiated an inquiry procedure concerning Mexico.

### Added value of treaty bodies' Concluding Observations and recommendations and General Comments for UNFPA

The concluding observations and recommendations issued by treaty bodies after the examination of a State party report may identify specific human rights concerns. Being aware of these human rights concerns can help UNFPA in its policy dialogue efforts when national priorities are being set. In addition, attention to the human rights concerns raised in these concluding observations can provide:

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<sup>89</sup> CEDAW, General Recommendation No. 19 (11th session, 1992), available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>.

- ▶ Support for a framework for joint action by Governments, UN agencies, NGOs and other partners.
- ▶ A guiding reference and tools for country analysis and programming consistent with the provisions of the relevant treaties, which should inform the CCA/UNDAF processes.
- ▶ Specific areas to promote accountability at international and national levels by providing:
  - a. a tool for assessing the gap between the human rights obligations and the situation as well as the capacity of institutions and mechanisms to address that situation;
  - b. an opportunity to establish national mechanisms for monitoring the implementation of the various human rights treaties;
  - c. an opportunity for public scrutiny of government policies and the participation of various sectors of society in the formulation, evaluation and review of policies; and
  - d. an entry point and platform for a national dialogue on human rights amongst the

### What are Concluding Observations and General Comments?

**Concluding Observations** are made by treaty bodies in response to State party reports. They summarize the treaty body's concerns and make specific recommendations to the State party for future action. The State party is expected to undertake the necessary measures to implement these recommendations.

In their **General Comments**, treaty bodies interpret the treaty to clarify the scope and meaning of the human rights standards contained in the treaty's articles. Rather than dealing with a particular country, general comments analyse a specific article or general issue in the Covenant in an extended and comprehensive fashion.

Source: CLP Action 2, p. 36.

### Example of the utility of General Comments

A 1992 General Comment (in this case called General Recommendation) by the committee monitoring CEDAW, found violence against women within families to violate a number of rights, including the right to life, the right to liberty and security of person, and the right to equality in the family.<sup>90</sup> The committee called for a variety of responses, such as criminal penalties and civil remedies in domestic violence cases; outlawing the 'defence of family honour' as a justification for assault or murder; services to ensure the safety of victims of family violence; rehabilitation programmes for perpetrators of domestic violence; and support services for families where incest or sexual abuse has occurred.

In its work on eradicating violence against women, UNFPA can turn to this General Comment by the Committee monitoring CEDAW when providing advice to governments on what they are required to do in order to show that they are taking firm steps to further gender equality and reduce violence against women.

### UN agencies support work of treaty bodies

The Guidance Note for the UN Country Team on Special Procedures of the Commission on Human Rights and Treaty Bodies provides:<sup>90</sup>

<sup>90</sup> P.1. Available at: [www.undg.org/archive\\_docs/7966-Guidance\\_note\\_for\\_UNCTs\\_on\\_treaty\\_bodies\\_and\\_special\\_procedures.doc](http://www.undg.org/archive_docs/7966-Guidance_note_for_UNCTs_on_treaty_bodies_and_special_procedures.doc)

Action 2 emphasizes the role of the United Nations human rights mechanisms and their outputs in informing and underpinning the analysis, planning and activities of the United Nations at country level. This should contribute to enhancing the quality and coherence of United Nations support to national human rights protection and promotion systems. Accordingly, the Plan of Action includes as one of its main objectives that programming is informed by the observations and recommendations of the **treaty bodies** and the **special procedures** in United Nations action at the country level.

The United Nations has the responsibility of assisting the State in its efforts to carry out the following implementation measures through its activities and programmes. In applying a human rights-based approach these measures can be identified as **priority areas** and possible entry points for UN assistance:

- ▶ **Harmonize national law and policy** with the provisions of the Convention. For example, the Committee on the Rights of the Child emphasized this requirement when it issued General Comment No. 5, which provides that “a comprehensive review of all domestic legislation and related administrative guidance to ensure full compliance with the Convention is an obligation” of the State.<sup>91</sup>
- ▶ **Create human rights mechanisms** or strengthen existing ones at the national or local level for coordinating policies and for monitoring the implementation of the human rights treaties and the overall enjoyment of human rights.
- ▶ Make the **principles and provisions** of the treaty **widely known**.
- ▶ Provide **adequate remedies** in the case of non-compliance.
- ▶ **Allocate budgets** to programmes that aim to fulfil human rights.
- ▶ Submit **periodic reports** to the treaty bodies on the progress achieved and obstacles encountered in the implementation of the treaty.

### Example of best practice

A good example that shows how the harmonization process can produce significant results is one country in Southern Africa, where, following the ratification of the Convention on the Rights of the Child in June 1995, the Government sought to bring legislation, policy and practice in line with its requirements. The most important and exemplary legislative action is the adoption of the Constitution in 1996, which contains a specific section (article 28) on the rights of children in addition to the rights they enjoy elsewhere in the Bill of Rights. The country’s Law Commission, a permanent body, conducted investigations into various areas of the law and law reform. In particular, it appointed project committees to look into legislation on the prevention of family violence, children in difficult circumstances, as well as HIV/AIDS policy in schools.

The United Nations has the responsibility of assisting the State in its efforts to carry out the following implementation measures through its activities and programmes. In applying a human rights-based approach these measures can be identified as priority areas and possible entry points for UN assistance:

<sup>91</sup> Committee on the Rights of the Child, General Comment No. 5, 34th session, 2003. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2003.5.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2003.5.En?OpenDocument).

### Example of utility of General Comments

The Committee on the Rights of the Child in its General Comment 5 has made the following recommendation: “States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration (as required by [CRC] Article 39).”

In its work on ensuring access to sexual and reproductive health services, for instance, UNFPA can draw upon this General Comment to encourage governments to provide funding for youth-friendly HIV prevention information and youth-friendly reproductive health services.

For further information, see the following resources:

1. Manual on Human Rights Reporting. Available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>;
2. UNDG, Guidance Note for UN Country Teams on Special Procedures of the Commission on Human Rights and Treaty Bodies, May 2005;
3. OHCHR Fact Sheet No. 30, The United Nations Human Rights Treaty System, and Fact Sheet No. 27, Seventeen Frequently Asked Questions about United Nations Special Rapporteurs. Available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>; and
3. Human Rights: Handbook for Parliamentarians. Available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>.

The above section attempts to familiarize you with the important ways in which governments can be held accountable for their obligations under international human rights law. Understanding these methods will be useful as you support the implementation of a HRBA to development programming. Your aim will be to provide advice and technical support to governments and CSOs that will help them understand what their **specific obligations** are (information that can be gleaned from the reports of treaty body monitoring committees), and this will, in turn, help a government and its partners determine priorities.

### UNFPA's role in supporting accountability

At the international level, UNFPA's main efforts in the area of accountability are targeted towards providing support to reinforce national accountability mechanisms at the request of governments. Through advocacy, policy-dialogue and capacity-development activities, UNFPA supports governments in understanding the linkages between population dynamics and poverty reduction, and encourages investment in sexual and reproductive health, gender equality and young people in order to help governments stay on track towards achievement of the MDGs and the ICPD agenda.

- ▶ In many of its country programmes, UNFPA uses the human rights principle of participation to strengthen **partnerships between governments and civil society**, including women's groups and other non-governmental, community-based and professional associations. Think about how essential such partnerships are in providing the impetus for change and in encouraging governments to fulfil their obligations.<sup>92</sup> Civil society, in particular women's groups,

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92 UNFPA, State of World Population 2005. Available at: [http://www.unfpa.org/swp/2005/english/ch2/chap2\\_page3.htm](http://www.unfpa.org/swp/2005/english/ch2/chap2_page3.htm).

has a central role to play in maintaining policy focus and accountability. One good example is the ten-year partnership between the Latin America and Caribbean Women's Health Network and UNFPA. The Network pioneered a methodology for monitoring ICPD goals and reporting on progress periodically. Their data and analyses have been used by parliamentarians and government officials around the world, and have formed the basis of reporting on women's rights by civil society organizations.<sup>93</sup>

**“Verifiable and meaningful data for development is essential to good governance, transparency and accountability.”**

*Thoraya A. Obaid, 4 April 2005*

- ▶ Aside from civil society participation, accountability relies on data for establishing benchmarks and measuring progress. Many countries lack data and analysis disaggregated by sex, age and ethnicity, among other characteristics, which limits policy and programme development. UNFPA focuses a lot of its efforts on developing the capacities of governments to gather more accurate data. Accurate data is critical for advocacy efforts to keep gender issues in the spotlight, to improve communities' and policymakers' understanding of gender issues, and to stimulate action. UNFPA efforts have made progress in gender-sensitive data collection and analysis in a number of countries. Particularly innovative is the Index of Fulfilled Commitments developed in one country in Latin America by women's organizations to monitor governmental accountability in the key areas of citizen participation, economic rights and sexual and reproductive health.<sup>94</sup> For more on the importance of gathering accurate data, and especially doing so from a human rights-based perspective, see Module 3. There we take you through a census exercise and show how failures to gather the appropriate data in the appropriate manner can lead to major difficulties later on.
- ▶ **Gender-responsive budgeting** is another innovative approach designed to influence policy and improve government accountability towards gender equality goals. Consider how much you can tell about what a government is prioritizing (and what it is not) by noticing how it allocates its resources. Gender-responsive budgeting aims to help governments fulfil their obligations by promoting economic efficiency, equality, accountability and transparency. In a country in Latin America, a UNFPA-supported gender budget analysis by the Commission on Social Equity and Gender led to a 300 per cent increase in allocations for family planning commodities for the capital's Polyclinic.<sup>95</sup>
- ▶ UNFPA also promotes accountability by **supporting governments in their reporting** to the CEDAW monitoring Committee. UNFPA Country Offices work with national governments to support the integration of sexual and reproductive health and reproductive rights in the official State report to the Committee. UNFPA often supports governments throughout the entire process of the elaboration of the report, providing technical assistance and support. The CEDAW reporting process functions effectively as a strategic vehicle that supports UNFPA advocacy efforts at the global, regional, and national level, especially with regard to ensuring that reproductive rights are treated as human rights.<sup>96</sup>
- ▶ UNFPA staff members also play a general role in **mainstreaming reproductive rights, gender equality and population and development issues** into other UN special procedures and reports to the Human Rights Council, in addition to the work on CEDAW.

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Op. cit., UNFPA, *An Operational Tool on the Convention on the Elimination of All Forms of Discrimination Against Women for UNFPA Programmes*, pp. 10-11.

### Example of good practice

The Council of Women (mandated to monitor CEDAW) in a country in South Asia met with the UN to discuss CEDAW concluding comments, progress made in 2005 and action for 2006. The Prime Minister chaired and recommended inter alia: all sectors, ministries and provinces to report on gender mainstreaming in their quarterly and annual reports; strengthening the enforcement of domestic violence law and its sub-decrees; adoption of a law against human trafficking and sexual exploitation; addressing maternal mortality rates through recruitment, deployment and retention of midwives; and construction of dormitories for girls to facilitate access to secondary education.<sup>97</sup>

### Different levels of accountability

In addition to providing support to reinforce national accountability systems, UNFPA is also seriously committed towards ensuring its own accountability.

In its Accountability Framework, UNFPA states that it is fully committed to enhancing accountability within the organization and in all its operations and partnerships, including in support of national ownership and leadership of programmes.<sup>98</sup> This means that:

- ▶ those in charge of UNFPA programmes, activities and guidance are held accountable for efficient and effective management.
- ▶ the UNFPA senior management is accountable to the Executive Board, which in turn is accountable to the Economic and Social Council and the General Assembly.
- ▶ accountability, in the United Nations context, presupposes public scrutiny of the United Nations system as a whole and of the programmes and activities of the various United Nations entities.<sup>99</sup>

Overall, UNFPA's role in supporting governments to respect, protect and fulfil their human rights obligations is crucial. Often, just because a government ratifies an international human rights treaty, this does not mean that national laws automatically protect those rights listed within the treaty! Sometimes national laws are not changed to be in harmony with the treaty. And as you can imagine, at the end of the day, national laws play a critical role when examining a government's commitment to human rights. UNFPA can thus play an important role (through policy dialogue, advocacy, training, etc.) in fostering and supporting governments in creating **national human rights protection systems**.

### National human rights protection systems (NHRPS)

A national protection system consists mainly of legal frameworks, institutions, procedures and actors designed to ensure that international human rights norms and standards are promoted, respected, protected and fulfilled. The objective of a NHRPS is to ensure sustainable and effective respect for human rights in a country. It aims to strengthen national capacities at all stages of a country's development, including in the context of a humanitarian crisis, in order to create a foundation to build on during the transition and development phases. In line with UNFPA's mandate, and in order to advance ICPD, particular consideration should be given to ensuring that all aspects of any NHRPS are responsive to the human rights of women. And special attention should always be paid to groups subjected to discrimination and suffering from disadvantage within the country—including racial and ethnic minorities, children, persons with disabilities, women, and those living in poverty.<sup>100</sup>

<sup>97</sup> Action 2 Learning Draft Resource Guide, p. 39.

<sup>98</sup> UNFPA, Accountability Framework, Report of the Executive Director, DP/FPA/2007/20.

<sup>99</sup> For more information on accountability within UNFPA see *ibid*.

<sup>100</sup> Action 2 Learning Draft Resource Guide, pp. 44-45.

At the country level, UNFPA staff can focus on encouraging governments to adopt legislative frameworks that reflect international human rights norms and standards and advance ICPD goals. Legal frameworks should include procedures for redressing human rights violations and abuses; participatory decision-making processes; and cooperation with international and regional human rights mechanisms. UNFPA can also support governments in creating policies that ensure that human rights principles and standards are included in development programming to empower rights-holders to claim their rights and strengthen the capacity of duty-bearers to meet their obligations. Policy interventions should prioritize the marginalized and excluded groups of society. Finally, UNFPA staff can support the existence of a vibrant democratic civil society with the full and equal participation of men and women, including free, active and independent media and human rights defenders communities including women's rights groups.<sup>101</sup>

### Links between human rights and humanitarian law<sup>102</sup>

There is one more aspect of international law that is useful for you to know about. In Module 6 we apply a human rights-based approach to UNFPA's work in emergency settings. When working in such settings, it will be useful for you to have some familiarity not only with human rights law but also with **humanitarian law**.

International humanitarian law is "a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the **law of war or the law of armed conflict**."<sup>103</sup> Women are entitled to the full protection of the rules of international humanitarian law and children are accorded special protection. Children who take part in hostilities do not lose that special protection.

International humanitarian law prohibits or limits weapons that are particularly cruel or which do not distinguish between combatants and civilians. It also requires that the parties to a conflict distinguish between combatants and civilians; refrain from attacking civilians; care for the wounded and sick and protect medical personnel; and ensure that the dignity of prisoners of war and civilians internees is preserved.

The four Geneva Conventions that make up the body of humanitarian law contain some 19 provisions that are specifically relevant to women. The scope of these rules is somewhat limited and many of them are in fact designed to protect children. Overall, the aim of the Conventions is to provide special protection for pregnant women, nursing mothers and mothers in general and to address the vulnerability of women to sexual violence in times of armed conflict.

When supporting programmes in conflict-ridden areas, it helps to be familiar with these aspects of humanitarian law, especially as some of them help to support the ICPD agenda. **Human rights law and humanitarian law co-exist together, and both must be considered when working in emergency situations.** In your work with numerous partners and stakeholders, be both aware of a State party's human rights obligations to the populations living within its borders (and the obligations of other duty-bearers), as well as its humanitarian law obligations during times of war. This can bolster your advocacy efforts.

<sup>101</sup> Ibid., p. 45.

<sup>102</sup> Ibid., pp. 47-50.

<sup>103</sup> ICRC Factsheet. Available at: <http://www.icrc.org/web/eng/siteeng0.nsf/html/humanitarian-law-factsheet>.

## WORKSHEET 2:

### TEST YOUR KNOWLEDGE ON THE BASICS OF HUMAN RIGHTS

1. What are human rights?
2. What are the fundamental characteristics of human rights?
3. Which are the main human rights treaties important to UNFPA?
4. Which are some of the non-binding documents that are important to UNFPA's work?
5. What does it mean for a document to be 'non-binding'?
6. What is 'progressive realization'?
7. What does it mean for a State to respect, protect or fulfil human rights?
8. Name five specific human rights that are relevant to UNFPA's work and provide an example of how UNFPA promotes one of these rights in the field.
9. How are governments held accountable under international human rights law?
10. How can UNFPA support governments in fulfilling their obligations under international human rights law?

Congratulations! You have reached the end of Module 1. Did you manage to answer all the questions in the worksheets above? Look through the key points below to get a summary of the main issues raised in Module 1. Then move on to Module 2.

## CONCLUSION OF MODULE 1

### Key points to remember

1. 'Cultural sensitivity' cannot be interpreted in such a way as to justify the denial or violation of human rights.
2. UNFPA policy calls for a dual approach to gender-equality. This means that a) gender equality is to be mainstreamed across all UNFPA's activities; and b) UNFPA is to support explicit programme components on women's empowerment.
3. The three core approaches of a) cultural sensitivity, b) gender responsiveness, and c) human rights, which lie at the foundation of all UNFPA programmes and policies, are not separate. Instead, they are intricately linked and directly reinforce one another. Attention to all is required if UNFPA's core mission of furthering sexual and reproductive health for all is to be attained.
4. Because a human rights-based approach is grounded in the principles of indivisibility, equality and non-discrimination, participation and inclusion, and accountability, it fosters cultural-sensitivity and gender-responsiveness.
5. Whenever we refer to a human rights-based approach (HRBA) in this Manual, what we in fact mean is a **culturally sensitive, gender-responsive, human rights-based approach**.
6. Human rights are basic values that are essential to human dignity. Human rights are legally guaranteed by human rights law. They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity. Human rights impose obligations on governments (primarily) and other non-State actors.
7. Governments are obliged to respect, protect and fulfil human rights.
8. The Universal Declaration of Human Rights (UDHR) serves as the foundation upon which all subsequent human rights instruments were defined, and has been endorsed by virtually all States.
9. The key international human rights treaties the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966), and the International Covenant on Civil and Political Rights (ICCPR 1966), further elaborate the content of the rights set out in the UDHR and contain legally binding obligations for the governments that ratify them. Together with the UDHR and the UN Charter, these documents are often called the 'International Bill of Human Rights'. Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women is particularly relevant to UNFPA's work.
10. In addition to international human rights treaties, there are also **regional human rights treaties**, which give further elaboration to some rights but as applicable to the region. These are only open for signature by States in the relevant region.
11. There are also numerous international **declarations, resolutions and recommendations** which, although not strictly binding in the legal sense, express the political commitment of governments to promote and protect human rights.

**12.** One of the 'non-binding' documents most important to UNFPA is the International Conference on Population and Development (ICPD) Programme of Action. The ICPD Programme of Action reaffirmed the application of universally recognized human rights standards to all aspects of population and development programmes. This vision is what guides the work of UNFPA.

**13.** International human rights law explicitly allows for progressive realization of rights, particularly of economic, social and cultural rights. While the idea of progressive achievement is common to all approaches to policy-making, the distinctiveness of a human rights-based approach is that it imposes certain conditions on the behaviour of the State and ensures that it cannot use progressive realization as an excuse for deferring or relaxing its efforts.

**14.** Countries that have ratified human rights treaties are required to report regularly on actions they have undertaken to ensure the exercise and enjoyment of the specified rights. Treaty monitoring bodies monitor the implementation of human rights instruments.

**15.** At the international level, UNFPA's main efforts in the area of accountability are targeted towards providing support to reinforce national accountability mechanisms at the request of governments.

**16.** Understanding human rights law and the UN human rights system is essential to the implementation of a HRBA because a HRBA is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 2:

A Human Rights-Based Approach



photo by Lynsey Addario ©

# MODULE 2

## A HUMAN RIGHTS-BASED APPROACH

*This module defines a human rights-based approach and provides guidance on how to operationalize it in UNFPA programmes. Sections of this Module are adapted from Action 2 materials.*

### **By the end of this Module, you will be able to:**

- ▶ define a human rights-based approach (HRBA);
- ▶ explain the value-added of a HRBA;
- ▶ list the challenges as well as the myths and misconceptions of a HRBA;
- ▶ define the key human rights principles that are applied when implementing a HRBA;
- ▶ provide an example of how each human rights principle can be applied programmatically in UNFPA programmes;
- ▶ define 'rights-holders' and 'duty-bearers';
- ▶ name each stage of a typical programming cycle and explain how a HRBA can be applied to it;
- ▶ specify the unique aspects of a HRBA that go beyond 'good' programming practices; and
- ▶ provide examples of human rights-based outputs, outcomes and indicators and list the questions that should be asked when constructing such outputs, outcomes and indicators.

### **A. What you need for this Module**

As you work through this Module, you will need to refer to the following pull-out Information Cards and the Poster that can be found in the back sleeve of this Manual:

- ▶ Information Card 1: History and Definitions of a 'Human Rights-based Approach';
- ▶ Information Card 2: Elements of Programming Required by a HRBA; and
- ▶ HRBA Diagram and Checklist of Questions Poster

It will also be very useful for you to read the following pull-out Information Cards, because they provide further advice and tips on implementing a HRBA in programming:

- ▶ Information Card 3: Applying a HRBA to your work with Adolescents and Young People; and
- ▶ Information Card 4: Advocating for a HRBA in Challenging Contexts.

To get started, take a look at the poster of the HRBA diagram and checklist of questions. What do you think? Is this how you envision a HRBA?

## B. What is a HRBA to development?

At its most basic level, a HRBA is a way of using human rights in your work. Refer to Information Card 1 for a more detailed summary of the history of the HRBA and some examples of how various organizations define a HRBA. You might be surprised at how much variety there is!

By early 2000, a number of UN agencies had already adopted a HRBA to development, but it seemed they understood this concept in different ways. Due to UN interagency collaboration, however (especially at country level in the framework of the CCA and UNDAF), it became clear that it was important to come to a 'common understanding' of what a HRBA means for the work of UN agencies and partners. As a result, a group of UN agencies came to a consensus on the major components of a human rights-based approach. This consensus is known as the **UN Common Understanding**.<sup>1</sup>

### UN Statement of Common Understanding of the Human

1. All programmes of development cooperation, policies and technical assistance should **further the realization of human rights** as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. **Human rights standards contained in, and principles derived from the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation** and programming in all sectors and in all stages of the programming process.
3. Development cooperation contributes to the **development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.**

The Common Understanding is the definition of a HRBA that UNFPA uses, and the one that you, if you are a UNFPA staff member, are already familiar with.

Do not forget, however, UNFPA's additional key elements of **cultural sensitivity and gender-responsiveness** when operationalizing this definition of a HRBA! Remember our discussion in Module 1? UNFPA pays particular attention to emphasizing the linkages between cultural sensitivity, gender-responsiveness, and a HRBA. As a result, whenever you are implementing a HRBA to programming, concerns about culture and gender should be at the forefront of your mind.

### HINT

The definition of a HRBA laid out in the Common Understanding is a bit of a mouthful! Here is a shorter way of describing the essence of a HRBA:

**A human rights-based approach entails consciously and systematically paying attention to human rights and rights principles in all aspects of programming work.**

*(continued on following page)*

<sup>1</sup> United Nations, The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies. Available at: [www.hreoc.gov.au/social\\_justice/conference/engaging\\_communities/un\\_common\\_understanding\\_rba.pdf](http://www.hreoc.gov.au/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf). For more information on this history, see Action 2 Learning Draft Resource Guide, pp. 51-52.

## HINT (continued)

OR

**A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.<sup>2</sup>**

### Are you wondering where the UN's definition of a human rights-based approach came from?

The UN Statement of Common Understanding is the result of the II UN Inter-Agency Workshop (held in Stamford, Connecticut in May 2003) and is the response to the need for a definition of a HRBA that could be shared by all the UN agencies and could facilitate work at the UN country level. The statement is thus 'built' upon those aspects that are common to the policy and practice of the different UN agencies. It was endorsed by the UNDG Programme Group shortly after May 2003.

What this means is that in your application of a HRBA you will generally be using the same principles and standards as your fellow UN staff members. You may be working on population and development or reproductive health while they work on other issues (e.g. education) but, in principle, you will be following a similar framework and working with the same overall goal in mind: to promote development (including the ICPD agenda) through the realization of human rights.

For UNFPA, a HRBA to development programming:

- ▶ **Emphasizes the processes as well as the outcomes of programming.** For example, it focuses on how police officers are being trained to respond to complaints of gender-based violence, and not just what the training consists of. It asks questions such as: does the training promote non-discrimination? How was input from excluded groups part of the creation of the training curriculum for the police officers?
- ▶ **Draws attention to the most marginalized populations.** For example, those living in extreme poverty, especially disadvantaged adolescents and youth, women survivors of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous peoples, women living with disabilities, refugees and internally displaced persons, women living under occupation, and aging populations.
- ▶ **Works towards equitable service delivery.** For example, UNFPA advocates for universal access to reproductive health care. Under a HRBA, you may begin by focusing on the most excluded populations, but your aim is to eventually ensure equitable access for all to reproductive health services, goods and information.
- ▶ **Extends and deepens participation.** For example, including the participation of the most excluded groups, and at all stages of the programming cycle. This might entail building the capacities of adolescents and youth so that they are capable of participating concretely in HIV prevention programmes that are targeted towards them.

<sup>2</sup> OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, 2006.

- ▶ **Ensures local ownership of development processes.** For example, focusing on supporting national ownership and national leadership as this is fundamental to UNFPA's strategic direction. A HRBA ensures local ownership because of its insistence on such principles as participation, inclusion and accountability, and its focus on developing the capacities of both duty-bearers and rights-holders.
- ▶ **Strengthens the accountability of all actors.** For example, by insisting on a process that builds transparency and accountability into all stages of the programming cycle.

Can you see how all the above points can help a government promote the ICPD agenda in their development efforts? ICPD, after all, also aims to ensure equitable service delivery, draw attention to marginalized populations, and so on. Focusing on these issues can help you examine not just what you're doing as you work towards ICPD goals, but also how you are doing it. Remember also that a HRBA does not replace your normal good programming practices. It just reinforces and strengthens them!

A HRBA ensures a focus on international human rights standards and principles. See Information Card 2: Elements of Programming Required by a HRBA for a summarized look at the additional elements introduced when implementing a HRBA.

## C. Understanding the UN Common Understanding

### 1) Point 1: A primary goal of development programs is to further realization of rights

This means that as you support the creation of national policies and programmes, your main objective must be to **advance the realization of human rights at every stage**, including in the design, implementation, monitoring and evaluation of national programmes. The realization of human rights should therefore be both a stated objective and a specific outcome of a programme.

- ▶ For example, a local project supported by UNFPA in East Africa was geared towards empowering women in poorer communities. The specific outcome of the project was to increase women's awareness of their sexual and reproductive health and reproductive rights, and increase their capacity to articulate their health concerns to service providers. The project organizers believed they were complying with Point 1 of the UN Common Understanding because they were attempting to realize human rights at the design, implementation and monitoring stages by ensuring that community members participated fully at each stage, with strong efforts made to ensure non-discrimination and gender equality. Results of the situation analysis were shared with the community in order to promote accountability and transparency. Take a look at much of the work you do surrounding ICPD. Can you articulate exactly how you are realizing human rights?

### 2) Point 2: Human rights principles and standards guide all programmes

This means that when providing technical support or policy advice, you must be guided by the **human rights standards laid out in International Human Rights treaties and also guided by the following principles:**

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<sup>1</sup> United Nations, The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies. Available at: [www.hreoc.gov.au/social\\_justice/conference/engaging\\_communities/un\\_common\\_understanding\\_rba.pdf](http://www.hreoc.gov.au/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf). For more information on this history, see Action 2 Learning Draft Resource Guide, pp. 51-52.

- ▶ universality and inalienability;
- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ equality and non-discrimination;
- ▶ participation and inclusion; and
- ▶ accountability and rule of law.

When addressed together, these core human rights principles ensure that programming processes create a **favourable environment for the realization of human rights**.<sup>3</sup> These principles are defined and what they mean for programming is explained below. Following this table, we discuss human rights standards.

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<sup>3</sup> Action 2 Learning Draft Resource Guide, p. 63.

PRINCIPLE	DEFINITION	PROGRAMMATICALLY, THIS MEANS:
Universality and inalienability	This means that every woman, man and child everywhere in the world is a holder of human rights simply by virtue of being human. Nobody can voluntarily give	When supporting your partners in designing a programme, pay particular attention to be sure you do not accidentally ignore the human rights of any group (such as migrants, IDPs, children, indigenous peoples, women living in poverty, etc). Universality means that all people have human rights, even if resource constraints imply prioritization. It does not mean, however, that all problems of all people must be tackled at once. <sup>4</sup> So, for example, although UNFPA aims to ensure universal access to reproductive health services as part of furthering ICPD goals, the government might wish to first start off by providing services to the most excluded groups. (See also the discussion regarding ‘progressive realization’ in Module 1).
Indivisibility	from all other rights. Denial of one human right invariably affects the enjoyment of another.	In applying this principle, the question to ask is whether in the specific country some rights are regarded as more important than others to the detriment of the enjoyment of others? For example, are civil and political rights respected and protected to the same degree as economic, social and cultural rights? Are rights from all treaties—such as rights to equality under CEDAW and CERD—given the same priority as the rights guaranteed by the ICCPR and ICESCR? UNFPA’s advocacy efforts often emphasize the indivisibility of rights, especially as such a broad range of rights are important to advancing the ICPD agenda (e.g. social rights, such as the right to education; as well as civil and political rights, such as freedom of information).
Interdependence and interrelatedness	The realization of one right often depends, wholly, or in part, upon the realization of others. For example, the realization of the right to health may depend on realization of the rights to education, safe water, non-discrimination, etc.	National programmes will have greater success if partnerships are made across sectors. For example, within a comprehensive national reproductive health programme, the Ministry of Health will partner with other relevant ministries, such as the Ministries of Education, Housing, Women’s Affairs, and so on, as well as with civil society organizations. The human rights framework encourages a multisectoral approach to problem-solving and development.

*(continued on following page)*

<sup>4</sup> OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

PRINCIPLE	DEFINITION	PROGRAMMATICALLY, THIS MEANS:
<p>Equality and non-discrimination</p>	<p>All individuals are equal as human beings and by virtue of the inherent dignity of each human person, without discrimination of any kind, such as race, colour, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status, such as sexual orientation and marriage status.<sup>5</sup></p>	<p>Programming cannot be directed solely at those currently easy to reach, such as urban populations rather than rural, otherwise existing power imbalances will simply be exacerbated. Unintentional discrimination must also be avoided. This can happen when, for example, the public at large is invited to participate in programme design but certain groups are precluded from participating because they live in remote areas and cannot attend the meeting.</p> <p>Specifically, programming may need to:</p> <ul style="list-style-type: none"> <li>▶ give priority to those suffering discrimination and disadvantage in any given context, especially those living in the most extreme poverty;</li> <li>▶ strengthen capacities for data collection and analysis to ensure data are disaggregated as far as possible on the grounds of race, sex, geographic location, etc;</li> <li>▶ advocate temporary special measures to 'level the playing field', such as affirmative action for women and special forums for participation;</li> <li>▶ make project information available in accessible formats and minority languages; and</li> <li>▶ support civic education and law reform to foster non-discriminatory attitudes and a change in behaviour.<sup>6</sup></li> </ul>

*(continued on following page)*

<sup>5</sup> Action 2 Common Learning Package, p. 64. Also see UDHR, Articles 1 and 2; ICESCR, Article 2(2); ICCPR, Articles 2(1) and 3.  
<sup>6</sup> Adapted from OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation..

<p><b>PRINCIPLE</b></p>	<p><b>DEFINITION</b></p>	<p><b>PROGRAMMATICALLY, THIS MEANS:</b></p>
<p>Participation and inclusion</p>	<p>Every person and all peoples are entitled to active, free and meaningful participation in, contribution to and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.<sup>7</sup></p>	<p>Ensuring that national stakeholders have genuine ownership over development processes in all stages of the programming cycle: assessment and analysis, design, implementation, monitoring and evaluation. For processes to be truly participatory, they should be “active, free and meaningful.”<sup>8</sup> Participation should be viewed as fostering critical consciousness and decision-making as the basis for active citizenship. Development strategies should empower citizens; especially the most marginalized, to articulate their expectations towards the State and other duty-bearers, and take charge of their own development.<sup>9</sup></p> <p>This is also the requirement laid out in UNFPA’s ‘culture lens’—that you communicate with, listen to, and mediate with community groups, religious leaders, government officials and anyone else you think might be impacted by your programme.</p>
<p>Accountability and rule of law</p>	<p>States and other duty-bearers have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.<sup>10</sup></p> <p>Accountability also means providing information to the community on what was done, and how. It requires transparency and openness.</p>	<p>Accountability systems require:</p> <ul style="list-style-type: none"> <li>▶ clear roles and responsibilities;</li> <li>▶ transparent decision-making processes and decision criteria;</li> <li>▶ access to information; and</li> <li>▶ effective mechanisms to demand accountability.</li> </ul> <p>Accountability should be established at the different levels of programming. It requires enforcement and the opportunity for recourse where duties are not met. This requires building the capacity of duty-bearers (e.g. the government) so that systems of accountability and redress exist, as well ensuring that you and your organization are accountable to the people and governments that you serve.<sup>11</sup></p> <p>However, for accountability to be effective, it needs to be demanded. Therefore a human rights-based approach also requires an analysis of the capacities needed for rights-holders, especially the most disadvantaged, to claim their rights effectively.<sup>12</sup></p>

Footnotes 7, 8, 9, 10, 11, 12 are located on the following page 9

In addition to the human rights principles listed above, national programmes supported by UNFPA should also be guided by international **human rights standards**.

### Human rights standards

The international human rights instruments that we discussed in Module 1 contain the **human rights standards**, which constitute the **minimum** entitlements, claims and obligations against which duty-bearers at all levels of society—but especially State institutions—can be held accountable.

A minimum standard is the minimum level of programmatic and/or policy-level activity necessary to be able to affirm that a right is being fulfilled. When trying to determine what this minimum level is, turn to the ‘General Comments’ of the treaty bodies as they often provide useful analysis to understand the obligations of a State in regard to a specific right or group of rights. (General Comments are introduced in Module 1).

For example, the Committee for monitoring the ICESCR issued a General Comment that explains the minimum core obligations (standards) recognized in Article 12 of the ICESCR: **the right to the highest attainable standard of health**. The minimum core obligations include:

- ▶ ensuring that health facilities, goods, and services are available, accessible, acceptable and of high quality (see below);
- ▶ ensuring reproductive, maternal (prenatal as well as postnatal) and child health care;
- ▶ ensuring that health facilities, goods, and services are **available, accessible, acceptable** and of **high quality** (see below);
- ▶ providing education and information on health problems and the methods of prevention and control; and
- ▶ ensuring the ‘underlying determinants of health’ are met, such as access to clean water, food, shelter, and so forth.

### Minimum standards of the right to health

As stated above, under the **right to health**, the international human rights standards indicate that States are obliged to ensure that public health services, as well as medicines and health care staff:

- ▶ are made available to all, regardless of geographical location or economic status;
  - ▶ are acceptable to all people irrespective of culture, sex or age; and
  - ▶ are accessible to all groups, be they young people, refugees, women living in poverty, etc., and respect the privacy of all individuals.
- ▶ Furthermore, the **quality** and the skills of the health personnel, the medicines available and the equipment used should be of a consistent standard for all communities and all individuals within those communities.

*(continued on following page)*

<sup>7</sup> Action 2 Learning Draft Resource Guide, p. 65.

<sup>8</sup> Op. cit., OHCHR, Frequently Asked Questions, p. 26. Also see the UN Declaration on the Right to Development.

<sup>9</sup> Ibid., Frequently Asked Questions.

<sup>10</sup> Action 2 Learning Draft Resource Guide, pp. 66-67.

<sup>11</sup> For more information on accountability, see the UNFPA Accountability Framework, Report of the Executive Director, DP/FPA/2007/20. P12 Adapted from OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

<sup>12</sup> Adapted from OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

### Minimum standards of the right to health (continued)

These minimum standards of the right to health (availability, accessibility, acceptability and quality) are usually referred to as the '3AQ'. All of the 3AQ are necessary in order for a duty-bearer to fulfil the minimum standard required of the right to health.

For example, reproductive health services can be available, accessible and affordable to women in a certain town, and also be of good quality. However, if the health services are not culturally acceptable (e.g. clinics are staffed with only male doctors and it is culturally unacceptable for women to be examined by men) then the right to health would not be entirely fulfilled. Take a look at the ICPD Programme of Action. Does it make any reference to promoting the availability, accessibility or acceptability of reproductive health services? By emphasizing that individuals have the right to choose the timing and spacing of their births, ICPD is revealing the importance of reproductive health services and supplies being culturally acceptable.

### 3) Point 3: A HRBA focuses on strengthening capacities of rights-holders and duty-bearers

When supporting national governments and civil society organizations in implementing their programmes, encourage them to begin by identifying the rights-holders (**and their entitlements**) and the **corresponding duty-bearers (and their obligations)**. The national programme or policy must in some way aim to **strengthen the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations**. Thus, one of the main focuses of development strategies under a HRBA is **capacity development**.

### HINT

When you try to help your partners to identify rights-holders and duty-bearers, both in terms of their responsibilities and their constraints, it is a good idea to first ask yourself : *what are the human rights at issue?* Then, ask:

- ▶ Whose rights are being promoted?
- ▶ Who owes duties or obligations here? And to whom?
- ▶ Have human rights violations taken place? Against whom? What is the violation? Who is the violator?
- ▶ Is there a need for a remedy to any violations, and if so, by whom?

Once you know what rights are at stake, it is easier to identify the rights-holders and the duty-bearers. Also, refer to the ICPD Programme of Action. Who do you think the rights-holders are within ICPD?

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7 Ibid.

8 UNFPA, Reaching Common Ground: Culture, Gender and Human Rights, p. 13. Available at <http://www.unfpa.org/swp/2008/en/index.html>.

9 UNFPA, Cultural Programming: Reproductive Health Challenges and Strategies in East and Southeast Asia, 2005. Available at: [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2005/culture\\_programming.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2005/culture_programming.pdf).

## RIGHTS-HOLDERS VS. DUTY-BEARERS

### WHO ARE RIGHTS-HOLDERS?

Given the universal nature of human rights, every individual is a rights-holder and entitled to the same rights without distinction based on race, colour, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status, such as sexual orientation and marriage status.

Rights-holders must have the capacity to:

- ▶ **exercise rights;**
- ▶ **formulate claims; and**
- ▶ **seek redress.**

### WHO ARE DUTY-BEARERS?

Duty-bearers include:

- ▶ primarily **State actors** and institutions at various levels of government, and
- ▶ certain **non-State actors** who have responsibilities to carry out in response to other actors exercising their rights.

#### **State actors:**

A HRBA focuses on the capacity of the State at all levels (all branches of the State and all sectors of government, at the national, provincial, municipal level) to meet its duties to respect, protect and fulfil human rights.

#### **Non-State actors:**

Human rights responsibilities can also attach to **non-State actors**, such as private individuals, international organizations and civil society organizations (amongst others).<sup>13</sup> Parents, for example, have explicit obligations under the Convention on the Rights of the Child. Health providers have specific responsibility to protect the right to privacy of their patients, and a duty to ensure their right to accurate information. Religious leaders or elders can also be seen as duty-bearers in certain situations. For example, they may be seen as having a responsibility to protect the rights of children and thus speak out against child marriage.

#### **What is the difference between a duty-bearer and a stakeholder?**

A stakeholder is any party that has interest in a programme. Stakeholders can include both duty-bearers and rights-holders.

A duty-bearer, however is solely an actor that has responsibilities or obligations to a specific rights-holder. Religious leaders or elders can also be seen as duty-bearers in certain situations. For example, they may be seen as having a responsibility to protect the rights of children and thus speak out against child marriage.

*(continued on following page)*

<sup>13</sup> See International Council on Human Rights Policy, *Taking Duties Seriously: Individual Duties in International Human Rights Law*, 1999. Available at [www.ichrp.org](http://www.ichrp.org).

## RIGHTS-HOLDERS VS. DUTY-BEARERS

### WHO ARE RIGHTS-HOLDERS?

In addition to directly benefiting from the programmes you are putting into place, rights-holders can:

**Exercise rights.** Individuals can act upon and use their rights. This means that a young woman who requires information on safer sex or HIV prevention can access both the information and the services necessary to enable her to apply the information to her own life. The information and services must be available, accessible (financially and physically), acceptable (in a language she can understand and tailored to her needs as a young woman) and of good quality.

**Formulate claims.** This means knowing what you are entitled to, knowing how to ask for it, and knowing who to ask for it. A UNFPA-supported training programme in South Asia taught adolescent girls about their bodies, sexual and reproductive health, and family relations with the aim of teaching them how to articulate their claims to their parents and community leaders. Understanding these matters is important in order for rights-holders to demand that human rights principles be embodied in policies, programmes and services that truly reflect their needs.

**Seek redress.** Having the capacity to seek redress means that there is a fair and transparent system in place that allows an individual to claim compensation for an unfulfilled obligation. For example, if a clinic refuses to provide accurate information on sex and HIV prevention to a young, unmarried woman, the government must ensure that there are procedures in place through which the woman can file a complaint and receive the services she needs, that it is made clear to the clinic that such discrimination against unmarried women is forbidden, and that the clinic staff are properly trained and capable of providing accurate information.

### WHO ARE DUTY-BEARERS?

Duty-bearers must:

**Be identified in relation to specific rights-holders.** For instance, parents, health professionals, religious leaders, the Ministry of Health, the Ministry of Education, and Parliament are duty-bearers and each must do their part to ensure that adolescents and young people have access to reproductive health services. However, their 'duty' or responsibility differs depending on who they are. For example:

- ▶ The Ministry of Education has the duty to ensure that teachers are trained to teach sex education and HIV prevention to young people in school, and also has the duty to create comprehensive, evidence-based sex education curricula.
- ▶ Parents have the duty to advocate for access to comprehensive sex education and HIV prevention services on behalf of their children, to take them regularly to health clinics, and to instil in them habits that will help keep them healthy over their lifetimes.
- ▶ Religious leaders have the responsibility to carry out their religious tasks in a manner that respects the right to health of adolescents and young people, and to refrain from promoting activities that may violate their rights.
- ▶ Health professionals have the responsibility to provide scientifically accurate and age-appropriate information to any adolescents or young people who approach them for HIV prevention information, and to ensure their patients' privacy and confidentiality is maintained.

For the detail needed to work with this concept effectively, it will be necessary to be familiar with the structure of the government in the country where you work, and the national laws and policies that outline where duties and responsibilities lie.

*(continued on following page)*

## RIGHTS-HOLDERS VS. DUTY-BEARERS

### WHO ARE RIGHTS-HOLDERS?

### WHO ARE DUTY-BEARERS?

**Carry out obligations in response to rights-holders.** Duties and obligations are in some instances positive (to do or provide something, or to act to prevent something from happening that is being done by others, e.g. discrimination), and in some instances they are negative (to refrain from doing something). Despite the best of intentions, some of those duty-bearers may lack capacity themselves, in which case the human rights concept of progressive realization comes into play (look back to Module 1 for an overview of this concept).

You now have a detailed understanding of the three elements of the UN definition of a HRBA:

**Point 1:** A primary goal of development programs is to further realization of rights.

**Point 2:** Human rights principles and standards guide all programmes.

**Point 3:** A HRBA focuses on strengthening capacities of rights-holders and duty-bearers.

## D. Why adopt a human rights-based approach to development?

Applying a HRBA is always a work in progress. There is no set formula and no single approach that can be applied across all settings. The process must be contextual, participatory and based on national ownership. Hence, there is value in the very process of adopting a HRBA.

In the introduction we mentioned the three main rationales for a HRBA: (a) intrinsic (acknowledging that a HRBA is the right thing to do, morally and legally); (b) instrumental (recognizing that a HRBA leads to better and more sustainable human development outcomes); and (c) institutional (neutrality and respect for self reliance make the UN a privileged partner to deal with sensitive issues in a holistic manner). Below, we explain this in more detail.

### *Intrinsic rationale*

The UN has stated that a HRBA is the right thing to do, morally and legally:

- ▶ A HRBA is based on universal values (freedom, equality, solidarity, etc.) reflected in human rights principles and standards that provide a common standard of achievement for all men, women and children and all nations.
- ▶ A HRBA moves development action from the optional realm of benevolence (or charity) into the mandatory realm of law. By anchoring policy and programme work in international law, a HRBA underscores state responsibility for fulfilling certain obligations rather than allowing them to be seen merely as acts of charity.

- ▶ A HRBA establishes duties and obligations and corresponding claims, and underscores the importance of establishing accountability mechanisms at all levels for duty-bearers to meet their obligations. This focus on accountability pushes governments and other duty-bearers to fulfil their duties and responsibilities and provide avenues for redress if such duties are not met.
- ▶ A HRBA moves beyond regarding people as passive beneficiaries of State policies to seeing them as active participants in their own development and further recognizes them as rights-holders, thereby placing them at the centre of the development process.
  - Perhaps the most significant aspect of a HRBA is this concept of the **individual as an active agent**—indeed, the most important agent—in her or his own human development. This simple but profound truth naturally encompasses the human rights principles that should inform discussions about how to improve health and development outcomes. Participation and inclusion; equality and non-discrimination; and the accountability of duty-bearers to rights-holders—all of these principles honour the roles of the individual and of communities in the process of developing and staging human rights-based initiatives.
  - Generally, giving attention to the **capacities and needs of both rights-holders and duty-bearers** leads to better and more sustainable program results, fosters a lasting sense of shared ownership in efforts to improve the community’s well-being, and prepares the actors to work together in other ways to address new challenges arising in the future. For example if, after receiving community training on human rights by UNFPA, newly empowered rights-holders in a Latin American country had gone to unprepared health care providers to demand recognition of various rights, they may not have been well received. As part of its support to national programmes in this country, however, UNFPA also focused on educating the health care providers about their obligations as duty-bearers to honour their patients’ human rights, and explained to them what this meant in practical terms. By developing the capacities of both rights-holders and the corresponding duty-bearers, UNFPA paved the way for patients and providers to use the same human rights concepts to jointly address the patients’ concerns.

### **Instrumental rationale**

A HRBA leads to better and more sustainable human development outcomes because it:

- ▶ Focuses on analysing inequalities, discriminatory practices and unjust power relations, which are the root causes of the human rights and development challenges that exacerbate conflict.
- ▶ Has a special focus on groups subjected to discrimination and suffering from disadvantage and exclusion. For UNFPA, these groups include: those already living in the most extreme poverty, especially disadvantaged adolescents and youth; women survivors of violence and abuse; out-of-school youth; women living with HIV; women engaged in sex work; minorities and indigenous peoples; women living with disabilities; refugees and internally displaced persons; women living under occupation; and aging populations. In a country in Asia, for example, UNFPA promoted human rights-based strategies in local programmes to enable marginalized and excluded women to gain access to health care services and to have their voices heard by local governments.
- ▶ Emphasizes participation, particularly of discriminated and excluded groups, at every stage of the programming process.
- ▶ Counts on the accountability of the State and its institutions with regard to respecting, protect-

ing and fulfilling all the human rights of all people within their jurisdiction.

- ▶ Gives equal importance to the processes and outcomes of development, as the quality of the process affects the achievement and sustainability of outcomes. Processes that empower, eliminate discrimination, enable participation and provide accountability will lead to more sustained and effective results in the long term.
- ▶ Imposes limitations in power and economic inequalities and the effect of the 'Elite Capture'<sup>14</sup> It is now generally accepted that over the past decades inequalities have increased in the midst of economic growth and prosperity. Public policies on fundamental issues such as education and health often neglect people living in poverty and favour the wealthy.<sup>15</sup> Some development indicators have already suffered setbacks, and achievement of the MDGs is a distant reality for many countries. In other words, the expected 'trickle down' effects of economic and political development have not reached the bottom. This failure has a lot to do with the fact that most of these benefits have been 'captured' by sectors of society that are economically better off—that is, the already powerful and those who are relatively less poor.<sup>16</sup> Elite capture defines the process by which the economically better-off appropriate for themselves resources that are intended for poverty eradication, or establish biased policies (e.g. in education, housing, etc.) that protect their own interests. Elites may be economic, ethnic, national, gender-based, etc. Capture may occur at both national and international levels.<sup>17</sup>
- ▶ Recognizes that in accordance with the principles of equality and non-discrimination, people living in poverty should have the right to a greater share of resources. A HRBA sets a framework for accountability that helps prevent elite capture from spiralling out of control by ensuring that disadvantaged people have their basic entitlements respected.<sup>18</sup>
- ▶ Provides a highly flexible framework that can strengthen situation assessment and analysis, design, implementation, monitoring and evaluation in a vast array of situations and geographical settings. UNFPA has supported the implementation of a HRBA in countries in diverse regions of the world. Some interventions take place in large cities, others in rural areas. A HRBA is not a restrictive formula that narrows the range of programmatic options. It is quite the opposite. The human rights principles guiding a HRBA speak to many different situations, offering a valuable set of tools that people working to improve health outcomes can use in many different ways. (See Modules 3-6 to get an idea of the diverse ways in which a HRBA can be programmatically applied to advance the ICPD agenda. Also see the pull-out Information Card on 'Advocating for a HRBA in Challenging Environments' at the back of this Guide).

## **Institutional rationale**

Recognizing that the UN has a core mandate on Peace, Security, Human Rights and Development, and that it has a privileged role in dealing with governments on sensitive issues means that:

- ▶ Development challenges are examined from a holistic lens guided by human rights principles and take into account the **civil, political, economic, social and cultural** aspects of a problem (e.g. an HIV prevention strategy is guided by rights to education and health as well as the right to information, the right to non-discrimination, etc.).

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<sup>14</sup> Action 2 Learning Draft Resource Guide, p.59.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., p.60.

- ▶ Human rights highlight responsibilities across different sectors, thus promoting an integrated response across diverse parts of government. Multisectoral approaches to development problems can more capably address gaps and challenges that arise and can lead to more effective and sustainable solutions in the long term.
- ▶ A HRBA requires using the recommendations of **international human rights** mechanisms in the analysis and strategic response to development problems.
- ▶ A HRBA can also shape relations with partners since partnerships should be participatory, inclusive and based on mutual respect in accordance with human rights principles.

In addition to being familiar with the immense benefits of a HRBA, it is also useful for you to consider some of the challenges posed by implementing a HRBA. There are not as many challenges as you might think, however! Be mindful of the various myths and misconceptions surrounding HRBAs that sometimes stand in the way of implementation.

### Challenges common to implementing a HRBA

**HRBAs can be time-intensive.** In UNFPA's experience, supporting national implementation of a HRBA often requires devoting time to capacity-building activities for both rights-holders and duty-bearers—with capacity-building often encompassing the complex process of introducing people to the concept of human rights and helping them think about human rights in a more pragmatic manner; building people's skills to enable them to apply human rights to their immediate goals; and finally helping them to develop these skills.

Developing the ability to use human rights skills effectively in the community constitutes a continuous learning experience, and learners often benefit from ongoing support from human rights trainers and mentors as they figure out how to best use a human rights framework to accomplish their goals. For example, in a country in South Asia, UNFPA supported a programme for adolescent girls that was based on a series of two-hour courses presented five days per week for 10 weeks—for a total of 100 hours of instruction. Participants received guidance in developing their own personal 'action plans', and in forming and sustaining mutually supportive group activities that continued long after the 10-week courses ended.

Another UNFPA-led programme, in Central Asia, allotted an entire two years to all of the human rights capacity-building experiences that were thought to be necessary for local women's NGOs and local government officials to work in a genuinely equal partnership on the design of community action plans.

Nonetheless, although a HRBA may be time-consuming, in the long term, as in the above examples, this will help your programme to be more effective and more sustainable.

**Challenges of working with many participants.** A HRBA's emphasis on participation at all programming stages can lead to difficulties in cases where programme participants have different views or different ideas regarding how things can be done. Participation can also be expensive to implement, especially if training is needed for certain groups to ensure that their participation is meaningful. (For example, note the problems raised by participation in the case study in Module 5). This is an expected challenge, and it is important to have someone on hand with good negotiation and consensus-building skills. Good judgement should also be used to determine those cases where decisions can be made without requiring the participation of everyone, as long as all decision-making processes are transparent and shared with the public. Unless participation is ensured, community members will not feel ownership of the project, and results may not be sustainable in the long term.

## Myths and misconceptions

**Human rights are western and alien to many cultures, and thus a HRBA cannot be applied in many regions of the world.** As we mentioned in Module 1, human rights are universal, and the world's governments have ratified at least one major human rights treaty. UNFPA's approach consists of seeing culture as a means towards realizing human rights.

**A HRBA is off-putting to more traditional governments.** Although some conservative governments may not be friendly towards the notion of human rights, there are still ways in which you can gain their support for a HRBA. For some ideas, see the section on 'Advocating for a HRBA in Challenging Environments' in the back of this Guide.

**A HRBA is too difficult.** This is a very common myth. We have mentioned a few of the challenges that are posed by a HRBA above. All programming methods have their own challenges. However, the challenges posed by the systematic attention to human rights principles required of a HRBA are likely to be far fewer than the difficulties faced in the long term as a result of not adopting a HRBA.

**A HRBA overemphasizes rights and neglects the concept of responsibilities.** As you will notice throughout this Guide, we consistently stress the importance of working with **both** rights-holders and duty-bearers. A HRBA requires you to work with both, and puts strong emphasis on the importance of accountability. Rights are important, but they come with corresponding duties and responsibilities.

In addition to the challenges and myths shown in the box above, there are other very real problems and flaws inherent within a HRBA. A HRBA is not a panacea to the world's development challenges. Nor is it the answer to everything, and it certainly has its limitations. It is important to be aware of these limitations when you support the implementation of a HRBA in national policies and programmes.

## Limitations of a HRBA

The limitations of a HRBA include the following:

- 1. Lack of solid evidence to prove its effectiveness.** Unfortunately, given the fact that a HRBA is still a relatively new way of working, confusion and lack of clarity still surround the meaning of a 'HRBA'. This has made it difficult to gather solid evidence to fully demonstrate its effectiveness. There are several possible explanations for this lack:
  - ▶ Given the varied approaches towards implementation of a HRBA (see for example pull-out Information Card 1, which provides examples of different definitions of a HRBA), insufficient documentation has been gathered at this time to show evidence of what successfully integrating human rights into programming actually means;
  - ▶ Many efforts to actually document the successful implementation of a HRBA have been driven by internal organizational and donor agendas. This has led to the presentation of information in ways that have not been easily transferable or comparable, and thus difficult to assess; and
  - ▶ Some organizations have adopted the language of rights to justify their work as it may be politically useful to do so, but have not actually clarified what is rights-based about their efforts. This makes it difficult to measure the success (or failure) of their implementation of a HRBA.<sup>19</sup>

In general, there has been limited operational guidance as to how human rights are best integrated into programmes. This lack of guidance has made it difficult to compare programmes against

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<sup>19</sup> Adapted from S. Gruskin, L. Ferguson and D. Bogecho, *Beyond the Numbers: Using Rights-based Perspectives to Enhance Antiretroviral Treatment Scale-up*, AIDS, vol. 21 (Suppl. 5), pp. S13–19, 2007.

each other, and gather the evidence we need in order to show the effectiveness of a HRBA.

**2. Difficulty in measuring.** For reasons similar to those listed above, it has been difficult to **measure the success** of HRBAs. Indicators that can accurately measure the *process* of a HRBA are still being developed—and as we mentioned above, process is a core aspect of a HRBA. Positive efforts are being made to measure the level of ‘meaningful participation’ in a programme and the levels of accountability. However, some human rights principles, such as ‘indivisibility’ or ‘interdependence’ are harder to measure, even in a qualitative manner. It has been difficult to show how the application of the principle of inter-dependence, for example, really plays out programmatically, or whether programmes that claim to adopt this principle have been more successful than programmes that have not. Out of the list of core human rights principles provided above, the principles of:

- ▶ participation and inclusion;
- ▶ equality and non-discrimination; and
- ▶ accountability and rule of law

have been more consistently and practically applied to the process of a HRBA, and indicators to measure the application of these principles are therefore further along in development. Action 2 refers to the above principles as **‘process principles’**.<sup>20</sup>

The application of the rest of the core human rights principles of:

- ▶ universality and inalienability;
- ▶ indivisibility; and
- ▶ interdependence and interrelatedness

are still proving harder to ‘measure’ in a practical sense. They are still important to the conceptualization of a programme, of course (a national reproductive health programme, for example, should take into account the fact that rights such as the right to education, freedom of information, privacy, etc., are all rights that are interrelated to the right to health and indivisible from it—an idea that supports the importance of a multisectoral approach to programming), but the inter-dependence of these rights is more difficult to monitor and evaluate than the process principles noted above. Action 2 refers to these principles as **‘content principles’**.<sup>21</sup>

In the checklist of questions on your poster, the key principles listed include:

- ▶ participation and inclusion;
- ▶ equality and non-discrimination; and
- ▶ accountability and rule of law

These are the principles that we will be **directly applying programmatically** to each stage of a country programme.

Remember to balance against this list of limitations of a HRBA, the numerous benefits of a HRBA that were discussed earlier. Also keep in mind that many of these issues can be easily addressed. In your support of national programmes, encourage the continuous **documentation of the benefits of implementing a HRBA in the Country Programme**. It is important to gather ‘good practices’ on the adoption of a HRBA in UNFPA-supported programmes. This kind of documentation will help to build up the evidence base needed to show the effectiveness of a HRBA. Accurate monitoring and evaluation of both processes and outcomes is also essential (M&E and indicators are discussed further in this Module). Only accurate monitoring will provide us with a true understanding of how effective a HRBA is.

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<sup>20</sup> UN Common Learning Package on HRBA, June 2007, CLP HRBA Presentation.

Available at: <http://www.undg.org/index.cfm?P=531>.

<sup>21</sup> Ibid.

One of the most important actions you can take while supporting national implementation of a HRBA is to carefully document the process of the programme (i.e. how the programme is being carried out), and choose human rights-based indicators that will monitor and evaluate this process.

## MODULE 2, WORKSHEET 1:

### TEST YOUR KNOWLEDGE ON THE UN COMMON UNDERSTANDING

1. What is the UN Common Understanding?
2. What are the human rights principles that must guide your programmes?
3. What is the difference between rights-holders and duty-bearers?
4. What is the difference between duty-bearers and stakeholders?
5. Read the excerpt below, and answer the questions that follow:

#### Ayele's Story

Today Ayele has told her teacher she has to stop going to school. Ayele is 12 years old. She lives in a small town. Her father was a bus driver and her mother a seamstress. Her father died of AIDS six months ago after an illness that exhausted the family's resources. Her mother is very sick and has had to stop working. Two months ago, she had to sell her sewing machine to buy needed medications. Her mother has told Ayele that she must stop attending school and help to take care of her. There is no more money for school fees. Ayele has been a very good student and is eager to continue. Ayele has 2 brothers, ages 14 and 16. They will be able to continue going to school because relatives will pay their school fees.

Ayele's relatives have approached the local education authority asking them to waive her school fees but were told this was not possible. They turned to a local AIDS service organization for help but were told that while Ayele's situation was unfortunate, their mandate was still limited to assuring care and support for people living with HIV. They turned to a local NGO, Education For All. This NGO had a long waiting list for children seeking their support.

Ayele's family met and decided they had done all they could and that Ayele should be sent to the capital city where young girls can easily find employment as domestic helpers.

- a) Who are the rights-holders in the above scenario? Are they able to exercise rights, formulate claims and seek redress? If not, why not?
- b) Who are the duty-bearers? To whom do they owe a duty, and what are their obligations? Are they fulfilling these obligations?

## E. Tips for operationalizing a culturally sensitive, gender-responsive, human rights-based approach

You should now be familiar with the UN's definition of a HRBA, i.e. the Common Understanding.

How do you take these three 'points' of the Common Understanding and actually operationalize them in the national programmes and projects that UNFPA supports? What does a culturally sensitive, gender-responsive, HRBA actually look like in practice? Take a look at the poster at the back of the Manual for a diagram that will help you visualize the operational 'steps' of a HRBA.

Before we look at implementation of a HRBA in detail, consider some important tips for operationalizing a HRBA.

COMMON UNDERSTANDING	IMPORTANT TIPS FOR OPERATIONALIZATION
<p><b>Point 1:</b> A primary goal of development programmes is to further realization of rights.</p>	<ul style="list-style-type: none"> <li>▶ Support national programming goals by remembering that the focus is on <b>rights</b>, not <b>needs</b>. See the box below titled: Needs-based approach vs. a human rights-based approach to help you with this process.</li> </ul>
<p><b>Point 2:</b> Human rights principles and standards guide all programmes.</p>	<ul style="list-style-type: none"> <li>▶ Human rights principles must guide all stages of the programme, including the situation assessment and analysis, design, implementation, monitoring and evaluation stages.</li> <li>▶ This requires a conscious effort to ensure that the necessary human rights principles are integrated into every programming stage, including the setting of appropriate indicators at the design stage.</li> <li>▶ Incorporating human rights into all programming stages requires a focus on processes, not just <b>outcomes</b>. This is one of the key defining aspects of a HRBA: you must focus on how the project is designed, implemented, monitored and evaluated, as well as what the final outcomes are (see the Process vs. Outcomes example in the box below).</li> </ul>
<p><b>Point 3:</b> A HRBA focuses on strengthening capacities of rights-holders and duty-bearers.</p>	<ul style="list-style-type: none"> <li>▶ When thinking about rights-holders, a HRBA requires you to pay particular attention to the most marginalized and excluded groups. The principles of equality, participation and inclusion in particular call for us to look beyond aggregate data and find those populations that are most excluded.</li> <li>▶ Women living in poverty, racial and ethnic and other minorities, as well as other disadvantaged groups are at the greatest risk of being denied their human rights. For this reason, not only is it important to pay attention to these groups in implementing a HRBA, they must be given <b>special</b> priority.</li> <li>▶ Particular efforts must be made to be gender-sensitive when collecting and analysing data. Even within the group typically called 'women', there will be some who are worse off than others, such as rural women, unmarried mothers, widows, refugee women, indigenous women, and so forth. Gender</li> </ul>

*(continued on following page)*

COMMON UNDERSTANDING	IMPORTANT TIPS FOR OPERATIONALIZATION
<p><b>Point 3:</b> A HRBA focuses on strengthening capacities of rights-holders and duty-bearers.</p>	<p>sensitivity does not just stop at the point of disaggregating data by sex! Applying a HRBA requires that programmes pay attention to these specificities to the extent possible.</p>
<p>In addition to the Common Understanding: UNFPA emphasizes applying the concepts of <b>cultural sensitivity</b> and <b>gender-responsiveness</b>.</p>	<p>Apply the concepts of <b>cultural sensitivity</b> and <b>gender-responsiveness</b>. UNFPA carries out its work “through the internal dynamics of change within the religious or cultural traditions that shape a particular society.”<sup>22</sup> You should assume that “every religious or cultural tradition is open to a variety of interpretations, some of which are consistent with international standards of human rights.”<sup>23</sup> For example, during post-emergency assistance in a country in Asia-Pacific, UNFPA assisted affected communities in several ways, including by providing different Reproductive Health kits. Recognizing the desire of some women to comply with their religious beliefs and practices, one of the kits included headscarves for women among its hygiene items.</p>

### Process and outcomes, not just process vs. outcomes: An example

When scaling up HIV prevention programmes, oftentimes a primary donor focus is on the **numbers** of people receiving prevention information and services, such as the number of people attending training sessions on HIV and reproductive health; the number of educational pamphlets on HIV distributed; the number of people who claim to be using condoms; and so forth.

If the **number** of people attending training sessions regularly increases, the programme is seen as successful. However, a HRBA asks you to look at the ‘**process**’ by which prevention programmes are implemented. For example, in what language are HIV educational leaflets distributed, and are these leaflets reaching those marginalized groups who may need them the most? Who is targeted by the prevention programme: Men? People living in poverty? Women of ethnic minorities? Those most in need of it? Is prevention information being provided in an equitable, non-discriminatory manner? Are women receiving HIV prevention messages outside the context of pregnancy and delivery? What is the attitude of those who are providing the prevention messages? Are their attitudes such that individuals feel supported in raising questions and concerns? Do people have genuine options to change their behaviour in the long term? If not, why not? How can this be addressed?

All these questions reveal the importance of looking beyond just the ‘numbers’ of people targeted by HIV prevention programmes. For a national prevention programme to have a real impact and be sustainable in the long term, it must focus on how prevention interventions are carried out, and for **whom**, not just **how many** people it reaches.

<sup>22</sup> UNFPA, *Mediating Change Through Culturally Sensitive Approaches: Reflections from a Regional Retreat in Africa, 2005*.

<sup>23</sup> *Ibid.*

## Needs-based approach vs. human rights-based approach

As the concept of a HRBA evolved within the development community, there was considerable debate over the differences between needs and rights. The most essential difference is that needs do not imply duties or obligations although they may generate promises and may prompt charitable responses. By contrast, **human rights always imply correlative duties and obligations of the State and its entities that are recognized by human rights law and which strengthen development efforts.**

NEEDS-BASED APPROACH <sup>24</sup>	HUMAN RIGHTS-BASED APPROACH
Works toward outcome goals	Works toward outcome and process goals
Emphasizes meeting needs	Emphasizes realizing rights
Recognizes needs as valid claims	Recognizes that rights always imply obligations of the state
Meets needs without empowerment	Recognizes that rights can only be realized with empowerment
Accepts charity as the driving motivation for meeting needs	States that charity is insufficient motivation for meeting needs
Focuses on manifestations of problems and immediate causes of problems	Focuses on manifestations of problems and immediate causes of problems
Involves narrow sectoral projects	Involves intersectoral, holistic projects and programmes
Focuses on social context with little emphasis on policy	Focuses on social, economic, cultural, civil and political context, and is policy-oriented

In keeping with the concepts outlined in the table above, UNFPA has explained in its 2004 Policy Note on Implementing a HRBA to Programming in UNFPA that:

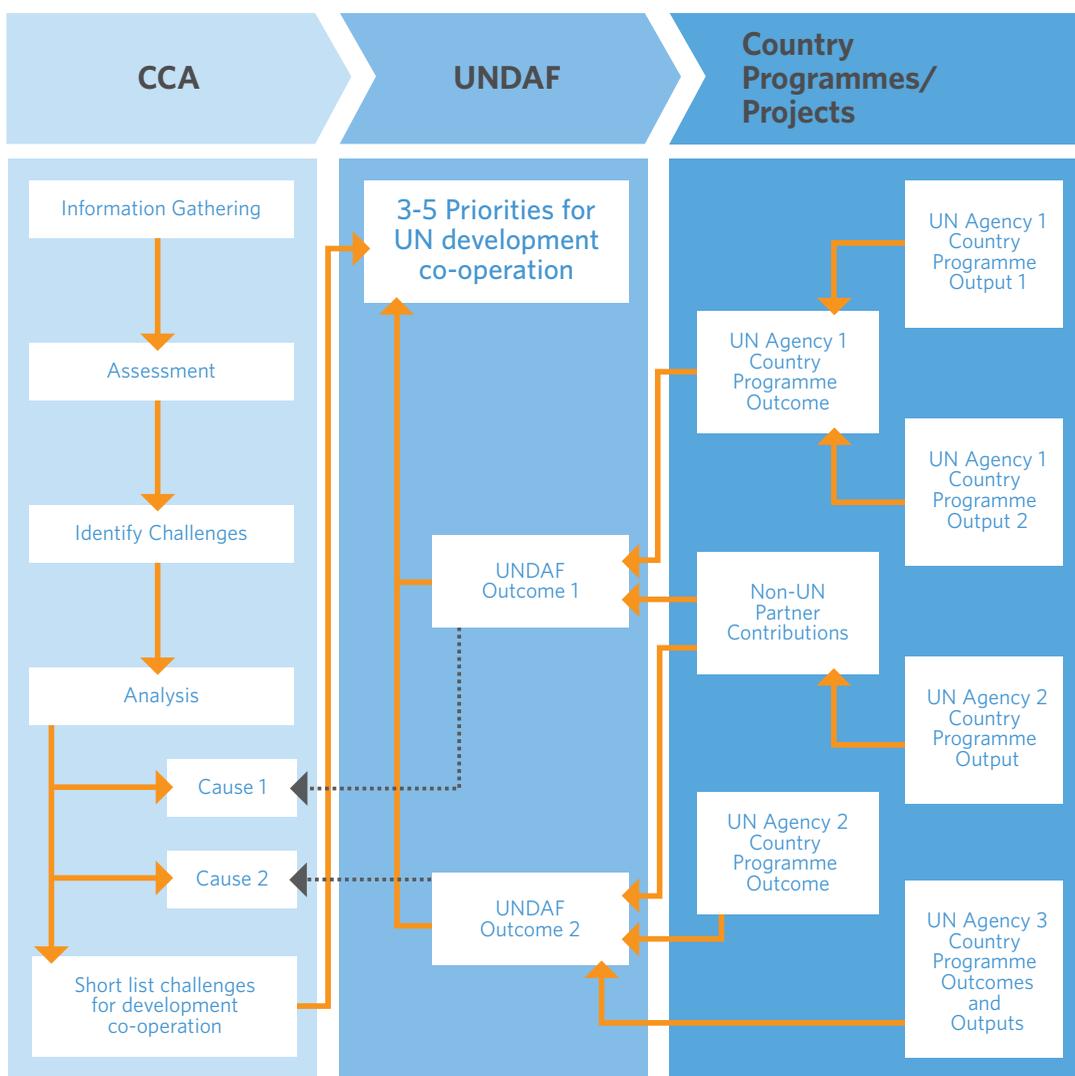
**“Although human rights are need-based claims, a human rights approach to programming differs sharply from the basic needs approach, as the latter does not imply the existence of some form of ‘duty-bearer’. When demands for meeting needs have no ‘object’, there is no designated person or mechanism charged with the clear-cut duty of meeting needs, and rights are therefore vulnerable to ongoing neglect and violation. A rights-based approach expands choices and capabilities and encourages every person to define and direct the course of her or his empowerment.”<sup>25</sup>**

<sup>24</sup> Ibid. This table is adapted from Canadian International Development Agency, CIDA’s Action Plan on Child Protection: Promoting the Rights of Children Who Need Special Protection Measures, June 2001.

<sup>25</sup> T. Obaid, Policy Note on Implementing a HRBA to Programming in UNFPA, 22 January 2004, UNFPA/CM/04/7.

## F. Introduction to the UN country programming process

### Road map of the UN country programming process<sup>26</sup>



### The role of UN agencies in support of country programmes

Although harmonized and integrated programming at the country level is undertaken by the United Nations system in partnership with the government and other key development partners, the ownership of the country programme belongs to the country itself. UN agencies assist national and local partners to implement a set of agreed activities within the UN country programme and support the building of national capacities. UN agencies also strongly advocate

<sup>26</sup> UNDG, Guidelines for UN Country Teams on Preparing a CCA and UNDAF, 2004.

where necessary for policies, programmes and actions to realize human rights. Most importantly, countries cannot expect or oblige UN agencies to cooperate in programmes that go against the UN Charter, their mandate, approved policies or international legal standards.<sup>27</sup>

For a brief explanation of core aspects of the UN Country Programming Process, see the box below.

### What is the Common Country Assessment (CCA)?<sup>28</sup>

- ▶ **Its purpose is to reach common understanding.** The aim of the CCA is to establish a common understanding among all concerned (including UN agencies, government and civil society) of the main development challenges facing the host country and their underlying and root causes. It identifies key issues and priorities as a basis for advocacy, policy dialogue and preparation of the United Nations Development Assistance Framework (UNDAF). A HRBA provides an analytical framework for reaching such a common understanding.
- ▶ **Its key function is support to national processes.** The CCA also aims to support national development processes including poverty reduction strategy papers (PRSPs), sector investment programmes or sector-wide approaches. In emergency or transition situations, the CCA can inform the preparation of consolidated appeals (CAPs) or transition strategies. The ultimate aim of national processes is to realize all human rights for all.

### What is the UNDAF?<sup>29</sup>

- ▶ **A common strategic planning framework.** The UNDAF is the common strategic planning framework for UN agencies at the country level and gives direction for the preparation of the individual country programmes. It explains the strategic role and contribution of UN partners.
- ▶ **Its purpose is to achieve agreement and unity.** The purpose of the UNDAF is to achieve agreement among UN agencies and with the host government on the thrust and goals of development assistance provided by the UN system, and to increase the impact of the work of the UN on human rights and human development through: stronger unity of UN agencies, improved focus and results orientation, better integration with national priorities, stronger alliances with partners and more efficient use of resources.
- ▶ **UNDAF follows CCA findings.** The substance of the UNDAF addresses the key findings of the CCA.
- ▶ **UNDAF aims to further realization of human rights.** It details how the UN system supports national development to further the realization of human rights and describes the broad areas that UN agencies are expected to contribute to through the country programmes. UNDAF should, among other things, underscore the need to integrate human rights concerns into all UN programming, implementation, monitoring and evaluation. Successful strategies should, among other things: address interrelated causes; address the rights of the most excluded and disadvantaged, in particular people living in extreme poverty; and integrate fundamental cross-cutting concerns, especially gender equality and respect for all human rights.
- ▶ **UNDAF process of setting priorities.** A HRBA means that setting priorities should involve effective participation of all stakeholders and be conducted in accordance with human rights principles and standards. Thus, under a HRBA it would be unacceptable to give priority to providing health and education services to the easiest to reach or more affluent parts of society, rather than to the most disadvantaged and marginalized groups.

<sup>27</sup> Action 2 Learning Draft Resource Guide, p. 72.

<sup>28</sup> Ibid., pp. 72-73.

<sup>29</sup> Ibid.

This Manual focuses on implementation of a HRBA in a **country programme/project** (i.e. the third column on the right in the diagram above). We will guide you through the steps necessary to support local application of a HRBA to a country programme cycle.

The country programme cycle is made up of four stages:

1. Situation assessment and analysis;
2. Planning & design;
3. Implementation; and
4. Monitoring and evaluation.

We will not discuss further the CCA or UNDAF processes. The purpose of the diagram above was simply to give you an idea of the place of the country programme within the broader UN programme process.

## G. Integrating human rights in all stages of the country programme

In this section, we will give you guidance on how to support the implementation of a HRBA in national programmes. It may be easier to follow these steps if you keep the diagram of the HRBA in front of you (see the poster). The typical programming stages we will examine will be:



Consider that – in short – what a HRBA is really asking you to do throughout these stages is:

1. Systematically integrate core **human rights principles** into your work in policy dialogue and into your support of programmatic work at local, national and international levels. These core human rights principles are the ones listed above (universality and inalienability; indivisibility; interdependence and interrelatedness; participation and inclusion; equality and non-discrimination; and accountability and rule of law).
2. Systematically ensure a focus on cultural sensitivity and gender equality at each programming stage.

*That's pretty much it! Applying a HRBA to programming should not involve an entirely new way of programming. It simply entails consciously and systematically paying attention to human rights in all aspects of policy or programme work.*

It will be helpful to keep the poster of the HRBA diagram with you as you read through this section in order to help you visualize what we mean by operationalization of a HRBA.

### I. Programming Stage I – Situation assessment and analysis

- ▶ Step 1: Information gathering
- ▶ Step 2: Human rights-based assessment
- ▶ Step 3: Human rights-based analysis
- ▶ Step 4: Setting priorities

Given that a HRBA should be applied in all stages of the programming process, the point of departure for the preparation of the CCA begins from the early stage, with the gathering of information for the assessment and analysis.

It is important to apply the human rights principles and standards that we referred to above in the situation assessment and analysis stage because they affect the way in which interventions are **designed** and **implemented**. For example, while high levels of poverty might prompt UNFPA to invest in a poverty reduction programme, the principle of **non-discrimination** will help to focus on the extent and reasons for gender and geographic disparities in those experiencing poverty, and thus on how to reduce them.

### HINT

When helping a government decide whether to do a new situation analysis, or to simply rely on existing analyses, one issue to consider is whether existing analyses incorporate a HRBA by **uncovering the underlying and root causes** of major development challenges and unfulfilled rights relevant to the specific national programme being contemplated.

Moreover, the analyses should point out groups who are marginalized or excluded, **including inequalities based on gender, and should point out those authorities and other actors who have some duty or responsibility to act. The analyses should also be done in a participatory manner by consulting with marginalized or excluded groups.**

If such analyses do not exist, it may be time to carry out a new situation assessment and analysis.<sup>30</sup>

In order to conduct a good situation assessment and analysis, the quality and reliability of the information it is based upon are crucial. The purpose is to have all the information that is needed to identify the main development challenges in a country. Refer to your poster for the checklist of questions to ask at the situation assessment and analysis stage.

Take a look at the questions on the checklist. You will notice that there is a set of questions that pertains to each human rights principle that must be implemented. Remember, the key aspect of a HRBA is simply to apply human rights principles and standards **systematically** to each programming stage.

What are your thoughts on what has been stated here?

Are any of these questions new to you, or do you already ask them when supporting national programme implementation?

You'll notice that we ask you to think about both how to carry out the situation analysis, and what data to gather. Consider how crucial the quality and reliability of your data must be in order to conduct a good assessment and analysis. Good data will help you to identify the main development challenges in a country and to analyze in more depth the immediate, underlying and root causes of these challenges. Gaps in adequate data can help direct information gathering activities. For more information on the importance of gathering good data, see Module 3, where the value of collecting good data in the context of a census is discussed.

### Step 1: Information gathering

An assessment of the overall country situation from a HRBA is essential for determining whether and where a development challenge exists, its intensity and who is affected. The Millennium

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<sup>30</sup> Ibid., pp. 73-76.

Declaration, the MDGs, the ICPD Programme of Action, and the commitments, goals and targets of other international conferences, summits, conventions and human rights instruments of the UN system are some of the benchmarks that you can use to help a government determine whether and where major challenges exist in a country and their severity.

In the checklist of questions on your poster we emphasize the importance of gathering information on the:

- ▶ **legal and policy framework** of the country, as well as the
- ▶ **availability, accessibility, acceptability and quality** of health facilities, goods and services.

The latter is especially pertinent to UNFPA because of its mandate: to promote the ICPD agenda, reproductive health and rights, to prevent HIV/AIDS, and to empower women and girls. All of these goals rest heavily on ensuring that States fulfil their obligations with respect to a wide range of human rights. As you saw in the box above, the elements of availability, accessibility, acceptability and quality are minimum standards of the right to health care/goods/services; they are also critical components of many other rights, such as the rights to education and information.

Turn to your poster now and take a look at the questions we suggest should be asked when carrying out a legal and policy analysis. Have you thought about asking these questions before?

### Environmental scanning

In programming, no intervention takes place in a vacuum. Consider, therefore, how critical it is for a government to undertake an ‘environmental scan’ as part of its situation assessment and analysis. The legal and policy environment can inevitably affect the success or failure of programme activities.

For example, a Ministry of Education may want to institute skills-building sessions for sex worker groups who might be seeking alternative forms of earning an income. However, a general law that criminalizes sex work may result in poor uptake of such educational sessions. Sex workers may fear that attending such sessions will identify them as persons who engage in illegal activity.

As a UNFPA staff member, you want to make sure you know where the government stands on various issues and how advocacy and programme implementation might be most effectively carried out. Legislative reform may be required and legislative capacities may need to be strengthened to bring national laws into compliance with treaty obligations and to ensure the creation of appropriate mechanisms, procedures, roles and capacities for the domestic application of human rights principles and standards. Policy reforms may be needed to combat discrimination, ensure consistency between macroeconomic and social policies, and more equitable public policies.

In supporting an environmental scan, also remember to carry out research on social expenditures and **budget analyses**. These valuable sources can help you ascertain the extent of the available resources for the progressive realization of economic and social rights.

In general, environmental scanning allows UNFPA and its local partners to understand the factors that create or constrain an **enabling environment** for the promotion of human rights and the advancement of the ICPD agenda. The national analysis should also consider the overall political and economic environment, and be sensitive to the **critical role of local culture**.

## HINT

In supporting national implementation of a HRBA, some of the additional sources of information the government can use in gathering data during the assessment and analysis stage include:

- ▶ government reports and official statistics;
- ▶ treaty bodies and special procedures (e.g. reports by the Special Rapporteur on the Right to Health);
- ▶ regional and national human rights mechanisms, including national human rights institutions;
- ▶ government laws, policies and regulations;
- ▶ poverty hearings;
- ▶ government and NGO reports and shadow reports to treaty bodies;
- ▶ records of ratifications or reservations of international human rights treaties;
- ▶ national NGO and INGO reports;
- ▶ reports by the national human rights institution such as the ombudsperson;
- ▶ UN economic commissions and financial institutions (WB, IMF);
- ▶ UN and UN agency reports, including reports from peacekeeping missions;
- ▶ reports from other States (US State Department, EU, etc.);
- ▶ academic research and national and international media; and
- ▶ direct information from victims of human rights abuse.

## Step 2: Human rights-based assessment

The situation assessment involves checking that the **quality of the information collected is adequate for the analysis that will be carried out**. When supporting a national assessment, particular attention should be paid to:

1. Ensuring that data are appropriately **disaggregated**.
2. Ensuring that any existing research based on poverty hearings, poverty assessments, poverty diagnostics and unpublished reports by the national human rights institution that reflect the situation and views of disadvantaged and marginalized population groups is considered. When thinking in terms of the ICPD agenda, disadvantaged and marginalized population groups might include:
  - ▶ those living in extreme poverty;
  - ▶ especially disadvantaged adolescents and youth;
  - ▶ women survivors of violence and abuse;
  - ▶ out-of-school youth;
  - ▶ women living with HIV;
  - ▶ women engaged in sex work;
  - ▶ women living with disabilities;
  - ▶ minorities and indigenous peoples;
  - ▶ refugees and internally-displaced persons;
  - ▶ women living under occupation; and
  - ▶ aging populations.

3. Ensuring that the reproductive health and human rights concerns of the most excluded populations are included in the assessment. There may be situations in which a minority is not noted in studies and reports even though their human rights are being grossly violated, such as, ethnic minorities that live in one province, or unmarried women who are mothers, etc. Supplemental information might be needed in such a case and all gaps in data should be identified that might impede data analysis and programme planning.<sup>31</sup>

### Step 3: Human rights-based analysis

Upon completing the situation assessment, the next stage is the analysis stage where the data that has just been collected will be analysed in order to determine which development challenges are the priority areas.

When supporting national priority-setting activities from a HRBA, it is important to:

- ▶ **Recognize each development challenge as a human right or as several human rights that are unfulfilled or violated.** This first step helps to identify the human rights standards and the relevant human rights treaties that will help to guide and shape the analysis.
- ▶ **Formulate the development challenge, so it is people focused.** The questions are: Who is being affected? And who needs to be involved in solving these problems?
- ▶ **Distinguish the development challenge from one of its possible causes.** The central issue is how people's lives are affected and must be distinguished from the institutional capacities, economic and political trends or legal safeguards, which may be important causes of the problem.<sup>32</sup>

For example, defining the development challenge as a 'lack of something' may prompt overly simplistic solutions and prevent analysis of additional factors affecting the lives and wellbeing of people. If for example, 'lack of access to maternal health services' is chosen as the development challenge (instead of high maternal mortality), other contributing factors such as 'ineffective family planning policies' might not be considered in the analysis.

Having determined which development challenge to focus on, the next step is the **causality analysis**. It is often useful to carry out a 'causality analysis' to uncover the immediate, underlying and root causes of the particular reproductive health, gender or population challenge the country is facing.

#### As a general rule:

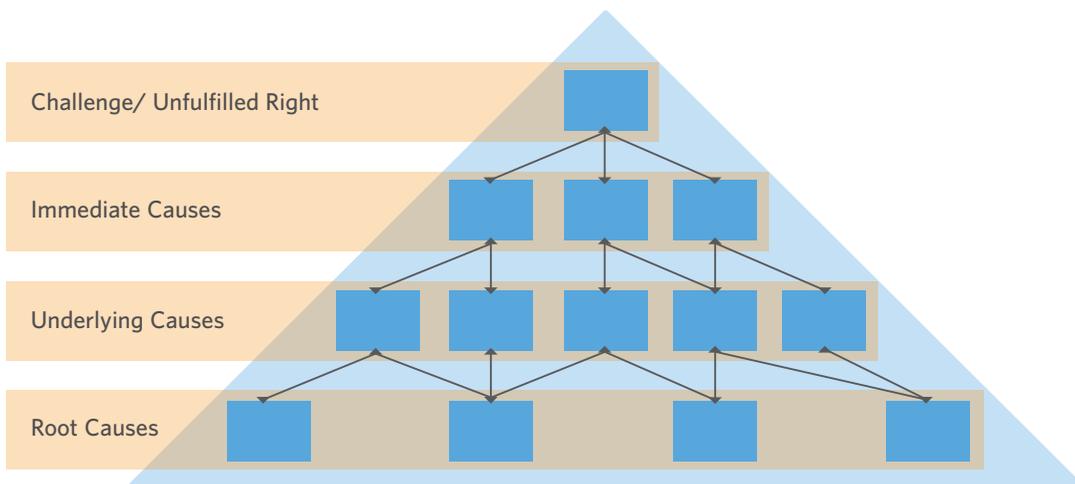
- ▶ **Immediate** causes determine the current status of the problem.
- ▶ **Underlying** causes are often the consequence of policies, laws and availability of resources. They may reveal related complex issues and require interventions that take significant time in obtaining results (at least five years). The legal and policy analysis carried out in the earlier stage of the situation assessment and analysis will be useful when thinking about underlying causes.
- ▶ **Root/structural** causes reveal conditions that require long-term interventions in order to change societal attitudes and behaviour at different levels, including those at the family, community and higher decision-making level.

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<sup>31</sup> Ibid., p. 75.

<sup>32</sup> Ibid., p. 76.

## Conducting a causality analysis using a problem tree or triangle<sup>33</sup>



### Key question in the causality analysis: Why?

Once the government (in collaboration with civil society organizations, UN agencies) has identified the development challenge, the key question in the causality analysis is why is it happening to a particular sector of the population? For example, why are girls in a rural area being married at young ages, putting them at high risk of health problems when they become pregnant?

#### EXAMPLE OF CAUSALITY ANALYSIS

##### DEVELOPMENT CHALLENGE *What is happening, to whom and where?*

Girls in rural areas are married off at the age of 13, get pregnant, and suffer from high rates of pregnancy-related mortality and morbidity. This violates their right to health—a violation of ICESCR, CEDAW, and the CRC, which are all ratified by the State. Initial question to ask: Why is this human right not being fulfilled?

##### IMMEDIATE CAUSES *Why?*

Parents are living in poverty and eager to marry their daughters off for financial reasons. No other viable options exist for girls in terms of education or employment opportunities. Parents think marriage will keep their daughters 'safe'. Lack of education in community with regards to the dangers of early pregnancy. Rural villages do not have family planning facilities. Initial question to ask: Why is this occurring?

*(continued on following page)*

<sup>33</sup> Ibid., p. 77.

## EXAMPLE OF CAUSALITY ANALYSIS

### UNDERLYING CAUSES *Why?*

Rural communities are underdeveloped and poor. Community does not have proper health facilities, especially health facilities geared towards the special needs of adolescent girls. Community lacks resources to improve health facilities. Laws guaranteeing universal access to health care and minimum age of marriage as 18 are not implemented. Question to ask: Why is this occurring?

### STRUCTURAL/ROOT-CAUSES *Why?*

Lack of political will to enforce minimum age of marriage laws is due to a persistent pattern of gender discrimination and gender inequality in the society, particularly regarding rural populations. Rural parents believe they will be better off marrying their daughters off young than investing in their daughters' education. Government reluctance to invest in youth-friendly health services, especially in rural areas. Cultural values push girls into the role of being mothers and caregivers at a young age. Questions to ask: What is the best entry point for local intervention? Where will programmes be most effective and obtain results?

The analysis should take into account the implementation of international human rights treaties and the recommendations of relevant human rights monitoring mechanisms.

**Useful human rights tools:** See State party reports to the treaty bodies, their concluding observations and recommendations, and country reports of the special rapporteurs when available. Most of the documents you will need are easily available on the website of the Office of the High Commissioner for Human Rights: [www.ohchr.org](http://www.ohchr.org).

### Added value of a HRBA in causal analysis

1. It is important to consider the country context and have in-depth knowledge of its norms, institutions, legal frameworks and enabling environment.
2. Human rights standards reinforce the situation analysis at three levels:
  - ▶ **They are a reference** for identifying development challenges and gaps between international obligations and the real practice.
  - ▶ **They are a roadmap** for the analysis of immediate, underlying and root causes of a development challenge.
  - ▶ **They define** the actual **entitlements and claims** of rights holders and the extent of the duty-bearers' **obligations**.
3. Human rights principles are an effective way to structure the analysis and articulate the causes. Thus, in the above example it will be useful to ask some of the questions from this suggested (but not exhaustive) list:

*(continued on following page)*

## Added value of a HRBA in causal analysis (continued)

- ▶ **Interrelatedness of rights.** The violation of the right to health can be the result of the violation of other rights. For example, parents do not have the education to know that pregnancy can be very dangerous for a young girl. They also agree to marry her off because they are living on less than a \$1 a day.
  - ▶ **Equality and non-discrimination.** This principle allows identification of the systematic patterns of discrimination and inequality that result in the child marriage of rural girls and the denial of other related rights, as seen above. These patterns could occur at an underlying level (e.g. laws and policies do not adequately protect rural girls against gender discrimination), or at a structural level (e.g. prevailing culture of gender-based discrimination in society).
  - ▶ **Participation.** What is causing the exclusion and marginalization of rural communities, rural parents and girls from participating in decisions that affect their access to health? Are there spaces and opportunities for their participation in the decision-making process on issues that concern rural communities, parents and girls? Whom can we reach out to in order to be more inclusive of all groups in any society?
  - ▶ **Accountability.** Who is responsible and should be held accountable (local level, state level) for the rates of high marriages among rural girls? What are the available resources for rural communities and who controls them? What, if any, redress mechanisms exist for rural families and rural communities? What is the level of public awareness of redress mechanisms and how to access them?
- 4. Analytical process.** Ensure the participation of national stakeholders, including the most marginalized and excluded. If needed, strengthen some capacities to motivate meaningful participation including possible incentives to those without resources to participate. Seek the consensus of all stakeholders in the development challenges and root causes being identified. Share with all stakeholders the findings of the analysis.<sup>34</sup>

Once the causal analysis has been completed, the next step will be to identify the rights-holders, their main claims, and the corresponding duty-bearers and their specific obligations to respect, protect and fulfil those claims.

### Identifying rights-holders and duty-bearers

Given the fact that some problem trees can be very complex, a government might decide to focus specifically on those rights-holders and claims more directly related to the development challenge under analysis and the more critical underlying and structural causes. A HRBA requires that **priority be given to the claims of marginalized and excluded groups.**

Try to identify the key (or primary) rights-holders and the key duty-bearers at all levels. This includes the household level (such as parents), community level (elders, religious leaders, teachers, health providers), local level (municipal officers, local government officials), national level (ministers, presidents), and international level (donors, international NGOs, UN agencies, and so forth). Once the duty-bearers have been identified, their specific obligations relevant to the analysis should be listed.

Because your list is bound to be rather long, we suggest you select four to five key rights-holders and duty-bearers. Among these, compare the claims of the rights-holders with the corresponding duties and obligations of the duty-bearers. Identify one or two or the most important rights/duty relationships, and focus on these when determining capacity gaps.

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<sup>34</sup> Ibid., p. 78-79.

## Capacity gap analysis

**What is capacity?** A succinct and broadly agreed-upon definition of capacity in this context is the ability to effectively perform functions for setting and achieving objectives, and identifying and solving problems. In development terms, capacity is the sum of all factors that enable individuals, communities, institutions, organizations or governments to adequately perform their respective roles and responsibilities.<sup>35</sup>

Create a list of the key rights-holders and their claims that you and your partners have chosen to focus on.

Where are they lacking capacities? Where do the rights-holders lack capacity to claim their rights?

Do the same for the key duty-bearers: ask where do they lack capacity to fulfil their obligations?

Under a HRBA, the following components are integral to capacity development:<sup>36</sup>

- ▶ **Responsibility/motivation/commitment/leadership.** This refers to the characteristics that duty-bearers should recognize about their roles in order to carry out their obligations. Information, education and communication strategies help to promote a sense of responsibility for realizing human rights. Ensuring a pluralistic and free media, a vibrant civil society, effective oversight mechanisms and access to remedies (judicial, administrative and political level) for violations are equally vital.
- ▶ **Authority.** This refers to the legitimacy of an action, when individuals or groups feel or know that they can take action. Laws, formal and informal norms and rules, tradition and culture largely determine what is or is not permissible. Accordingly, national laws and policies must be harmonized with international human rights treaty commitments and identify specific duties.
- ▶ **Access to and control over resources.** 'Capacity' must therefore also include the human resources (skills, knowledge, time, commitment, etc.), economic and organizational resources influencing whether a rights-holder or duty-bearer can take action. For example, women living in the most extreme poverty may be unable to claim their rights as individuals, and lack the capacity to be able to organize.

### Capacity analysis affected by legal, policy and institutional frameworks

Another important consideration in identifying capacity needs is to examine the text of the human rights standards and of the pertinent national laws and policies to determine what is required of the rights-holders and duty-bearers. Identifying capacity needs should not be an arbitrary exercise and should be guided by human rights norms and standards where possible. Investing in capacity development will have little impact on human rights if laws, institutions and policies fail to recognize rights and establish specific roles. For example:

- ▶ Rural reproductive health clinics have the duty to impart HIV prevention information to sex workers, but they may lack capacity to do so in an accurate and confidential way. UNFPA can decide to invest with local partners in developing the clinics' capacities. However, national

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<sup>35</sup> Ibid., p. 82.

<sup>36</sup> Adapted from U. Jonsson, *Human Rights Approach to Development Programming*, pp. 52-53, Nairobi, UNICEF, 2003.

legislation may view sex work as illegal, and sex workers may not come to counselling sessions in the fear that they might be arrested. Therefore, UNFPA may also need to promote legal reforms at a national level in addition to strengthening the capacities of local communities.

This part of the situation assessment and analysis is essential for understanding the programming environment in the country, and was referred to earlier in the 'Step One: Information gathering step'. Apply what you learned from the legal and policy analysis carried out in the capacity analysis.

## Availability and control of resources

Linked very closely to the roles and capacities of rights-holders and duty-bearers is the issue of the availability and control of resources at all levels of society. Resources are key for achieving both short-term and long-term results. Development challenges and their causes are often directly linked to how resources are allocated and who controls them. Therefore, the capacity analysis should take into account the constraints that resources pose to the realization of human rights. It needs to consider not just levels of wealth or poverty but also the decision-making processes that allocate resources at national, community and household levels. A budget analysis, particularly a gender-responsive budget analysis, will be an important resource in this regard.

### Gender-responsive budgeting

“Gender responsive budgeting helps to track the way that budgets respond to women’s priorities and the way that governments use funds to reduce poverty, promote gender equality, reverse the spread of HIV and lower the rates of maternal and child mortality. It helps ensure government accountability to the commitments made to women in the ICPD Programme of Action on Population and Development and the Beijing Platform for Action for Gender Equality and Women’s Empowerment, and to achieving the Millennium Development Goals”.<sup>37</sup>

Gender responsive budgets are not separate budgets for women or men. A gender responsive budget ensures that the needs and interests of individuals from different social groups (sex, age, race, ethnicity, location) are addressed in expenditure and revenue policies.<sup>38</sup>

## Other capacity gaps

A government is bound to find many areas where capacities still need to be further developed. For an example of some different types of capacities relevant to promoting the ICPD agenda, we can look at **CEDAW General Recommendation No. 12 (1989) Violence against women**. In this Recommendation, the Committee advises that the States parties should include the following information in their periodic reports to the Committee:

1. The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the work place, etc.).
2. Other measures adopted to eradicate this violence.
3. The existence of support services for women who are the victims of aggression or abuses.
4. Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.

<sup>37</sup> UNFPA, UNIFEM, *Gender Responsive Budgeting in Practice: A Training Manual*, 2006, p. 2.

<sup>38</sup> *Ibid.*, p. 16.

From the above, you can see that among the various capacity gaps the General Recommendation points out, duty-bearers may need increased capacity to provide appropriate protective and support services for victims of violence, whereas rights-holders may need increased information in order to access such services.

### **Step 4: Setting priorities**

We have now gone over the assessment of development challenges, including the causal analysis and the capacity-gap analysis. The final thing that remains before we move on to programme design and planning is to set priorities. The findings of the analysis are used by UN agencies and national partners to identify and prioritize areas of cooperation. Although the overarching goal of UNFPA's programmes is ultimately poverty eradication and the realization of human rights, there are always a specific set of priorities that must be agreed upon before work can begin on any specific project.

Some human rights-based criteria for selecting priority areas for intervention may include:<sup>39</sup>

- ▶ major gaps between human rights standards and practice—persistent, negative trends, severity and scope of a human rights violation;
- ▶ main issues of concern raised by treaty bodies or special procedures (e.g. an issue raised by the Special Rapporteur on Violence Against Women), regional mechanisms and/or national human rights institutions;
- ▶ negative social, economic and political trends leading to human rights violations, such as social exclusion, violent conflict, humanitarian crisis, political unrest, poverty and extreme poverty, etc.;
- ▶ disparities indicating unequal treatment and discrimination, and persistent exclusion from opportunities and participation, especially when it comes to gender;
- ▶ national priorities aligned with human rights standards and MDGs;
- ▶ opportunities for advocacy, policy and programme cooperation by development partners;
- ▶ opportunities for multiple impacts on development challenges and human rights; and
- ▶ opportunities to work with national human rights partners and advocates in the State and civil society.

When supporting national priority-setting, UNFPA's strength lies in highlighting the importance of the priorities within the ICPD agenda. Priorities will always depend on the particular context of the country and can include issues such as poverty reduction, advancing universal access to reproductive health, empowering youth (especially when it comes to reproductive rights), empowering women, increasing access to HIV prevention services, and so forth. Many of the priorities that fall under the ICPD agenda will fulfil the human rights-based criteria listed above. Priorities that seek to address persistent negative trends (such as maternal mortality rates), or persistent disparities (such as women's poverty or access to reproductive health care), would reflect a commitment to a HRBA.

### **Selecting partners for working on priorities**

When a government focuses on building the capacity of rights-holders that may be difficult to

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<sup>39</sup> Action 2 Learning Draft Resource Guide, p. 86.

reach (for example, rural women), the choice of partners to achieve results is an important consideration. In setting objectives and strategies it should be kept in mind that a HRBA calls for taking a holistic view (illustrating the principles of interdependence and indivisibility) and seeking partnerships that support change that may only be achieved in the long term.

The level of causality (immediate, underlying, structural) and choice of strategic interventions (policy, awareness, direct service delivery, etc) will also determine the type and nature of partnerships to be built. For example, in a strategy focused on helping a government 'protect' people's rights, it will be important to work with and strengthen the capacity of local NGOs and national human rights institutions doing human rights monitoring in the field. If the strategy focuses on providing policy advice, it will be important to involve academic institutions familiar with budget analysis and macroeconomic issues.

In conclusion, the number and nature of partners is exponentially expanded in human rights-based programming to include the less reachable rights-holders and a broader range of duty-bearers with obligations to respect, protect and fulfil those claims. **The task of fully realizing human rights is actually a very long-term project, requiring major social transformation.** No individual agency's project or programme on its own will realize human rights. The UN country programme can only contribute to a process of social transformation.<sup>40</sup>

## 2. Programming Stage 2: Programme planning and design

INPUT → OUTPUT → OUTCOME → IMPACT

**Again, as before, keep in front of you the HRBA diagram poster with the checklist of questions as you read through this section. Read the General Information below, but keep coming back to the checklist of questions as that will be your main tool for thinking about how to implement a HRBA.**

After the situation assessment and analysis stage, a country will turn to the planning and design stage. Through intensive collaboration and supported by national leadership, a country programme will be designed based upon the national priorities that were determined after the situation assessment and analysis. Country programmes supported by the UN are designed around the principles of results-based management (RBM).

### What is results-based management?<sup>41</sup>

"Results-based management aims at improving UNFPA's effectiveness, efficiency and accountability and is a fundamental approach to the provision of quality assistance to countries and the development of national capacity to achieve results. UNFPA systematically focuses on results to ensure that its financial and human resources are strategically deployed to achieve the greatest impact. The UNFPA results framework is an organization-wide strategic framework for planning, monitoring, evaluation and reporting at the institutional level. Using this framework, UNFPA can measure the effectiveness of the programmes it funds against clearly defined and agreed-upon results based on country, regional and global priorities."

<sup>40</sup> Adapted from Results Based Management in UNIFEM: Essential Guide, 2005, and from Action 2 Learning Draft Resource Guide, p. 87.

<sup>41</sup> UNFPA, Policies and Procedures Manual: Programme, Introduction to the Country Programming Process, p. 4, June 2003.

Results can be obtained at various levels of a country programme. Typically:

- ▶ the result of an activity or project is referred to as **output**;
- ▶ the result of a programme is referred to as **outcome**; and
- ▶ the resulting change on the situation of the intended rights-holders or duty-bearers is referred to as **impact**.

The results at different levels form a **results chain**, which describes the necessary sequence for achieving the desired objectives:

**INPUT → OUTPUT → OUTCOME → IMPACT**

**Results-based programme planning** ensures that the sum of interventions is not only necessary, but also sufficient to achieve the expected result. It also demonstrates the causal relationship between the intended results at different levels (outputs, outcomes and impacts).

Let us go through these terms one by one:

**Input.** The financial, human and material resources used for the development intervention.<sup>42</sup> As part of a HRBA it is important to ensure that these resources are sufficient for reaching the most marginalized communities, and that all human and material resources are culturally- and gender-sensitive.

**Output.** The product or service that results from the completion of activities within a development intervention. Outputs should be tangible, deliverable and sufficient to achieve the expected country programme outcomes.<sup>43</sup>

A **human rights-based output** is the product or deliverable that specifically contributes to closing the capacity gaps of:

1. Rights-holders to exercise and claim their rights and/or of duty-bearers to meet their corresponding obligations; and
2. Legal, institutional and policy frameworks to create the appropriate environment for rights-holders and duty-bearers to perform their roles.

The table below aims to help you to clarify the outputs of the country programme.

#### How to clarify the outputs?<sup>44</sup>

- ▶ Review the wording and intention of the output. What exactly does it say?
- ▶ Avoid broad output statements. They make indicator identification difficult.
- ▶ Be clear about what type of change is implied in the output. What is expected to change—a condition, level of knowledge, attitude?
- ▶ Be clear about where change should appear. Among individuals, counterpart organizations, communities, regions?
- ▶ Specify in more detail the targets for change. Who or what are the specific targets for change? What kind of individuals, organizations, etc.?

<sup>42</sup> OECD/DAC, Glossary of Key Terms in Evaluation and Results-Based Management, 2002. Available at: [http://www.oecd.org/document/21/0,3343,en\\_2649\\_34435\\_40381973\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/21/0,3343,en_2649_34435_40381973_1_1_1_1,00.html).

<sup>43</sup> UNDG, Draft Technical Brief, p. 1. Available at:

[www.undg.org/docs/9871/Technical-brief--Outcomes-v2.0-Oct07.doc](http://www.undg.org/docs/9871/Technical-brief--Outcomes-v2.0-Oct07.doc).

<sup>44</sup> Adapted from USAID TIPS 1996, number 6 and from UNFPA Programme Manager's Planning, Monitoring & Evaluation Toolkit, Tool Number 6: Programme Indicators, p. 2.

**Outcome.** The intended or achieved short-term and medium-term effects of an intervention's outputs, usually requiring the collective effort of partners. Outcomes represent changes in development conditions, which occur between the completion of outputs and the achievement of impact.<sup>45</sup>

If the capacity gaps are filled in, a human rights-based outcome will be an **improvement of rights holders', and/or duty bearers', performance**—one that is closer to what is required of rights-holders to exercise and claim rights and/or of duty-bearers to meet their obligations. Outcome means positive changes in the implementation of norms and policies and improvements in institutional or individual behaviour.

Impact. Under a HRBA, impact means that development goals are achieved and rights are realized, which means a marked or significant improvement in the exercise of rights and in meeting the obligations to respect, protect and fulfil. It should be noted that **achieving impact may require a long-term process.**<sup>46</sup>

### Example

Consider what you need to take into account when supporting the design of a national human rights-based HIV prevention education programme.

- ▶ You may start off by encouraging national **inputs** to include sufficient resources to reach the most marginalized and excluded groups (e.g. especially disadvantaged out-of-school adolescents and youth, women engaged in sex work, minorities and indigenous peoples, etc.). You may also support the capacity development of staff implementing the national programme, to ensure that they are culture- and gender-sensitive.
- ▶ Following this, your local partners may decide that they want one of the programme **outputs** to be “a youth-friendly HIV prevention counselling manual for health clinic staff created by the Ministry of Health; and local clinic staff, especially those working in rural areas or those engaged in outreach to marginalized groups, trained on how to be HIV-prevention counsellors.” This can be seen as a human rights-based output because it is directly developing the capacity of duty-bearers (Ministry of Health, local health providers) to fulfil their duty to adolescents and young people with respect to ensuring their right to information and right to health.
- ▶ As for the subsequent **outcomes**, two possible outcomes might be that more young people begin to practice safer sex (condom use increases, longer reported periods of abstinence, partner reduction) and young people in rural areas go to clinics for regular sexual health check-ups. This reveals an improvement in rights-holders performance, and thus is a human rights-based outcome. (Of course, the national programme would have to work with the corresponding duty-bearers at all stages to ensure that rural clinics are accessible to adolescents and young people, as well as to other marginalized groups, and that condoms and other STI services are available, accessible, acceptable and of adequate quality).
- ▶ In the long term, one **impact** of your programme might be a decrease in the rate of HIV transmission, and a decrease in the transmission of other STIs among young people as a result of the decrease in unprotected sex and the increase in use of health services. This contributes towards the realization of the right to health of young people.

At the design stage it is important that sufficient attention be given to how a programme will be monitored and evaluated. When choosing outputs and outcomes, your local partners will also be

<sup>45</sup> OECD/DAC, Proposed Harmonized Terminology.

Available at: [www.undp.org/execbrd/word/Final%20RBM%20terminology%2030%20May.doc](http://www.undp.org/execbrd/word/Final%20RBM%20terminology%2030%20May.doc).

<sup>46</sup> Action 2 Learning Draft Resource Guide, p. 89.

choosing the right indicators to measure the outputs. Appropriate indicators should be decided upon and systems designed to allow for appropriate data collection. Even as these issues require attention during the programme planning stage, they are covered in further detail in the section on Monitoring and Evaluation below.

Ensuring a human rights perspective at the programme planning and design stage means **paying attention to the outcomes themselves, their impact and how these are achieved**. There is often a disproportionate focus on outputs, outcomes, and impact of policies and programmes; additional attention is required with respect to the processes of how these are achieved. Process is a critical concept in the context of human rights. As one extreme example, if a country wants to reduce its total fertility rate, it could introduce coercive sterilization (which would constitute a human rights violation) or it could increase the availability and accessibility of a wide range of contraceptive methods and information. Whereas the outcome would be the same, the processes here are very different; this needs to be taken into consideration to inform planning processes.

When you are involved in designing a programme, human rights principles must guide the whole exercise to ensure that the process contributes to the achievement and sustainability of outcomes. A HRBA draws attention to every stage of how inputs lead to outputs, outcomes and impact: the **how** is just as important as **what** is finally achieved. As a result, remember to keep asking the questions provided in the checklist.

### *Realization of human rights often requires long-term planning*

Keep in mind during the design stage that the amount of time required to truly show progress in human rights terms can be long even if country programming cycles are short. Many of the types of structural, attitudinal and behavioural changes being sought by UN agencies to improve health and development outcomes take a long time. Realizing human rights frequently requires a major structural transformation that involves a significant length of time to implement including beyond a programme cycle.<sup>47</sup>

## 3. Programming Stage 3: Implementation

**Again, as before, keep in front of you the HRBA diagram poster with the checklist of questions as you read through this section. Read the General Information below, but keep coming back to the checklist, as that will be your main tool for implementation of a HRBA.**

Applying a HRBA in the programme implementation stage means, once again, ensuring that the human rights principles and standards are consistently being respected throughout the programming cycle. Universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and rule of law are essential characteristics of a high quality process.

Ensuring a HRBA at the implementation stage means carefully following the human rights-based plans and processes outlined in the design stage. This could include, for example, enabling the **participation** of all relevant stakeholders at project meetings even if it may be difficult to ensure that some 'hard-to-reach' groups can attend.

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<sup>47</sup> Ibid., p. 89-93.

It could also entail being **transparent** in how beneficiaries are selected, e.g. involving the community in this process, ensuring an appropriate gender balance, and focusing on the most marginalized groups (with due attention to protecting these groups from potential stigma and discrimination).

For a national programme to be effectively implemented, negotiation will have to occur with a multitude of actors. A HRBA emphasizes multisectoral problem-solving and collaboration with various sectors of the government, civil society and UN agencies because of its emphasis on the **universality, indivisibility** and **interdependence** of human rights. Many sectors of the government should be involved when realizing human rights because they all have a part to play.

Having to negotiate with so many stakeholders can be difficult. You might come across government officials who are resistant to human rights, or resistant to the sensitive issues that fall within the ICPD agenda. Such resistance could negatively impact the implementation of a national HIV prevention or SRH programme. To overcome these obstacles, it is essential to be respectful, and to become familiar with the local culture and politics. You might wish to turn to religious leaders, elders and others to gain the support of the community and the people. Abide by the tenets of UNFPA's 'culture lens', which was presented in this Module. If the language of human rights causes resistance, choose alternative ways of phrasing things without changing the content of what is needed to achieve ICPD goals. For example, base what you say on **evidence** (i.e. use 'rates' instead of rights); talk to ministry officials about maternal mortality ratios, teen pregnancy rates, or school enrolment ratios instead of the rights to contraception and education. Stick to the statistics and make sure the data you have are accurate. Be correct in your conversation but ensure that a HRBA has shaped your approach to the discussion. (Turn to the back of this Manual for the pull-out Information Card on 'Advocacy in Challenging Contexts' for more tips on how to promote a HRBA in resistant environments).

Some examples of how to think about the application of the human rights principles at the implementation stage of a country programme are presented below:

### ***Guiding human rights principles: Non-discrimination and gender equality***

While development programmes cannot reach everybody at once, priority must be given to the most marginalized. There is also a need to assess whether inequalities exist during the implementation stage. Power inequalities may result in some stakeholders having a disproportionate share of programme benefits/outputs (e.g. influence in decisions, access to information and training, staff selection, salaries, etc.).

Take a look at the questions in the checklist that address non-discrimination at the programme implementation stage. They will help you understand the issues you should be thinking about at this stage.

### ***Guiding human rights principles: Participation and inclusion***

Participation of disadvantaged groups is frequently limited to surveys and other means of information gathering; actual involvement in the decision-making process is less common. Processes and benefits of development often go to national and local elites and to those that are the easiest to reach, such as urban populations rather than people living in poverty in remote areas. This occurs when the public is invited to participate in programme design but certain groups are excluded, because they are located in remote areas or project information is not available in accessible formats or in the minority language.

Take a look at the questions in your checklist that address participation and inclusion at the programme implementation stage. They will help you understand the issues you should be thinking about at this stage.

## **Guiding human rights principles: Accountability and rule of law**

In regard to programme implementation, it is necessary to establish transparent and accessible accountability systems at various levels. As we mentioned earlier, accountability systems require:

- ▶ clear roles and responsibilities;
- ▶ transparent decision-making processes and decision criteria;
- ▶ access to information; and
- ▶ effective mechanisms to demand accountability.

During the implementation of a national programme, therefore, it will be important to lay down clear roles and responsibilities and make these accessible to the public. Records must be kept of how decisions are made as implementation progresses, and again, these decision-making processes should be made publicly available. All of this helps to promote transparency and accountability.

A HRBA gives insights into the distribution of power. It also involves addressing areas that are highly political, controversial and which may require additional capacities within a UN country team. In some cases, a HRBA will entail changes that may face strong political opposition and resistance by the elite in power. For example, a HRBA to poverty reduction will likely require that laws and institutions that foster discrimination against specific individuals and groups be eliminated and more resources devoted to areas of activity with the greatest potential to benefit people living in poverty.

In some cases mishandling human rights concerns can result in strained relations with governments. Good leadership of the UN country team will require strong diplomatic, advocacy and negotiating skills. Clear communication on the meaning of a HRBA within the framework of development cooperation and partnership is crucial for its effective implementation. Take a look at the questions in your checklist that address accountability at the programme implementation stage. They will help you understand the issues you should be thinking about at this stage.

**“Although sometimes perceived as time-consuming, ultimately the HRBA diminishes the risks and erroneous assumptions in designing and implementing development programmes.”<sup>48</sup>**

### **4. Programming Stage 4: Monitoring and evaluation**

- ▶ What to measure?
- ▶ How to measure?
- ▶ Who to involve?

As before, keep in front of you HRBA diagram poster with the checklist of questions as you read through this section. Read the General Information below, but keep coming back to the checklist, as that will be your main tool for implementation of a HRBA.

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<sup>48</sup> Ibid., p. 94.

## What is monitoring and evaluation?

**Monitoring and evaluation** (M&E) consists of tracking and assessing the actual results of the programme as compared to the ones that were planned or expected.

**Monitoring** is a continuous process that lasts for the whole duration of a programme or project and may call for readjustments for efficiency and effectiveness.

**Evaluations** are in-depth assessments selectively undertaken at specific stages in the programme cycle. Evaluation is an exercise that attempts to determine as systematically and objectively as possible the worth or significance of an intervention, strategy or policy. Evaluation findings should be credible, and should be able to influence decision-making by programme partners on the basis of lessons learned. For the evaluation process to be 'objective', it needs to achieve a balanced analysis, recognize bias and reconcile perspectives of different stakeholders through the use of different sources and methods.

Both monitoring and evaluation are meant to **guide decision-making**, including decisions to improve, reorient or discontinue the evaluated intervention or policy; decisions about wider organizational strategies or management structures; and decisions by national and international policy makers and funding agencies.

Monitoring and evaluation of activities are essential for tracking whether activities are being carried out as planned and whether they are having the anticipated impact. A coherent and coordinated monitoring and evaluation system can ensure that:

- ▶ relevant, timely and accurate data are made available to programme leaders and managers at each level of the programme;
- ▶ selected quality data are reported to national programme leaders; and
- ▶ the national programme is able to meet donor and international reporting requirements.

A comprehensive monitoring and evaluation plan sensitive to human rights concerns will address process, outcome and impact data as a means of assessing programme progress and effectiveness. A **human rights-based monitoring and evaluation plan will also be culturally sensitive**, and it requires some introspection on your part as to how and why you are supporting this national programme, and whether it is an appropriate programme for the context in which you are working. Continuous monitoring and evaluation can help you determine if the programme is taking on the cultural nuances that may be necessary in order to ensure success in the long term.

We have mentioned this before, but will stress it again: the **key to implementing a HRBA at the monitoring stage is ensuring that processes** are monitored, in addition to outputs and impacts.

With respect to the core principles of human rights, M&E both serve accountability purposes. Performance monitoring helps to establish whether accountabilities are met for implementing a plan. Evaluation helps to assess whether accountabilities are met for expected programme results. Global monitoring of human rights treaty implementation assists in assessing whether national and international actors are complying with their commitments in ensuring the realization of human rights, the Millennium Declaration/MDGs, and the ICPD agenda.

A M&E system can be designed around a number of fundamental questions, including:

- ▶ What to measure?
- ▶ How to measure?
- ▶ Who to involve?

As a UNFPA staff member, you are probably already aware of UNFPA's Programming Guidelines found in The Programme Manager's Planning, Monitoring & Evaluation Toolkit (<http://www.unfpa.org/monitoring/toolkit.htm>). The guidelines in this Manual are not intended to replace any of your current M&E guidelines, but just to point out the added importance of applying human rights principles to your M&E methodology.

## What to measure?

A HRBA gives importance not only to the intended results of a programme, but also to the processes by which the programme is implemented. Therefore, a HRBA and RBM call for monitoring: the implementation process, outputs, outcomes and impact.

### Why does a HRBA focus so much on process?

- ▶ Because it helps to ensure that the most marginalized people are getting involved and contributing to the programme.
- ▶ Because in development, the effectiveness of a programme is not seen only in its outputs, but also in its processes.
- ▶ Because the final outcomes of a programme as it relates to the realization of human rights may only be visible in the long term, a good way of checking the effectiveness of the programme is to ensure the process is human rights-friendly.

## How to measure?

A HRBA gives importance not only to the intended results of a programme, but also to the processes by which the programme is implemented. Therefore, a HRBA and RBM call for monitoring: **the implementation process, outputs, outcomes and impact.**

**Defining Parameters.** The first step towards establishing a M&E system is to define what are the measurable factors in each of the above four areas (process, outputs, outcomes and impact) that will be measured.

**Selecting Indicators.** Once parameters have been defined, the next step is to select indicators for those parameters. **Indicators define the data that measures a given parameter.** Indicators only indicate, they do not explain. They can be seen as snapshots of a small part of the reality that the parameter refers to. (See the guidelines referring to indicator selection in the UNFPA Programme Manager's Planning, Monitoring & Evaluation Toolkit, Tool 6: Programme Indicators).

The best indicators are those that are clear and simple. Some examples of UNFPA indicators include some of the MDG indicators, e.g. ratios of girls to boys in primary, secondary and tertiary education; maternal mortality ratio; contraceptive prevalence rate; HIV prevalence rate, and so forth. Other UNFPA indicators, such as those used in programmes focusing on maternal mortality, include: proportion of all births in basic and comprehensive emergency obstetric care facilities; Caesarean sections as a proportion (%) of all births; obstetric case fatality rate; and amount of basic and comprehensive emergency obstetric care facilities available per population.<sup>49</sup>

<sup>49</sup> UNFPA, Programme Manager's Planning, Monitoring & Evaluation Toolkit, Tool 6, Part II: Indicators for Reducing Maternal Mortality. Available at: <http://www.unfpa.org/monitoring/toolkit.htm>.

## A HRBA influences the selection of indicators

Human rights principles and standards should guide the selection of indicators. Both quantitative and qualitative indicators should be set to monitor the realization of human rights through development programmes. Indicator selection and monitoring should be participatory, allowing stakeholders to assess progress.

**Indicators should be chosen to capture the extent to which human rights have been incorporated into all stages of the programme (from the situation assessment and analysis through to the monitoring and evaluation), and demonstrate how incorporating rights has contributed to overall programme effectiveness.**

As you support your partners in developing indicators, think about the following:

1. Choose indicators that will capture the extent to which human rights have been incorporated into all stages of the programme. Such indicators could include:
  - ▶ evidence of involving marginalized groups at all stages of the programming process;
  - ▶ evidence of fair and equal representation of all rights-holders and duty-bearers across all affected sub-groups (e.g. women living in poverty);
  - ▶ evidence that technical support has been provided to women and other excluded groups in building their capacity to participate in programming and decision-making; and
  - ▶ percentage of resources spent on making information accessible to excluded groups, (e.g. money spent on producing training material in accessible format for illiterate groups, translation of information on programme in minority language, etc.).<sup>50</sup>
2. The country programme does not necessarily have to create entirely new 'human rights-based indicators'. Instead, existing indicators can be 'tweaked' to be more human rights-based. For example, if the country programme UNFPA is supporting aims to combat violence against women:
  - ▶ Instead of just collecting overall numbers of how many gender-sensitive training programmes for police officers your local partners carried out, include the percentage of these training programmes that were carried out in poor, rural areas; the percentage that were carried out in minority languages; the feedback from users as to the effectiveness of these training programmes, and so forth.
  - ▶ Instead of just counting how many police units have introduced new 'gender-sensitive protocols' to respond to violence against women, gather evidence that shows that duty-bearers can **continue** to provide gender-responsive services to women. For example, how many police units have implemented an action plan to continuously train new recruits in gender-sensitive protocols?
  - ▶ Instead of just looking at the total change in the number of survivors of violence accessing gender-sensitive support services, you could encourage your local partners to disaggregate this data and examine what proportion of women accessing these services are living in poverty, are migrants or minorities, etc. You may also want to support your local partners in gathering evidence of the change in **capacity** of women rights-holders to articulate their rights and advocate/mobilize to ensure their rights are fulfilled.

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<sup>50</sup> For more tips and examples of human rights-based indicators, see UNDP, Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users Guide, March 2006. Available at: [http://www.undp.org/oslocentre/docs/HR\\_guides\\_HRBA\\_Indicators.pdf](http://www.undp.org/oslocentre/docs/HR_guides_HRBA_Indicators.pdf).

## Mini indicators exercise

Consider the following outcome indicators for a UNFPA maternity mortality intervention:

- ▶ contraceptive prevalence rate;
- ▶ proportion of deliveries attended by skilled birth attendants;
- ▶ proportion of all births in basic and comprehensive emergency obstetric care facilities;
- ▶ met need for emergency obstetric care; and
- ▶ Caesarean sections as percentage of all births in the population.<sup>51</sup>

### 1. Outcome indicators

- a. Which human rights principles are reflected in these indicators?
- b. Which human rights principles should be reflected in these indicators but are not?

### 2. Process indicators

- a. Taking a step back from outcomes, what process/programme indicators might be relevant to understanding these outcomes?
- b. What human rights principles are relevant and should be reflected?

### 3. Law and policy context

- a. Taking another step back, is there any information on the legal and policy environment that you might need in order to better understand the outcomes and process indicators?

### 4. Overall package of indicators

- a. Looking at this package of indicators, do they capture the necessary human rights-related information? If not, can you suggest any additional indicators

Keep the above exercise questions in mind—and ask them yourself when supporting the design of human rights-based indicators.

## Finally, who to involve?

This refers to the principle of participation. A HRBA calls for ensuring that both rights-holders and duty-bearers are involved in monitoring and evaluation, as well as individuals or groups such as NGOs who are external to the project and can give an objective perspective. Reaching disadvantaged groups may require partnering with local groups or adopting specific techniques for reaching the marginalized and excluded. All of these stakeholders should be actively involved in the processes of monitoring and evaluation; they should also be part of workshops where the findings of such work are disseminated.<sup>52</sup>

**Remember:** the questions in the checklist are a good way to promote attention to key human rights principles in the process of a country programme. Become familiar with these questions and make sure you apply them **systematically to every stage of the programme.**

We have now walked through the application of a HRBA to every stage of a country programme. But what about other types of country processes, such as poverty reduction strategies? Can a HRBA be adopted when supporting the development of a poverty reduction strategy (PRS) in a country? The answer is yes, of course! In fact, the questions in the checklist can be applied to a

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<sup>51</sup> UNFPA, Programme Manager's Planning, Monitoring & Evaluation Toolkit, Tool 6, Part II: Indicators for Reducing Maternal Mortality. Available at: <http://www.unfpa.org/monitoring/toolkit.htm>.

<sup>52</sup> Action 2 Learning Draft Resource Guide, pp. 96-98.

PRS process just as easily. Follow the same methodology: **systematically apply the human rights principles and standards to every stage of PRS development.**

## Linking a HRBA to other processes: Poverty reduction strategies

### Poverty reduction strategies and poverty reduction strategies papers

The PRS began as a tool for debt relief, but is increasingly being considered as a common vehicle through which:

- ▶ Countries develop and express their nationally owned poverty-reduction strategies and policies.
- ▶ The World Bank and the International Monetary Fund (IMF) identify lending requirements and appropriate policy environments.
- ▶ The donor community and the UN system align and coordinate assistance strategies and budgets for poverty reduction at the national level.
- ▶ Countries provide a national operational framework for achieving the MDGs (and thereby also creating a platform to advance the ICPD agenda).

### Main characteristics of the PRS

Many countries have already prepared, or are in the process of preparing, poverty reduction strategies. Other countries have national development plans. PRS and the poverty reduction strategies papers (PRSPs) have become the basis of policy dialogue between the World Bank and low-income countries and for the IMF and World Bank concerning loans. Development of PRS should be country-led and include broad participation of elected representatives, civil society, the UN system and key donors. The goals and priorities of PRS should also reflect the framework, adopted by governments, of the Millennium Declaration, the MDGs, and the ICPD goals. PRS are meant to emphasize sound macroeconomic and structural policies, and to be developed and complemented by adequately-resourced social and sectoral programmes aimed at poverty reduction.<sup>53</sup> (Refer to Module 3 to read more about poverty reduction strategies and UNFPA's role in the area of population and development work).

### Poverty reduction and human rights

A HRBA to poverty reduction means that policies and institutions for poverty reduction should be based explicitly on the norms and standards set out in international human rights law. The most compelling rationale for poverty reduction is not that people living in poverty have needs but rather the recognition of their status as subjects of rights gives rise to entitlements and to legal obligations. Thus, a HRBA adds legitimacy for making poverty reduction the primary goal of policy-making.

As an effective operational mechanism, a HRBA to poverty reduction demands:

- ▶ **Participation** and transparency in decision-making – implies making participation throughout the development process a right and making it the obligation of the State and other actors to create an enabling environment for participation of all stakeholders.
- ▶ **Non-discrimination** – implies that equity and equality cut across all rights and are the key ingredients for development and poverty reduction.
- ▶ Empowerment through instilling in people the universality of human rights– implies empowering people to exercise their human rights through the use of tools such as legal and political action to make progress in more conventional development areas.
- ▶ **Accountability** of actors – implies accountability of public and private institutions and actors to promote, protect and fulfil human rights and to be held accountable if these are not enforced.<sup>54</sup>

<sup>53</sup> Ibid., p. 98.

<sup>54</sup> UNDP, Poverty Reduction and Human Rights: A Practice Note, p. 5., June 2003. Available at: Program on International Health and Human Rights, Harvard School of Public Health and the [www.undp.org/governance/docs/HRPN\\_\(poverty\)En.pdf](http://www.undp.org/governance/docs/HRPN_(poverty)En.pdf).

To be meaningful and sustainable, poverty reduction strategies must be both empowering and lead to empowerment of those who are left behind. For example, they must be explicit about the empowerment of women and must aim to mainstream gender into all policies and programmes. This is essential if ICPD goals are to be advanced. They should also be based on the recognition of the potential of people's efforts to reduce poverty, and seek to facilitate an enabling environment for their own initiative and solution.

A HRBA to poverty reduction entails the following criteria that should be taken into account when supporting the national preparation and implementation of a PRSP:

- ▶ ensuring that poverty analysis addresses the multiplicity of causes of deprivation, exclusion and discrimination of the people living in poverty;
- ▶ ensuring that duty-bearers are identified with their obligations, and also the capacity gaps as to why they are not meeting them;
- ▶ ensuring that rights-holders and their capacities to effectively assert their rights are identified;
- ▶ supporting the collection of disaggregated data to identify those most in need;
- ▶ identifying obstacles to the implementation of a HRBA by addressing the different interests and cultural, social and economic realities;
- ▶ designing policies and programmes based on the above analysis that address, in a targeted and disaggregated manner, people living in poverty and marginalized groups;
- ▶ applying a holistic approach to human rights and poverty reduction through the integration of economic, social and cultural rights together with civil and political rights;
- ▶ ensuring that such an approach is applied intersectorally and across line ministries and UN agencies;
- ▶ empowering people to participate fully, equally and responsibly in decision-making;
- ▶ monitoring the availability, accessibility, acceptability, and quality of health goods, information and services;
- ▶ supporting legal instruments and law enforcement capacity; and
- ▶ conducting advocacy and awareness raising campaigns and fostering access to information in a user-friendly way in local languages for broader outreach.<sup>55</sup>

### Example of good practice: On influencing PRSPs

In order to better engender a country's PRSP, UNFPA further strengthened its partnership with the Ministry of Women's Affairs at the policy and technical levels through (i) funding an expert to support the Ministry, (ii) actively supporting a donor coordination group on gender projects, (iii) chairing the UN gender theme group, and (iv) strengthening the capacity of the Ministry of Women's Affairs to advocate for adequate resources for gender issues. As a result of these actions, the PRSP included several activities and resources for the promotion of women's rights and protection. In fact, gender equality was listed as one of eight components of the PRSP's strategic pillar on human development.

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<sup>55</sup> Ibid., pp. 9-10.

## MODULE 2, WORKSHEET 2:

### TEST YOUR KNOWLEDGE OF THE OPERATIONALIZATION OF A HRBA

1. What is the difference between a needs-based approach and a HRBA?
2. Which human rights principles must be applied systematically to each stage of a country programme?
3. What does it mean to focus on 'process' as well as on 'outcomes'? Can you give two examples of focusing on process?
4. What sort of data should you try to gather at the situation analysis stage in order to ensure that you are implementing a HRBA?
5. Why is it important to know the legal and policy environment at the situation analysis stage?
6. How do you integrate human rights into the programme planning and design stage? What is an example of a human rights-based output?
7. What do you need to do at the M&E stage in order to ensure that the country programme is implementing a HRBA? What is an example of a human rights-based indicator?
8. Why would you encourage a government to adopt a HRBA in the development of its PRS? What do you think would be the value-added of doing so?

Congratulations! You have reached the end of Module 1. Did you manage to answer all the questions in the worksheets above? Look through the key points below to get a summary of the main issues raised in Module 1. Then move on to Module 2.

## CONCLUSION OF MODULE 2

### Key points to remember

1. A HRBA is a way of using human rights in your work. The Common Understanding is the definition of a HRBA that UNFPA uses and the one that you, as a UNFPA staff member, must become most familiar with.
  2. The three elements of the Common Understanding state:
    3. Who are rights-holders? Given the universal nature of human rights, every individual is a rights-holder and entitled to the same rights without distinction based on sex, age, etc. Rights-holders must have the capacity to **exercise rights, formulate claims and seek redress.**
      - ▶ **Primary goal of development programs is to further realization of rights.** This means supporting the design and implementation of country programmes with a view to contribute and advance the realization of human rights at every stage.
      - ▶ **Human rights principles and standards guide all programmes.** This means that your work must be guided by the human rights standards laid out in international human rights treaties and also by the following principles:
        - ▶ universality and inalienability;
        - ▶ indivisibility;
        - ▶ interdependence and interrelatedness;
        - ▶ equality and non-discrimination;
        - ▶ participation and inclusion; and
        - ▶ accountability and rule of law
4. Who are duty-bearers? Primarily State actors and institutions at various levels of government, and certain non-State actors who have responsibilities to carry out in response to other actors exercising their rights.
  - ▶ **A HRBA focuses on strengthening the capacities of rights-holders and duty-bearers.** This means that when you and your partners adopt a HRBA, you must begin by identifying the rights-holders (and their entitlements) and the corresponding duty-bearers (and their obligations), and the country programme must in some way aim to strengthen the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations.
5. Support the government in articulating its programming goals by remembering that the basis is rights, not needs.

- 6.** Incorporating human rights into all programming stages requires you to focus on processes, not just outcomes. This is one of the key defining aspects of a HRBA: You must focus on how the project is designed, implemented, monitored and evaluated, as well as what the final outcomes are.
- 7.** When thinking about rights-holders, a HRBA requires you to focus on the most marginalized and excluded groups.
- 8.** It is critical to undertake an 'environmental scan' as part of a country's situation analysis. Make sure you and your partners understand the legal and policy environment, as this will inevitably affect the success or failure of programme activities.
- 9.** Results-based programme planning ensures that the sum of interventions is not only necessary, but also sufficient to achieve the expected result. It also demonstrates the causal relationship between the intended results at different levels (inputs, outputs, outcomes and impacts).
- 10.** Ensuring a human rights perspective at the implementation stage means paying attention to the outcomes themselves, their impact and how these are achieved.
- 11.** Human rights principles and standards can guide the selection of indicators; this should be carried out during the programme planning and design stage. Both quantitative and qualitative indicators should be set to monitor the realization of human rights through development programmes. Indicator selection and monitoring should be participatory, allowing stakeholders to assess progress.



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# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### INTRODUCTION TO THEMATIC MODULES (MODULES 3-6)

# INTRODUCTION

## TO THEMATIC MODULES (MODULES 3-6)

In the following modules, you will apply the human rights principles you have just learned to actual case studies. You will go through case studies focusing in particular on UNFPA's core areas of work: a) population and development, b) reproductive health, and c) gender. In addition, there is a case study on working in emergency and post-emergency situations, which highlights some of the issues specific to working under these conditions. Using each case study, you will be guided step-by-step in how a **culturally sensitive, gender-responsive human rights-based approach to programming** can be implemented.

Modules 3-5 are structured around the three core areas of UNFPA's work as outlined above, while Module 6 addresses emergency and post-emergency situations. At the level of programme implementation, you may well find that your work encompasses more than one of these areas at the same time. Because the boundaries between these core areas can be blurred, it is important not just to read the module that you think relates most closely to your area of work. Although there is overlap in the material covered in each of the modules, they are all structured differently and are designed to be read as a package. **We strongly recommend that you read and work through all of these modules.**

**The case studies in each of the thematic modules are presented and discussed differently.** This is done in order to enhance the learning process. Some modules have more discussion and fewer questions, while other modules feature less discussion and more questions. Sometimes answers are hinted at in 'Hint' boxes within the text; sometimes we expect you to look for answers in the case studies; and at other times we ask you to draw upon your own experience. In all cases, we wish you to think carefully about the questions asked, and to systematically refer to the checklist of questions on your poster.

**Remember that a HRBA is about the process of a programme, not just the outcome. The questions that are raised, therefore, are designed to help you learn this process.** In the thematic modules we ask you to systematically think about the types of questions you should ask, and when they should be asked, in order to promote implementation of a HRBA to programming. Given this variety in presentation and structure, there is all the more reason for you to read all the thematic modules. Reading all the thematic modules, will help you better understand the questions raised, and the various answers that can be put forward.

Since many of you are UNFPA staff, we present these case studies in the context of a UN Country

Programme. The country programme is the last stage in the UN Programme Cycle. It occurs after the CCA and UNDAF have been approved, and is the stage where actual country projects are carried out. Even though we are solely focusing on programming stages within a country programme or project, the methodology used to apply a HRBA to programming will be the same, whether you are looking at a project, programme, or other stages of the UN programme cycle.

Of course it would be impossible in just four case studies to show all the variations that can occur, or to present all the obstacles and difficult circumstances that can arise when putting a programme into place. These case studies are designed to illustrate some of the ways in which you can implement a HRBA. We try to address some of the common obstacles that you encounter in your work, and also highlight some themes that run through all these core areas of work, such as gender empowerment. All of these are important reasons why you should read all of the modules. So let's get started!

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 3:

Population and Development



# MODULE 3

## POPULATION AND DEVELOPMENT

*This module summarizes UNFPA's work in the population and development thematic area and features a case study on applying a HRBA to national census work. It walks you through the case study and reveals the process of implementing a HRBA by asking you to think about the types of questions that should be asked at each stage of census activities. The relevance of a HRBA to other areas of population and development is also highlighted.*

### **By the end of this Module, you will be able to:**

- ▶ describe the linkages between human rights and population and development, including censuses;
- ▶ explain the added value of applying a HRBA to census activities;
- ▶ provide at least one example of how each human rights can be integrated into the process of planning and carrying out a census;
- ▶ carry out a critical analysis of who should be involved in census activities in a specific setting; how activities should be carried out; and how the results should be used in other population and development activities; and
- ▶ relate the lessons learned on applying a HRBA from the census case study to other areas of population and development work.

### **How this Module is structured**

This Module is separated into two parts:

1. An **overview** presents an introduction to UNFPA's work in the area of population and development, a summary of UNFPA's goals and outcomes in this area and an overview of censuses.
2. A **case study** walks the user through a census case study. Before and after each excerpt of the case study, we discuss how a HRBA can be implemented at each stage of the census. As part of this discussion, we ask questions that are designed to help you think about how to strengthen the implementation of a HRBA in a census. Although answers are not provided to the specific questions, a series of 'hints' are presented that aim to guide you during implementation of a HRBA.

## PART I - OVERVIEW

### A. Introduction to UNFPA's population and development work

Poverty reduction is central to UNFPA's mandate—especially in view of the projected population growth in the developing world, where more than 90 percent of this growth will occur in the poorest of these countries and in the poorest population groups within these countries.<sup>1</sup> UNFPA's work on population is central to the goals of the international community to eradicate poverty and achieve sustainable development.

Population dynamics, including growth rates, age structure, fertility and mortality, migration and more, influence every aspect of human, social and economic development. In turn, other core areas of UNFPA's work, including sexual and reproductive health, **gender equality** and women's empowerment, powerfully influence population trends.<sup>2</sup> At ICPD, advancing gender equality, eliminating violence against women and ensuring women's ability to control their own fertility were recognized as cornerstones of population and development policies.

In addition to being responsive to gender issues, population and development work also must pay attention to **culture**. There is a need for an improved appreciation of the linkages between population and poverty, and such appreciation requires sensitivity to the cultural context. Culture, religion and tradition can have major impacts on an individual's reproductive choices, and thus on broader population and development matters. UNFPA understands the importance of culture, and thus promotes a culturally sensitive, gender-responsive, human rights-based approach to population and development activities.

In the area of population and development, UNFPA works with governments in a wide variety of ways:

1. UNFPA seeks to strengthen understanding of the links between population and development, and supports national capacity to collect and use population data for policies and programmes that will improve sexual and reproductive health, reduce poverty and inequality, and contribute to sustainable development. UNFPA assists countries to gather information about, track and analyse population trends in order to create and manage sound policies and generate the political will to appropriately address both current and future population needs. This includes developing capacity in data collection and analysis as well as participating in national, regional and global policy dialogue.<sup>3</sup>
2. UNFPA supports countries to invest in censuses, household and other thematic surveys, and to develop good administrative records and vital statistics so that information can be collected for analysis and utilization for policy development and for monitoring progress on the achievement of the MDGs and ICPD goals.
3. UNFPA plays a major role in bringing population issues to bear on poverty reduction discussions.
4. UNFPA is also concerned with a number of emerging population issues, such as international migration (an urgent issue in view of the magnitude of current global migration flows), as well as urbanization (its root causes, patterns and socio-economic implications), changing age structures, and linkages between population and the environment, particularly climate change.

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<sup>1</sup> UNFPA, Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.

<sup>2</sup> UNFPA, Exploring the Links Between Population, Poverty and Development. Available at: <http://www.unfpa.org/pds/censuses.html>.

<sup>3</sup> Ibid.

To illustrate the implementation of a HRBA in UNFPA-supported population and development activities, the example of a census has been chosen. In actively supporting data collection activities, especially censuses in developing countries, UNFPA's leadership is recognized and appreciated among development partners. UNFPA has an important comparative advantage in supporting census activities at the country level, as well as in the effective utilization of population analysis for poverty diagnosis and addressing universal access to sexual and reproductive health and gender equality for poverty reduction.<sup>4</sup>

All of the questions raised in the case study are of equal relevance to other population and development activities, and the work and the skills developed by working through this case study are readily transferable to these other areas of your work.

As you work through this Module, take note of the **value-added of a HRBA** in population and development activities.

- ▶ Much population and development work concerns the gathering, analysis, or utilization of data. Grounding your work in relation to these activities in a human rights-based framework will help to ensure the data are collected and used in a manner that will promote human rights.
- ▶ A HRBA also requires taking into account the extent to which existing services are available, **accessible, acceptable and of high quality** to the population. This knowledge is essential for the design of appropriate population programmes that meet the actual needs and fulfil the rights of the citizenry.
- ▶ The principles of **participation and inclusion** are critical to all population and development activities. As UNFPA promotes the use of data to inform policies and processes, it is important to ensure that partners are able to participate meaningfully at all stages of the process even if this results in needing to adjusting the time-frame for certain activities or allocating extra resources.
- ▶ Implementing the principles of **equality** and **non-discrimination** in population and development programming contributes to increasing equity in the distribution of income, wealth and services, especially among marginalized groups, to improve the effectiveness of poverty reduction strategies in the long term.
- ▶ The principle of **accountability**, and especially government accountability, is crucial to all population and development work, and particularly to the work in census and data. There can be no accountability without information and those population groups on which few data are available tend to be forgotten in policies and programmes. Through data collection, an evidence base is created for use in shaping development policies and programmes at national and sub-national levels. In particular, census and other types of data are instrumental for the construction of human rights indicators, which can help evaluate to what extent the state is meeting its obligations with regard to human rights, especially social, economic and cultural rights.
- ▶ Keeping in mind the human rights principles of **universality** and **inalienability, indivisibility, interdependence** and **interrelatedness** can strengthen population and development programmes by emphasizing the intersections between human rights—such as the rights to education, information, health, food, shelter, and so forth. Such understanding of the interrelatedness of human rights can help to create population programmes that are sustainable and that adequately address poverty.

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<sup>4</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

## B. UNFPA's goals and outcomes for population and development

The overall goals and outcomes of UNFPA's population and development focus area are as follows:

**Goal: Systematic use of population dynamics analyses to guide increased investments in gender equality, youth development, reproductive health and HIV/AIDS for improved quality of life and sustainable development and poverty reduction.**<sup>5</sup>

### Outcomes<sup>6</sup>

**Outcome 1:** Population dynamics and its linkages with gender equality, sexual and reproductive health and HIV/AIDS incorporated in public policies, poverty reduction plans and expenditure frameworks.

**Outcome 2:** Young people's rights and multisectoral needs incorporated into public policies, poverty reduction plans and expenditure frameworks, capitalizing on the demographic dividend.

**Outcome 3:** Data on population dynamics, gender equality, young people, sexual and reproductive health and HIV/AIDS available, analysed and used at national and sub-national levels to develop and monitor policies and programme implementation.

**Outcome 4:** Emerging population issues—especially migration, urbanization, changing age structures (transition to adulthood/aging) and population and the environment—incorporated in global, regional and national development agendas.

UNFPA's population and development goals and outcomes focus on ensuring that population dynamics, and data on gender, SRH, HIV, and adolescents and young people are incorporated into public policies, poverty reduction strategies, etc. These data are essential in order for governments and decision-makers to make the most effective investments that meet the needs and circumstances of their populations—and help to lift people out of poverty.

With the poverty reduction strategy process becoming the key mechanism through which poor countries gain access to debt relief, concessional lending and donor assistance, UNFPA works with governments, development partners and others to integrate ICPD issues into poverty reduction and other national development strategies (see Module 2 for a summary of the links between a HRBA and poverty reduction strategies).<sup>7</sup> UNFPA thus participates in the development of poverty reduction strategies (PRSs) by:

- ▶ engaging in dialogue with policymakers, making available international and national evidence based on the latest data on the interactions between population dynamics, sexual and reproductive health, gender equality, and poverty;
- ▶ helping countries collect data and strengthen their statistical capacities, and providing the technical assistance they need for policy analysis, costing and budgeting, and monitoring and evaluating the population dimensions of their PRS; and
- ▶ fostering the involvement in the process of other important stakeholders—people living in poverty, women's and youth groups, the elderly, sexual and reproductive health/family planning advocates, and civil-society and non-governmental organizations. Towards this end, UNFPA supports the organization of regional and country-level presentations and workshops, prepares informational material and participates in awareness-raising campaigns.<sup>8</sup>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> UNFPA, Poverty Reduction Strategies: Frameworks for Development. Available at: [http://www.unfpa.org/pds/poverty\\_reduction.html](http://www.unfpa.org/pds/poverty_reduction.html).

## Poverty reduction strategies

As was mentioned in Module 2, a PRS is a document that sets out a framework for domestic policies and programmes to reduce poverty in low-income countries. The underlying principle of the PRS process is that countries should direct their own development agendas, as policy reforms and programmes are unlikely to be sustainable without full country ‘ownership’. The process for preparing a PRS is intended to be inclusive and participatory, taking into account the perspectives of a range of stakeholders—civil society organizations, representatives of people living in poverty and women, the private sector, trade unions, donors and UN system partners in addition to government—in its design and implementation.<sup>9</sup>

### Guiding Principles

In its advocacy and dialogue regarding PRS, UNFPA is guided by the following Principles for UN Country Team Engagement in PRSPs identified by the UN Development Group:<sup>10</sup>

**Pro-poor policies** – Advocate economic and social policies that place equity at the core of PRSP.

**Equity** – Encourage the adoption of policies that contribute to increasing equity in the distribution of income, wealth and services in order to increase the effectiveness of poverty reduction strategies.

**Human rights-based approach to development** – Promote the human rights of people, in particular people living in poverty and the most vulnerable and marginalized groups. (See Module 2 for a list of human rights-based criteria that should be taken into account when supporting the national preparation and implementation of a PRSP.)

**Gender sensitivity** – Identify and address gender biases that are often inherent in macroeconomic and sectoral policies.

**Macroeconomic policy** – Ensure that macroeconomic goals and policies fully integrate employment growth and poverty-reduction goals.

**Globalization that benefits people living in poverty** – Advocate for strengthening international rules and institutions so that, for people living in poverty, the opportunities of globalization are maximized and the vulnerabilities it creates are minimized.

**Peace and security** – Encourage conflict-sensitive approaches to development strategies.

In the formulation of PRSs, UNFPA works with other UN agencies as a team, and brings to the table its own specific expertise in the area of population and development and experience working with governments and research institutions in integrating these issues into development planning and using data for development. This work is guided in part by use of human rights principles such as equality and non-participation and inclusion, and accountability, and it is important that systematic attention to human rights is incorporated into this work.

The outcomes listed above confirm UNFPA's focus on ensuring that countries take into account the **linkages between population issues and poverty reduction and the importance of investing in sexual and reproductive health, gender equality and adolescents and young people**. Many countries continue to have weak data systems and limited capacity for carrying out policy-oriented research, thus impeding effective planning for development. UNFPA addresses this situation by supporting countries to invest in censuses, household and other thematic surveys and the development of good administrative records and vital statistics so that information can be collected for analysis and utilization for policy development and for monitoring progress on the achievement of

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

the MDGs and ICPD goals. In its 2008-2011 Strategic Plan, UNFPA has put particular emphasis on supporting the 2010 Round of Censuses, which will constitute the main source of data for the estimation of MDG indicators.

From the list of outcomes, you will also notice UNFPA's emphasis on adolescents and young people. At this time, given the relatively large size of the youth population compared to the 0-9 age group, UNFPA is encouraging investments in adolescents' and young people's health and development within poverty reduction strategies and population and development programming. UNFPA's activities in this area involve:

- ▶ working with governments and other partners to understand the opportunities that could emerge when countries experience a rising share of working age people in a population, and the challenges that this implies for young people;
- ▶ supporting the inclusion of adolescents and young people in multisectoral issues in poverty reduction strategies and policy development frameworks; and
- ▶ promoting the right of adolescents and young people to participate at all levels of national policy development, implementation and monitoring.<sup>11</sup>

(For specific information on implementation of a HRBA in a youth-related programme, see Information Card 3 found at the back of this Manual.)

Finally, UNFPA is also concerned with a number of emerging population issues, such as:

- ▶ international migration (an urgent issue in view of the magnitude of current global migration flows);
- ▶ urbanization (its root causes, patterns and socio-economic implications);
- ▶ aging and changing age structures; and
- ▶ linkages between population and the environment, particularly climate change.

All of these issues are related closely to other matters that concern UNFPA, such as poverty reduction and social equity, human rights, gender equality, HIV/AIDS, sexual and reproductive health, and a focus on marginalized groups.

Taking into account each country's specificities, UNFPA is intent on developing a knowledge base on these emerging topics through the promotion of research, data collection and capacity development, and advocating for the mainstreaming of these population issues into national planning processes.<sup>12</sup>

### **Applying a human rights-based framework to the topic of aging**

As the world's population ages, attention to the human rights of older people becomes increasingly important. Millions of older people across the world continue to experience poverty, hunger, violence and limited access to health and other services. A lack of data on older people means that they are often not considered in national policies and programmes.

Yet an international framework within which to address the rights of older people exists. It includes:

- ▶ The Universal Declaration of Human Rights and other UN human rights conventions in which older people have the same rights as everyone else;

<sup>11</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

<sup>12</sup> Ibid.

- ▶ The 1991 United Nations Principles for Older Persons;
- ▶ The 1995 General Comment 6 issued by the Committee on Economic, Social and Cultural Rights (which outlines State obligations in realizing the rights of older people); and
- ▶ The 2002 Madrid International Plan of Action on Aging.

### The UN Principles for Older Persons are divided into five key areas:

As you can see from the above, thinking about aging within a human rights framework encompasses giving due attention to these key human rights principles:

1. Independence – Older people may wish to be independent for as long as possible. Ensuring their access to the basic material rights of food, shelter, water, income, education, transport and physical security can help to facilitate this desire.
2. Care – Older people have a right to support, to having a say about the kind of care they want and require, and to consideration in the care they receive.
3. Self-fulfilment – Older people have a continuing right to pursue opportunities for the development of their potential—through education, skills training, employment opportunities and the chance to take part in community affairs.
4. Dignity – Harsh living conditions and lack of access to material and social resources are an assault on the dignity of older persons, as is their exclusion on the grounds of age, vulnerability and disability. Older people should not be belittled or treated with less respect than others.
4. Participation – The needs and capabilities of older people should be considered in the planning and implementation of all local, national and international research, policy and programme initiatives that affect them. Their right to be consulted about decisions that will affect them directly should be recognized.

### Economic security of older adults

One of the central social policy concerns with respect to older adults has to do with economic security. Pension systems to support older adults have typically been formulated based on the previous labour force participation of the rights-holders. Each month, a certain percentage is withheld from the wage of each participant (and often a similar percentage from the employer) and a fractional entitlement is accumulated that will give access to a pension in the future. In many countries, this contribution serves to fund the pensions of currently retired workers, who have accumulated pension rights in the past. This system is known as ‘pay-as-you-go’, and it has the inherent disadvantage that the equilibrium of the transfer depends on the current size of the labour force and the current number of retirees. As the population ages, there are more and more retirees who have to divide a constant or even declining inflow of retirement funds, requiring ever greater subsidies to balance the accounts. Because of this, several countries (Chile is the best-known example) have converted to an individual capitalization system, where each worker accumulates not only an entitlement, but actual capital for his or her own pension in the future, thus helping to guarantee the financial equilibrium of the system.

This generates other problems, both operationally and from a human rights perspective. Critics of the system argue that it aggravates certain social inequalities because it is not a viable solution for those who do not receive an income from work (particularly women) or whose income is insufficient to allow the accumulation of sufficient capital for retirement.

A different, human rights-based solution, which exists in New Zealand and in some European countries, is one whereby the right to a pension is uncoupled from participation in the labour force and based exclusively on the number of years that a person has legally resided in the country between the

ages of 15 and 65. Those who want additional income after retirement still have the option of entering into an individual capitalization scheme.

This is a much more equitable system, although it so far has been implemented only in relatively high-income countries with relatively small income inequality. In low-income countries with large income differences, the question arises how high a pension can be funded out of the general budget of the State, without causing a 'tax revolt' because of the massive transfers involved, and whether this level is sufficient for retirees to survive.

As you can see from the above, thinking about aging within a human rights framework encompasses giving due attention to the key human rights principles of:

- ▶ universality and inalienability (human rights are universal and apply to older people just as they apply to anyone else);
- ▶ indivisibility (for example, the right of an older person to food or shelter cannot be separated from their right to an adequate standard of living or their right to education);
- ▶ interdependence and interrelatedness (as illustrated by principles 1, 3, and 4 above, human rights are interdependent and so the right to dignity and security of older people depends greatly on whether their rights to an adequate standard of living, or to equality and inclusion, are being fulfilled);
- ▶ equality and non-discrimination (as portrayed in principles 3 and 4 above);
- ▶ participation and inclusion (see principles 4 and 5 above); and
- ▶ accountability and rule of law (governments and other duty-bearers with responsibilities towards older people, such as health providers, religious leaders, caretakers, etc., are accountable to older people and must work to fulfil their rights in decisions and actions that directly affect them).

### A HRBA to migration<sup>13</sup>

International migration is one of today's defining global issues; more people are on the move today than at any other point in human history. There are now around 192 million people living outside their place of birth—approximately three percent of the world's population.<sup>14</sup>

Governments may decide who to admit to their territory, but once an individual has entered a country, the national government is responsible for the protection of his/her rights. In many situations, there is a gap between the rights which migrants enjoy under international law and the difficulties they experience in the countries where they live and work, and across which they travel. This gap between the principles agreed to by governments and the reality of individual lives underscores the vulnerability of migrants in terms of dignity and human rights.

As strangers to a society, migrants may be unfamiliar with the national language, laws and practices, and so less able than others to know and assert their rights. They may face discrimination and be subjected to unequal treatment and unequal opportunities at work and in their daily lives. In some countries, national discrimination law does not protect migrant workers, and in many cases migrants are likely to work in sectors where labour standards are not applied, or are even not applicable. In addition, there is a lack of reliable data and policy-oriented research. Migrants are less likely than citizens to place their jobs at risk by reporting abuse by employers, and forced labour, which takes

<sup>13</sup> The text in this box is partially adapted, partially taken from: S. Grant S, Harrison Grant Solicitors, International Migration and Human Rights: A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. Global Commission on International Migration.

<sup>14</sup> International Organization for Migration, About Migration. Available online at: <http://www.iom.int/jahia/Jahia/lang/en/pid/3>.

place in the illicit underground economy, is unlikely to be captured in national statistics. The data show that human rights are generally not well-protected in informal sector employment, including domestic work, that regulation in this type of employment is very difficult, and that much more needs to be done by governments. It is evident that the data 'gap' has held back rights protection and research-based policy making.

Until relatively recently, human rights law did not explicitly refer to migrants or recognize them as a vulnerable group. They were protected because the body of international human rights law applies to 'everyone' and is universal in its application. It still remains the case that human rights norms are dispersed throughout a wide range of texts. **The Convention on Migrant Workers (CMW)** is important both as a synthesis of the rights and duties that have been already been agreed to by governments through the core human rights treaties. It extends some rights—for example extending rights to migrant workers directly against employers as well as against the state. It also grants some new rights—for example the rights to transfer earnings and savings and to be informed of the rights contained in the Convention. CMW is a new treaty, which came into effect only in 2003. It has been accepted as legally binding by relatively few governments thus far, and by no major employment country, and it still lacks the legal authority of other human rights treaties, which have been ratified by a majority of States. But it is not unrealistic to expect that time will remedy this, as more states ratify the Convention.

Many different parts of the UN have called for a HRBA to migration, through the integration of human rights principles and labour standards into policy-making. Such an approach would use commitments voluntarily made by the State, whether of origin, destination or transit, to protect migrants' rights and prevent serious human rights violations during the migration cycle.

As with all areas of your work, the implementation of a HRBA in migration activities requires systematic consideration or application at all stages of the key human rights principles of: universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and rule of law.

With this background in mind, we can now turn to the implementation of a HRBA within the area of data collection which, as noted previously, is particularly important because of its crucial role in ensuring accountability with respect to the implementation of human rights. The case study used in this Module focuses on applying a HRBA to national census activities, and the module is structured around the three phases of this work:

1. Preparation;
2. Enumeration; and
3. Post-enumeration.

## B. Why focus on censuses?

UNFPA provides support at global, regional and country levels for demographic research and censuses as they provide the necessary planning, monitoring and evaluation tools for population and development policies and planning processes, and also advance the implementation of the ICPD Programme of Action.<sup>15</sup> A good census:

- ▶ **Provides national and local planners with sound information about the population composition, characteristics and structure**, therefore quantifying the scale of each development challenge. As such, it serves as the denominator for calculation of almost all national-level major human development indicators.
- ▶ **Demarcates constituencies**, which is a basic requirement for election processes and social participation.

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<sup>15</sup> UNFPA, Population and Housing Censuses. Available at: <http://www.unfpa.org/pds/censuses.html>.  
<http://www.iom.int/jahia/Jahia/lang/en/pid/3>.

- ▶ **Identifies social and economic structures and areas of disproportionate wealth, poverty or environmental fragility**, which can be used in addressing discrimination.
- ▶ Defines the **sampling frame** for the execution of future surveys to investigate certain specific issues in greater detail.

Although censuses and other data collection activities can be daunting tasks, their utility lies in **informing policies and programmes**. The ways in which census findings will be used to inform policies and programmes are determined at the planning stage. But once data collection and analysis activities are complete, the real work begins—using the findings to ensure that appropriate evidence-informed policies and programmes are put in place.

Censuses are conducted by national governments, but UNFPA plays a supportive role in helping governments to advocate for and mobilize internal and external support for these undertakings. In many countries, UNFPA helps develop capacity in technical aspects of the process, including cartography, data collection and processing, data analysis and dissemination, and the use of results for planning.<sup>16</sup> UNFPA also focuses on contributing its expertise in the area of sexual and reproductive health and gender to census activities by, for example, **engendering** census exercises through the provision of technical and financial support, including advocacy and the mobilization of resources, for the collection, analysis, utilization and dissemination of gender-sensitive and sex-disaggregated data.<sup>17</sup>

UNFPA has also played a prominent role in supporting several countries undertaking their first census in crisis and post-emergency situations or those that required technical assistance or sup-

### What is a census?<sup>19</sup>

A population and housing census is the primary source of information about the number and characteristics of a given population in a country. It takes stock of countries' most important asset: their human capital.

A population census provides a sampling frame, as well as the main demographic indicators and baseline for population and related functional projections that are crucial for sectoral planning. These data characterizing the population are critical for ensuring that appropriate policies and programmes are prioritized at national and local levels.

Further, insofar as international definitions and classifications are used, censuses also provide for the comparability of basic development indicators among countries, including many of those that are used to benchmark progress in achieving the MDGs and to monitor human rights.

### Some examples:

In a country in South Asia, UNFPA is helping to organize the country's first complete population and housing census. The census, to be conducted by the national Central Statistics Office, will delineate the boundaries of the country's 34 provinces and 398 districts and fix the positions of more than 38,000 villages.

UNFPA's support for the 2010 census in a West African country began in 2005 when the Country Office worked through two key partners, the National Population Council and the National Development Planning Commission, to ensure that there was a commitment for undertaking the census. There

<sup>16</sup> Ibid.

<sup>17</sup> Op. cit., UNFPA, Strategic Plan, 2008-2011.

<sup>18</sup> Op. cit., UNFPA, Population and Housing Censuses.

<sup>19</sup> Ibid.

are now 168 districts, up from the 110 in the 2000 census. UNFPA supported the procurement of vital Global Positioning System (GPS) equipment for both the training and cartographic work needed to address this change.

In one country in the Asia and the Pacific region, the first official population enumeration, Census 2004, was conducted with UNFPA support. The lack of an address system was overcome by satellite imaging and state-of-the-art technology, including aerial photography and GPS coding. In July 2004, nearly 4,000 census-takers visited households to obtain demographic, social and economic data for use in planning by this new country.

In a south Asian country, the UNFPA office invested heavily in supporting mainstreaming the gender dimension in the 2006 census. In 2007, UNFPA worked with implementing partners on dissemination and analysis of these data including by use of Geographic Information Systems and thematic poverty maps. Working with government partners, data reconciliation was supported, and trainings on engendering data were carried out.

In one of the Asian countries where a tsunami left a half million people homeless, UNFPA supported a provincial census in 2005 to give planners a better understanding of the impact of the tsunami—including the different ways women and men were affected—and the needs for expanded social services.

UNFPA and its partners are strong advocates of population and housing censuses being carried out at least every ten years. Toward this end, UNFPA has already begun mobilizing support for the 2010 round of census-taking.<sup>20</sup> During UNFPA's Strategic Plan period of 2008-2011, 111 countries are conducting censuses: 23 countries are conducting their population censuses during 2008-2009; and 88 censuses are being conducted in 2010-2011.<sup>21</sup>

Engaging in a national census is a very specific project activity, which, although typical of work within the population and development area, does not follow the traditional programming cycle of situation analysis, design/planning, implementation, monitoring and evaluation, described in Module 2. Because the bulk of this Guide pertains to a HRBA as implemented in a traditional programming cycle, the idea here is to show how a HRBA can be applied to an entirely different type of process. You will notice that it is not difficult to apply a HRBA to a long-term cycle of data collection and analysis!

As we point out in Module 2, **a HRBA is extremely flexible**, and the same sorts of questions can be posed that would be posed under more ordinary circumstances.

**Remember that the key idea of a HRBA is to apply the major human rights principles consistently and systematically to each stage of your work—whatever those stages might be, and however unique your work. A HRBA is a way of thinking and doing your work—there is no set formula, but the idea is that, at the forefront of your mind, you are thinking about ensuring attention to human rights and rights principles.**

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<sup>20</sup> Op. cit., UNFPA. Population and Housing Censuses.

<sup>21</sup> Op. cit., UNFPA. Strategic Plan, 2008-2011.

With this in mind, let us turn our attention to the case study.

## PART II – CASE STUDY

This case study is merely illustrative; please note that all country contexts are different, and the reality of circumstances in the field invariably varies from country to country. It is our hope that by taking you through the process, and by showing you the key questions to ask or think about, you will then be able to apply this process to your future work in implementing a HRBA in census activities as well as other population and development programmes.

As the case studies in modules 4 and 5 follow the structure of the traditional programming cycle, they might therefore constitute useful reference for applying a HRBA in each of the more traditional programming stages of population and development activities.

Throughout this Module, we will be using the case study of UNFPA's engagement in census activities in an imaginary sub-Saharan African country named Rallandua. We will guide you step-by-step through the process of implementing a HRBA to a national census, and ask you to consider what to do, and also how to think about it. At each stage, we will provide an illustrative example. Our hope is that by the end of this module, you will feel comfortable applying a HRBA to your census work, and to your work in population and development efforts more broadly.

### Introduction to case study

#### CASE STUDY

##### Rallandua: Introduction and background

Rallandua last carried out a national census in 1986. Since then, the democratically-elected government has shown reluctance to do another census, and it can be assumed this is primarily out of fear that this might swing the currently accepted ethnic balance of the country in a way they see as unfavourable to those in power.

There are fears that the Irumi population (who used to constitute around 35 percent of the population) has grown quickly and that they now outnumber the Jakani population (who used to constitute 45 percent of the population and who are largely credited with electing the current government). The remainder of the population is made up of approximately seven other smaller ethnic groups.

The reason publicly given for not carrying out a census is lack of funding. The government has recently been under pressure from the international community to carry out a census. International donors want to be sure that their development assistance is being distributed and spent in ways that are appropriate to the population structure and needs.

#### Your task:

You have recently joined UNFPA's Rallandua office. Throughout the census process, your aim is to help the government gather accurate data so as to better understand the country's most pertinent population and development issues, including sexual and reproductive health and gender issues. The findings will also ultimately inform the work and mandate of UNFPA in-country staff.

In addition, your aim is also to assess how well the Rallandua government implements a HRBA to its census process. You wish to provide advice on how to strengthen the implementation of a HRBA to a census and to take note of Rallandua's best practices.

Census activities can be roughly divided into three stages: preparation, enumeration and post-enumeration.

- ▶ **Preparation activities** include resource mobilization, planning and design.
- ▶ **Implementation activities** encompass mapping and fieldwork.
- ▶ **Post-enumeration activities** include data validation, processing, analysis and utilization.

The case study is structured around these phases.

As you read through the sections of the case study below, keep in front of you the poster illustrating the diagram of a HRBA and the checklist of questions. Consider how the human rights principles of:

- ▶ universality and inalienability;
  - ▶ indivisibility;
  - ▶ interdependence and interrelatedness;
  - ▶ equality and non-discrimination;
  - ▶ participation and inclusion; and
  - ▶ accountability and rule of law;
- ▶ together with the human rights standards embodied in the 3AQ (availability, accessibility, acceptability and quality), were (or were not) applied at each stage of the census, and also think about what you would do to strengthen the implementation of a HRBA, both in this case, and if supporting a similar programme.

**Remember that a HRBA is about the *process* of a programme, not just the outcome. The questions that are raised, therefore, are designed to help you learn this process. Think about the *types* of questions you should ask, and *when* they should be asked, in order to help your national partners implement a HRBA in a census.**

## A. Stage One: Applying a HRBA to census preparatory activities

If you have ever worked on a census, you will know that the preparatory stage of census work is the longest and most complicated stage; due to the complexity of census activities it is critical that everything is very carefully planned. Preparing a census in a human rights-based manner sets up the whole census process to be rights-based. As a result, this Module focuses to a large extent on preparatory activities for a census.

As a UNFPA staff member, if you are involved in work on censuses, you probably follow the standard procedures laid out in the UN Principles and Recommendations for Population and Housing Censuses (Rev. 2).<sup>22</sup>

You are probably wondering what a HRBA requires you to do **in addition** to the standard procedures you already follow when working with governments preparing to carry out a census. That is exactly what we will address here by focusing on what constitutes an analysis of laws and policies in this context, how to operationalize the key **human rights principles in your efforts**, and the categorization of rights-holders and duty-bearers as relevant to census activities.

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<sup>22</sup> United Nations, Department of Economic and Social Affairs, Statistics Division, Principles and Recommendations for Population and Housing Censuses, Revision 2, 2008. Series M No. 67/Rev.2 ST/ESA/STAT/SER.M/67/Rev.2.

Available at: [http://unstats.un.org/unsd/Demographic/sources/census/docs/P&R\\_Rev2.pdf](http://unstats.un.org/unsd/Demographic/sources/census/docs/P&R_Rev2.pdf).

It may help to keep your **checklist of questions** (found on your poster) on hand, and to refer to the questions throughout to provoke your thoughts on how to apply the different human rights principles to the various stages of census work.

## 1) Examining the legal and policy environment

It is critical that you gain an understanding of the legal and policy context in which the census activities will take place. It is likely that there are laws or regulations in place regarding the use of census findings as well as the ways in which these can be presented. In countries where there is no permanent legal authority for the taking of periodic censuses, it is particularly important to start the census process by establishing ad hoc legal authority or, preferably, legislation calling for a system of periodic censuses. Even in countries where there is such authority, a special census law usually has to be passed.

Establishing the legal basis for census activities is a critical first step in the census process and helps support the human rights principle of **rule of law**. It is important that you and your partners are aware of all relevant laws, regulations and policies.

The primary concern of the census legislation tends to be establishing the obligations on the part of the public and the different agencies of the government itself to cooperate with the census process:

“1.83. Legal authority for the census is required for fixing primary administrative responsibility, for obtaining the necessary funds, for determining the general scope and timing of the census, and for placing a legal obligation upon the public to cooperate and give truthful answers and a legal obligation upon the enumerator to record the responses faithfully.”<sup>23</sup>

In most countries, refusing to be counted or wilfully providing incorrect information can result in legal prosecution. Only in Europe has this obligation been relaxed somewhat in recent decades. Although human rights considerations are sometimes cited as a motivation for this change, another reason is that European governments nowadays hardly need the cooperation of the population in order to execute a census, because most of the relevant information is already contained in administrative record systems. Consequently, the census can largely be conducted by comparing the information in these systems. In 1981, Denmark became the first country in the world to conduct its censuses entirely from administrative registers. This situation, however, stands in sharp contrast to that of developing countries, where the cooperation of the population is still very much required to guarantee a high-quality census and the obligation to provide information cannot be dispensed with.

The primary responsibility of the census authorities with respect to the population being enumerated is confidentiality, also called the ‘statistical secret’ which Principles and Recommendations refers to in the same paragraph:

“In addition, the confidentiality of the individual information should be strongly and clearly established in the census legislation and guaranteed by adequate sanctions so as to provide a basis for the confident cooperation of the public.”<sup>23</sup>

Broadly speaking, the statistical secret can be interpreted within the framework of the right to privacy, as stipulated in Article 12 of the Universal Declaration of Human Rights. Note that, as a consequence of this principle, census information is normally exempt from the right of individuals to obtain public records, through laws that now exist in one form or another in more than 60 countries, including India, Pakistan, Bangladesh, Brazil and Mexico. In the UK, for instance, all census files that identify individual respondents are closed for a 100-year period; the country is

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<sup>23</sup> Ibid.

just now beginning to prepare for making the 1911 census records available to the public.

In many cases, many groups, including illegal migrants, sex workers and others, refuse to be counted out of fear of prosecution and deportation. It is important to consider how laws and policies more broadly might impact census activities, e.g. how people who are in the country illegally might react to the census. Fears of deportation could lead to non-participation in census activities, and it should be made very clear to everyone that there will be no such ramifications from taking part. To this end, the census legislation might include provisions on how census data are to be stored and protected, to make it clear that no unauthorized access is possible.

In practice, however, this is just the beginning of the story. Note, for instance, that those persons most concerned about the confidentiality of the data are usually not worried primarily about any outsiders breaking into the databases, but rather about the uses that the government itself might make of the census information. The degree to which individuals trust the government with census information thus clearly reflects the confidence they have in the government in general.

Note also that the statistical secret only guarantees the protection of individual data, but not of data referring to groups. Thus, the fact that they cannot be identified individually may not entirely abate the fears on the part of illegal migrants that the data could guide the authorities, for example, to those neighbourhoods where the census verifies the highest concentrations of foreigners for intensified controls of migration documents. Similarly, those who are involved in illegal economic activities may prefer not to see those activities reflected in the census, even if they cannot be personally associated with them, because an apparent increase in those activities may invite repressive measures on the part of the government.

The counterpart of the above is that the statistical secret makes it impossible for people to derive any individual rights or benefits from being counted in the census. To the extent that any rights or benefits accrue to individuals as a result of their enumeration, these derive from their membership in groups (being the inhabitant of a municipality, belonging to a certain ethnic group or a certain church, etc.). Some censuses (in some European countries in the early 1970s, for example) have attempted to use the enumeration process as a mechanism for issuing personal identity numbers and identity cards. While this introduced an element of personal benefit and gave more substance to the notion of a right to be counted as an individual, rather than only as member of various groups, most people were much more impressed with the confidentiality risks implied by this practice than by the fact that it provided them with some personal, rather than just group, benefits. Non-response was high, results had to be annulled, and the practice was subsequently abandoned. Paradoxically, this reinforced the movement towards purely administrative censuses based on public records whose confidentiality is usually safeguarded by fewer guarantees than is typically the case with census information.

But the most difficult decisions with respect to the confidentiality of census information tend to arise when the census has to be analysed. The census authorities are committed to the publication of certain standard tables, be it in paper or in electronic format, but this indeed constitutes only a fraction of the potential use that can be made of census data. It is unrealistic to expect the census authorities to carry out by themselves all of the analyses that may be required or desirable. Inevitably, some information will have to be passed to other institutions, including other central government offices, local governments, universities, international organizations, and even private enterprises. For some of the legitimate applications, such as public health programme targeting groups, individual census records are needed, even if these are not identified by name and address. Unfortunately, some census authorities appeal to the statistical secret as a justification for not making this kind of information available. In part, this is because releasing the information in formats that minimize the possibilities of personal identification can be laborious and costly. Some of the strategies used to this effect will be briefly alluded to below. But another possible motivation is that the monopolization of information is a source of political and bureaucratic power. If this happens, the statistical secret can go against what is in the public interest.



1. If you were helping a government to prepare for a census, what kind of information would you want to know about the legal and policy context?

## CASE STUDY

### Rallandua: Legal and policy environment

The information gathered during the census planning stage demonstrated that the legal basis for census activities in Rallandua includes:

- ▶ Laws regarding how census data should be stored and protected. Rallandua's laws require that census data be stored on a non-networked computer and that no files be publicly posted that might allow for identification of any individual.
- ▶ Legislation surrounding the general public's participation in the census.
- ▶ Policies outlining the need for cross-posting of census enumerators and data entry clerks i.e. in Rallandua nobody working on the census is allowed to work in the area where they live or were born.
- ▶ Policies around due process for data checking – Rallandua requires that specific checks be instituted for all entry and formatting of census data, which has an impact on the software and the manpower required for these tasks.
- ▶ Policies around making census findings publicly available e.g. by internet, through publications etc.



2. Do you think any laws/policies are missing from the above list?
3. What additional laws/policies are important to examine for the purposes of census preparation activities?
4. How do you think these gaps could impact the census?

Having thought about the legal and policy analysis, let us look at the general integration of the key human rights principles into census preparatory activities.

## 2) General integration of the key human rights principles into census preparatory activities

As mentioned earlier, the human rights principles of **universality** and **inalienability, indivisibility, and interdependence** and interrelatedness should be kept in mind throughout the preparation stage of a census. This means supporting a census that aims to capture information from as many individuals within the population as possible, including all excluded or marginalized groups. As noted below, encouraging the creation of multisectoral partnerships during the preparatory stage will help to ensure that throughout the process and when it is time to respond to the findings of the census these same groups will be able to work together.

**Participation and inclusion.** Before serious planning for census activities can begin, two factors are critical: the government must be committed to carrying out a census, and funding must be available for this work. For the former, UNFPA works directly with the national government in order to secure the political commitment necessary. With regard to funding, UNFPA plays an important role vis-à-vis international donors: UNFPA often advocates for donor support for national censuses. The participation of the national government and the international donor community

are critical for these tasks.

Current UN guidelines already require you to support the involvement of a wide range of stakeholders in census preparation activities. It is suggested that you and your partners engage those people/institutions who will be involved during the different phases of census activities, potential users of the census data, and the general public. You may also include representatives of the government at the national and the local level, academic and research institutions, civil society, NGOs, donors, technical agencies, and representatives of social and marginalized groups. Among these representatives, it is noted that there is a need to ensure a gender balance in representation.

UN guidelines, therefore, already support a HRBA to programming by requiring the participation and inclusion of many diverse groups. The principle of participation requires that you and your partners work to engage **all** stakeholders in **all** stages of the process, give them a voice and assure their commitment and support. (See the section on participation in Module 2 for more details on how to engage different groups in meaningful participation.)

The principle of inclusion requires you and your partners to secure the engagement and involvement of the hardest to reach populations to ensure that:

- a. they are counted;
- b. their major concerns and difficulties are captured; and
- c. all of this is done in a manner that is acceptable to them.

The principle of inclusion requires you and your partners to secure the engagement and involvement of the hardest to reach populations to ensure that:

As these are the hardest groups to engage, securing their inclusion may sometimes involve significant outreach and mediation efforts.

Note that the reasons for the potential undercount of different population groups may vary. Some groups that tend to have a vested interest in avoiding enumeration or not providing all the information requested are illegal immigrants, the rich and those involved in illegal activities. The issue of confidentiality in these groups is crucial. In the case of people living in poverty, on the other hand, the problem is usually not lack of cooperation with the census authorities, but the fact that many poor people live in areas that are remote, insecure or difficult to capture correctly in the census cartography (homelessness, temporary make-shift residences, different households sharing one dwelling, etc.). Population groups with high mobility rates (e.g. seasonal workers) are also difficult to count, even if they are willing to cooperate. Moreover, there are also groups with a vested interest in exaggerating their numbers, such as religious groups that may receive state subsidies or political recognition based on their numbers. Heads of households who belong to such groups may report other household members as belonging to them as well, even though this is actually not the case. The strategies for dealing with these different problems are bound to be distinct.

In order to achieve the engagement of all populations, a space has to be created that everyone feels safe to enter into:

“The public should be fully informed about census objectives, content and methods, as well as about their rights and obligations with respect to the census. Similarly, all census staff must be fully aware of their responsibilities. Subsidiary objectives include such issues as a) keeping completed forms and other records containing personal information secure and confidential; b) ensuring that public support for all aspects of the census is as strong as possible; and c) producing requested customized output in a manner consistent with preventing disclosure of personal information, adhering to established reliability standards for the release of data, and implementing policies designed to safeguard the access of all users to census results.”<sup>24</sup>

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<sup>24</sup> Ibid.

Finding some populations (e.g. people who are illegally in the country and might fear engaging with any official processes even if, as is the case with the census, there is no way to identify their illegality) may be difficult but can and should be done. Strategies for achieving this include engaging civil society groups collaborating with or representing such populations, and planning media advocacy campaigns that describe the purpose of the census as well as the safeguards in place to prevent negative repercussions (such as imprisonment or deportation) arising from participation in the census. The media campaigns will have to be proactive in order to ensure that they prevent and address any rumours about potential negative implications of participating that may emerge during pre-enumeration and enumeration activities.

### Hint: How should you include the participation of marginalized or excluded groups?

UNFPA encourages its partners to use a variety of participatory methods in order to elicit the views of hard-to-reach stakeholders (see Module 2). In many countries, NGOs, research institutes or the private sector possess the expertise and experience to use such tools and facilitate such processes.

More than one method of participation can be seen in the Jalampore case study in Module 5, for example. There, participation was encouraged through interviews, surveys, opinion polls, meetings, training sessions, social dialogue, websites, and so forth.



5. Why do you think that diversifying your methods of participation is important?
6. In your work in the area of population and development, how have you encouraged the participation of various groups at either the census preparation stage or at the more typical situation assessment and analysis stage?

The inclusion of all population groups is essential not just for the sake of diversity at the table, but also because the participation of everyone in-country is critical to the success of the census. Ensuring that the interests of these groups are represented at the preparatory stage will satisfy the human rights principles of participation and inclusion. Perhaps more importantly, it can enhance ownership, build trust between the census authorities and all of the populations involved in the census, improve the likelihood of proposed activities being acceptable to these groups, and, consequently, promote participation of these groups in the census itself.

You may be wondering—what is the added benefit to your census of inviting concerned stakeholders and marginalized groups to participate at the preparatory stage? The benefits include:

- ▶ When gathering data for a census, you need the participation of every single person in the country. To mobilize such participation during enumeration, participation during preparation activities is critical, especially the inclusion of representatives from all potentially marginalized communities. Community and indigenous leaders can in turn mobilize their constituencies and maybe even help figure out the best modalities to facilitate data collection among a hard-to-reach population.
- ▶ The participation and inclusion of different groups will help ensure that information is not overlooked and that the data revealing the status of marginalized communities is included. One of the main strategies of poverty reduction is to ensure that accurate, disaggregated data are gathered, analysed and integrated into government policies—the census is the primary tool at national level for achieving this.

- ▶ Censuses are particularly expensive ventures, but their results can be immensely useful. Participation of a wide range of stakeholders helps ensure the best use is made of available resources while focusing efforts where they are most needed.

### Hint: Why does participation matter?

As mentioned in the UN Principles and Recommendations for Population and Housing Censuses, “Representatives of these minority groups can often provide census planners with important information and insights relevant to both census content and operations. Thus, special efforts should be made to consult with them when planning the census. In the case of minority populations living in isolated settlements or enclaves, such consultations are often critical for minimizing underenumeration among these populations.”

As mentioned in Module 2, the human rights principles of participation and inclusion also require you to ensure that the interests and needs of women are adequately represented and that **gender equality and women’s empowerment** are advanced throughout. This applies equally to the process of carrying out a census and underscores the importance of involving women and gender experts in census planning activities, including designing the questionnaire and determining the most appropriate questions to be included as well as the most useful in-depth analyses and tabulations for the presentation of results.



7. Now, if you were mobilizing support and resources and helping to plan a census, what groups would you invite to participate?

Once you have generated a list of groups that you believe should participate, let us see which groups took part in Rallandua’s census preparation activities.

### CASE STUDY

#### Rallandua: Participation at census preparation stage

UNFPA spent months working with Rallandua’s national government to persuade it of the importance of a national census for development planning. The government was initially reluctant due to fears of upsetting the balance of accepted ethnic groupings but agreed on the condition that UNFPA would help to secure some of the necessary funding and ensure the legitimacy of the process.

UNFPA managed to secure commitment from a wide range of international development actors (including the EU, USAID, CIDA, JICA and DFID) to fund up to 40 percent of total census costs. These commitments were based on the understanding that UNFPA would play a key technical support role throughout the census process and act as technical guarantor for all national census work. With this agreement in place, the national government agreed to fund the remaining 60 percent of costs and to take the lead in this process.

The National Population Commission (NPC) took the lead in planning census activities and drafting the strategy for this process. This Commission is headed by a Chairman at national level and constituted of one Commissioner from each administrative province.

One of the first steps taken by the NPC was to convene a ‘Users’ Conference’: a meeting of all those

who they thought might be involved in collecting and/or using the census data. Participants included representatives from the Ministries of: Planning, Women's Affairs, Health and Education; the National Statistics Office; UNFPA; UNDP; WHO; an NGO working with indigenous minority groups; and an umbrella group of women's NGOs. The conference allowed all users to outline their priorities in terms of data collection and analysis. It became clear that the census budget was insufficient to meet the many data requirements of all potential users, which led to a process of negotiation and prioritization of needs that took into account quality assurance. UNFPA highlighted the value of internationally comparable data, and this need was balanced alongside the needs of in-country users, the probable willingness and ability of the general public to provide adequate information on the topics and the total resources available. Once agreement was reached on what the areas of focus would be, the questionnaire was finalized to capture these issues.

UNFPA played an important support role for the NPC in convincing the general population of the need to participate in the census as well as the legitimacy of the census methods and findings. The government's initial concerns regarding upsetting existing ethnic boundaries and dominance were shared by many of the Jakani ethnic groups, which felt that the international community was interfering with national affairs in an attempt to change the balance of ethnic power. Drawing on its experience from neighbouring Limuria, UNFPA shared lessons learned and materials that were used to bring all ethnic groups into the census process; the important role of traditional rulers and religious leaders was underscored; and publicity materials were produced on the purpose of the census.

To ensure transparency and a clear understanding of the methods being used, leaders of different ethnic groups were involved in all stages of the census. Two nationally televised meetings were held by the president with key stakeholders (including religious/ethnic leaders, donor agencies and technical support agencies such as UNFPA) to bring transparency, credibility and accountability. Messages were disseminated using a wide variety of media to take into account low literacy levels and limited television ownership. All messages were provided in Rallandua's nine languages. This helped to ensure participation by all population groups.



8. How different is Rallandua's list of participants from the list you created?
9. Which groups do you think are missing from the Rallandua case study?
10. Now that you've seen who participated in the preparation of Rallandua's census, does it change your opinions on what groups should participate? Does it give you any new ideas?

Remember that because situations vary so much from country to country, there is no single correct answer. However, it is arguable that in addition to ensuring gender equality in representation to the extent possible, there are certain 'core' groups that should always be included in census preparation activities. These include:

- ▶ representatives from the government (at national and local levels);
- ▶ representatives from NGOs;
- ▶ representatives from FBOs;
- ▶ representatives from civil society;
- ▶ representatives from the private sector;
- ▶ representatives from different social and ethnic groups, particularly marginalized and excluded groups;
- ▶ gender experts; and
- ▶ experts working with young people and adolescents.

In the case study extract above, you will also note the difficulties that can erupt when you are dealing with a large number of stakeholders! Although a HRBA requires participation, practically it is not always easy to handle a large number of interested parties. The Rallandua case study emphasizes the importance not only of building the capacity of others but also of UN programme staff and partners themselves negotiating and acting as consensus builders.

### **Hint: Don't forget the objectives of the census!**

In all negotiations, when planning the participation of different groups, remember the core objectives of the census:

“Census content. The aim is to ensure that the topics are appropriate for meeting the demonstrated requirements of users, taking into account considerations of cost-effectiveness.

Subsidiary objectives under this element relate to a) suitable consultation with existing and potential users at all stages; b) establishment of measurable standards of reliability incorporating user views on priorities; and c) adequate testing of new topics to ensure successful collection and production of reliable results.”<sup>25</sup>

With regard to planning and budgeting, it is important to note that, despite all of the benefits, ensuring true participation and inclusion can be extremely time-consuming, expensive and labour intensive. Note, for example, the problems raised by participation in the Jalampore case study in Module 5. Although adopting a comprehensive participatory and inclusive approach can put strains on the resources, it is a critical element of all census activities, especially planning activities.

Equality and non-discrimination and accountability and rule of law. Now that we've examined the question of who should be involved at the census preparedness stage, let us move on to how census preparation should be carried out.

The UN Principles and Recommendations for Population and Housing Censuses highlight some of the non-negotiable priorities for censuses and include:

- ▶ protection of the confidentiality of all data collected; and
- ▶ the requirement that most published results (identified in detail in the document) be disaggregated by sex.<sup>26</sup>

Both of these are key elements of a HRBA to census activities. In addition, a HRBA requires attention to other categories of difference where disaggregation may be useful, such as by age, ethnicity, caste, rural/urban, etc. A HRBA requires us to ensure that programming is done in a manner that fulfils the principles of equality, non-discrimination, accountability and Rule of Law.

With respect to the levels of disaggregation, one should note, however, that if all or most of the tables, in addition to being disaggregated by sex, also have to be disaggregated by age, rural/urban residence, and ethnic group (nine of them, in Rallandua), the total volume of the tables can become cumbersome, in addition to being difficult to read and interpret. A better solution than disaggregation of the published results by all relevant categories is to make the information available on CD or on the Internet in the form of a tabulation programme that allows users to generate the information they require by the categories that they consider relevant. Some countries in Latin America now do this, making use of the programme REDATAM, developed by CELADE/ECLAC.

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<sup>25</sup> Ibid.

<sup>26</sup> The UN Principles and Recommendations do not require ALL results to be disaggregated; there are some tables where doing so won't really make sense.

In order to fulfil the principles of **equality** and **non-discrimination**, a HRBA requires you and your partners to ensure that census activities are not in any way discriminatory in their aim, design, conduct and analysis. This means that you have to take into account the full context within which a census is carried out and the entire range of actors you and your partners need to engage. You and your partners should:

- a. Take account of the needs of marginalized groups, as mentioned above. Make sure that you understand what benefits and risks may accrue to populations most vulnerable to or affected by the implementation of census activities. Focus on ensuring that the situation of marginalized groups is adequately addressed in your information gathering and analysis processes, as already specified in the UNFPA guidelines.
- b. Advance gender equality. Censuses play an essential role in this regard by helping governments collect better data on the status of women, and strengthening their capacity to make effective use of the data in their laws/policies/national development plans. The UN Principles and Recommendations for Population and Housing Censuses stipulate that all statistics on individuals should be **disaggregated by sex**. But work for gender equality must go beyond the collection and analysis of data to feed into policies and programmes, and UNFPA can play an important role helping governments with this in the post-enumeration phase of a census.

### Hint: Avoiding gender stereotypes

“Gender-based stereotypes can introduce serious biases in census data and the conclusions drawn from these data...There is much that can be done in the preparatory stages of the census to help minimize gender-based biases. These preparatory activities are of two broad types: those related to census content and those related to census operations.

Issues of **census content**, including what information is sought and how, the definitions and classifications used, and the manner in which databases and tabulations are specified, are important in generating data needed to examine questions of gender equality. In addressing these content issues, census planners and users will need to be alert to prevailing stereotypes so as to develop a census that both minimizes the influence of the stereotypes that respondents may hold and avoids further perpetuation of these stereotypes.

With regard to **census operations**, particular attention will need to be given to the selection, training and supervision of the field staff. This involves ensuring that both men and women are recruited to the field staff (both as interviewers and supervisors) and that manuals and training materials cover gender bias issues just as they do other important sources of error.<sup>27</sup> Consultations with women’s groups and others concerned with gender equality can help in addressing both content and operational issues.

Gender-related stereotypes and biases are concerns that have relevance for all countries. Census authorities in a number of countries must also be alert to the possibility of stereotypes and biases affecting data on minority population groups. Such groups may include ethnic, linguistic, national, racial and religious minorities, and indigenous and nomadic populations.”<sup>28</sup>

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<sup>27</sup> In some cases, an exact gender balance, may be difficult to achieve. For certain kinds of content, for instance, women tend to be better interviewers than men. However, in areas where security is a major concern, female interviewers can face security risks. It is important, nonetheless, to ensure all efforts to attain gender balance in the selection.

<sup>28</sup> Op. cit., UN Principles and Recommendations.

- c. Give careful consideration to the degree to which you disaggregate your data as this is a big part of census activities, and may be controversial. Some governments, for instance, may not want to gather accurate data on the situation of indigenous peoples in their country. In a recent census in sub-Saharan Africa, the government decided not to ask questions relating to ethnicity, simply because of their potential political implications: they feared that information on the number and location of various ethnic groups and religions could result in tensions. In contrast, authorities in another country included those questions in their census questionnaires due to political requirements. In that country, as per a national peace agreement, a referendum will be held in coming years among people in one part of the country to decide whether or not to become an independent country. The referendum is dependent on the census results to identify who can be considered from this particular region.

Even though collecting information with attention to sex- and age-based differences is important, it is vital—since women constitute a heterogeneous group—to consider how further disaggregation, even among ‘women’, can be helpful to your efforts. If the data are properly collected and disaggregated, they should reveal who are the most marginalized groups in the country—for instance, in many places, fertility rates and maternal mortality ratios among indigenous women are higher than those among non-indigenous women. Beyond sex and age, each country is responsible for identifying other variables by which it would be most useful to disaggregate census findings, such as by income groups, ethnicity, etc.

### Hint: Disaggregating data

**Disaggregating data** properly will help you to see the **most excluded groups** that fall between the cracks and that often exist within the ‘intersections’ of age, sex, race, socio-economic status, and so on.

For example, not all women face the same risks. In some countries, unmarried mothers might be at greater risk or worse off than married women who are mothers; rural girls may be at greater risk than urban girls; and so on. Supporting governments to ask questions about different social and ethnic groups allows for disseminating disaggregated data on these groups and is an important role of UNFPA’s population and development efforts.

### Hint: How important is the head of household?

One of the gender issues involved in census data and other kinds of household data relates to the concept of ‘**head of household**’. This imprecise term does not necessarily reflect who is the main contributor to the household economy or who is responsible for most day-to-day household tasks or decisions. In practice, household members will often tend to attribute this status to the oldest male in the household, even if his role in the household economy is relatively marginal. Because of its gender bias, some countries have moved away from the head of household concept and now use the concept of ‘reference person’, which is a randomly selected person among all the adults present in the household. This would be only a matter of semantics if it were not for the fact that the choice of the reference person or head of household does have some practical implications:

- i. In the census, most of the household information is obtained from this person. If he or she is only marginally involved in household decisions, there is a risk that the information will not be of very good quality. The main income earner (whether male or female) may be the best informant about money entering the household, but not necessarily about how the money is being spent. When the issue is the behaviour of different household members, women usually have better information than men.

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### Hint: How important is the head of household? (continued)

2. The relationships between household members are mapped with respect to the head of household or reference person. The more distant the relationship of that individual is to the other household members, the more difficult it is to get an accurate understanding of the entire network of relationships within the household unit. In this regard, the best choice of a reference person may be the father or (more likely) the mother of the majority of children living in the household.

A further aspect of ensuring non-discrimination is to ensure that the whole process of the census itself pays attention to the 3AQ elements we discussed in Module 2 (availability, accessibility, acceptability and quality). Applying the 3AQ elements to census preparatory work means that the process itself should be acceptable to all and of high quality, and the **census data and results should be available** and **accessible** to all as well as being of **high quality**. In general, systematic focus on the principles of equality and non-discrimination, participation and inclusion, and accountability will contribute towards fulfilling the 3AQ. Practically speaking, fulfilling the 3AQ means that, in addition to looking at census findings, you have to look at the whole process of your census-related activities, and ask yourself whether all elements are truly available, accessible, acceptable (culturally and otherwise), and of high quality to the community where you will be implementing them.

For example, you will notice from our case study extract above that during census preparatory activities, nationally televised meetings were held by the president and key stakeholders in a bid to promote transparency and convince the population of the need to participate in the census. What efforts were made to ensure that these televised meetings (or other methods of disseminating information about the census) were available, accessible, acceptable and of adequate quality? In order for the dissemination of information to comply with the 3AQ, Rallandua would have had to make sure:

- ▶ that the presidential meetings were not just televised but broadcast on radio too (to reach those groups that do not own televisions);
- ▶ that the outcome of the meetings was interpreted into different languages spoken within Rallandua;
- ▶ that the meetings were carried out in a manner that was acceptable to the population (either culturally or otherwise); and
- ▶ that the broadcast of the meetings was of good quality, so the population could actually hear and understand what was being said.

These may seem like very basic requirements, but they all help to ensure an available, accessible, acceptable and high quality process.

### Hint: 3AQ

**Remember**, whatever type of intervention your population and development programme envisions—be it census activities, collection, analysis or dissemination of data, policy dialogue, etc., the 3AQ can help you carry out your intervention in a manner that is **available, accessible, acceptable and of high quality**—and in ways that respond to your targeted groups.

The principles of accountability and rule of law were briefly discussed above when we focused on the importance of knowing the legal and policy environment.

In addition, however, the principle of accountability helps you and your partners to make sure that the development of the census is discussed with marginalized communities and their representatives. This advances transparency and honesty—both facets of accountability. Accountability is also furthered by making sure that the authorities responsible for designing the census are made known to the public. This would generally mean making known which government ministry is responsible for each aspect of the census, and delineating their obligations and activities. It is also important that mechanisms for complaints relating to census activities are available, accessible and made known to the entire population.

Given that censuses are all about gathering good data and integrating them into policies, it is essential that when supporting and planning the census, you make sure that you and your partners approach trusted, well-respected entities for data and are open about who they are. Information about these entities and sources of data can be disseminated by providing it to the media, by publishing it on the government’s website, or by other means of communication.

The sheer number of different actors involved in census processes underscores the need for real attention to clear delineation of roles and responsibilities. Such transparency will help to pinpoint where problems arise and is also critical in terms of accountability.

### Hint: Accountability

**Remember**, something as simple as openly stating how and by whom the results of the census analysis will be disseminated helps to improve accountability.

You and your partners can also improve accountability during census preparation by **sharing progress updates** with the general population, political leaders, professional groups, communities and the media.

An important aspect related to accountability is the **transparency** of the budgetary allocation to the census and the use of funds for different activities. To the degree permitted by the census laws,



II. If you were supporting the design of a census, how would you help the government to fulfil the human rights principles of non-discrimination and accountability, and to consider the 3AQ elements?

Once you have decided upon your answer, let us see how the Rallandua census worked to ensure non-discrimination, accountability and the 3AQ elements during its planning stage.

### CASE STUDY

#### Rallandua: Non-discrimination, accountability, and 3AQ elements at census preparation stage

Gender experts were brought into the census planning process to help ensure that gender stereotypes were not perpetuated by the census questionnaire, the enumerators or presentation of the data

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## CASE STUDY

### Rallandua: Non-discrimination, accountability, and 3AQ elements at census preparation stage (continued)

analysis. Knowing that many biases relate to under-appreciation of women's economic contribution and of men's roles in the household, questions were carefully framed to avoid assumptions based on gender stereotypes. For example, a gender expert suggested rephrasing some questions around women's household work to allow income gained from such work to be counted towards economic productivity. The need to disaggregate statistics on school attendance, infant/child mortality and early marriage by sex was also highlighted. Census enumerators were given training on the typical gender stereotypes among different populations and on how to phrase questions and probe for further detail without enforcing such stereotypes.

The census strategy document clearly set out the roles and responsibilities of all those involved in the census, ranging from the general public to the highest levels of government. These legal obligations included the general public's obligation to participate, the enumerators' responsibility to record responses faithfully, and the need for absolute respect for confidentiality and privacy of information by all those involved. Avenues for recourse were explained in case these were needed, and sanctions for infringement were established.

Due to its extensive experience of census activities across a wide range of countries, UNFPA could feed into the strategy document in a variety of ways. The Rallandua government had under-estimated the time that would be needed for pre-census preparatory activities such as consensus-building meetings, capacity building of enumerators and community-level demarcation. UNFPA convinced the government to accept a more realistic timeframe for these activities to ensure their good quality.

The government scheduled regular media briefings to keep the general public abreast of progress relating to census activities. The census work plan was made public, and regular updates were made so that the public remained aware of the activities being carried out and who was responsible for the success/failure of each activity. A telephone hotline was established for any complaints relating to the census.



- I2. Having read the above, do you think Rallandua did enough to ensure that the planning processes fulfilled the human rights principles of non-discrimination, accountability and the 3AQ?
- I3. What more could have been done?
- I4. How does this help you think about your own efforts in census preparation?

Having considered both the legal and policy analysis and the general integration of human rights principles into census preparation activities, let us move on to the categorization of rights-holders and duty-bearers. (Jog your memory on the definitions of rights-holders and duty-bearers by turning to Module 2).

### 3) Who are the rights-holders and who are the duty-bearers?

In a census, the term 'rights-holders' encompasses the entire population—everyone within the national boundary—and, as such, who have the right to participate and not be excluded from census enumeration (with the possible exception of foreign diplomats) and not be subjected to discrimination. The practical complications that arise with respect to this characterization have to do with the following:

1. In most countries, being enumerated is also an obligation, and most census legislations are more concerned with this aspect than with its counterpart, the right to enumeration.
2. Unlike voting or being entered into the civil registration system, being counted in the census does not carry any benefits to individuals, just to social groups.
3. Consequently, many individuals prefer not to be enumerated, making it more difficult to verify to what extent their rights have been respected.

In order to provide some practical criteria of whether the rights of individuals and groups have been respected, one might use the following guidelines:

1. Those individuals who have not been enumerated, but would like to be included into the count should have the opportunity to come forward (within a reasonable time limit) and demand their inclusion into the census roll.
2. If certain population groups were excluded due to their remote or inaccessible location, this should be explicit in the census design and legislation.
3. In multilingual societies, census forms should be available in the major local languages; for smaller language groups, translation should be provided.
4. NSOs should be able to demonstrate that the amount of resources per capita spent on the enumeration of different population groups varies in predictable ways, according to differential geography and population density or local variations in the cost of census inputs, including the need for translation, if required, and does not contain any unexplained disparities that might suggest the discrimination of any particular group. These accounts should be within the public domain.

Note, however, that these conditions do not guarantee that there will be no differential undercounts. The controversies that arise with respect to census counts nearly always involve the representatives of social groups who, after the first census results have been announced, claim, rightly or wrongly, to have been undercounted. The most common complaint is that of municipalities, whose income from government transfers usually depends on their relative population size. In this particular case, the solution provided is sometimes to give the municipality the option to be recounted—provided that it pays for the cost of carrying out the recount. This condition is included to avoid a situation where all or most municipalities will want a recount, in the hope of increasing their population sizes, which would lead to a chain of recounts without end. For these and other reasons, census authorities are generally reluctant to tamper with census results after the fact. The reasoning is that it is best to ‘get it right the first time’. If it can be demonstrated that undercounting has occurred on a large scale, the preferred solution is usually to annul the census entirely and redo it at a future time.

With respect to the other rights and obligations involved in census-taking, particularly the right to confidentiality, the responsibility is shared by many duty-bearers but falls primarily to the national government. Due to the scale of census operations the government generally enters into partnership with other organizations with skills necessary for the process. This could include ministries, statistics offices, UN agencies, universities, donor governments and civil society organizations.

Let us take a look at our Rallandua case study, and see how this issue played out.

## CASE STUDY

### Rallandua: Identification of rights-holders and duty-bearers

**Rights-holders** – everyone in the country who will be part of the census process.

**Duty-bearers** – government (ministries, central bureau of statistics), donor governments, UN agencies, NGOs involved in the process, all census staff.



15. Do you think the Rallandua case study missed out on any important rights-holders or duty-bearers for a census?
16. What do you think are the claims of the rights-holders with respect to census activities?
17. And what are the corresponding obligations of the duty-bearers?
18. Do you think it is important to make these lists of rights-holders and duty-bearers when working on a census? Why?

Once the relevant actors (rights-holders and duty-bearers) have been identified, the next step of a HRBA is to assess their capacities and capacity gaps in terms of skills, resources, responsibility, motivation and authority.

It is important that duty-bearers are in a position to fulfil their obligations, while rights-holders can ensure that their rights are fulfilled. As we have seen, census activities impose very specific roles and responsibilities on the entire population of a country (with the burden of responsibility primarily on the government and its partners for planning and managing the entire exercise), which means that an in-depth understanding of potential capacity gaps is critical. The inability of any single person to fulfil his/her responsibilities could constitute a serious problem for the census.

## 4) Capacity gap analysis

The current UN CCA/UNDAF guidelines already tell you how to do a capacity gap analysis. They explain that you must ask:

- ▶ What capacities are lacking for the rights-holders to claim their rights?
- ▶ What capacities are lacking for these institutions or individuals to carry out their duties?

In order to know where your technical support or training is most needed, you have to know what capacities the government already has to collect, disaggregate, and analyse data, among other things. This is particularly pertinent to a census, as this is perhaps the largest, most complex data collection/analysis exercise that a government undertakes. Once you know what the government and its partners can do, you can then look for where the gaps are. For example, is it that the staff at the Central Bureau of Statistics can carry out the initial data-gathering stage, but do not know how to apply a gender analysis to data? Is it that government analysts simply do not know what the linkages are between poverty and fertility rates? Is it that the government is not committed to gender equality and that you need to raise their awareness on this through advocacy?

Once you know what the capacity gaps are, then you can ensure that they are addressed by examining how the census is designed, implemented and utilized. Each of the scenarios posited above would have different implications for the role that UNFPA might play in supporting the government. For example, if there is a lack of governmental commitment to gender equality, it is likely that UNFPA will draw on its extensive experience in this area and devote significant efforts to

raising governmental awareness of the importance of gender equality and of how critical a gender analysis is to analysing census data and to informing future population and development policies. This implies supporting training activities in the areas where capacity gaps exist.

Let us see how Rallandua dealt with its capacity gap analysis.

## CASE STUDY

### Rallandua: Capacity gap analysis

To carry out the capacity gap analysis, a list was created of all skills required for census implementation. This included expertise in: demography, statistics, data collection and analysis, cartography, questionnaire design, global positioning systems, gender, policy-making, community structures, planning, management, training, monitoring, etc.

A capacity gap analysis of the identified duty-bearers revealed good capacity for gender analysis as well as experience working with the country's different ethnic groups. However, there was no experience working with persons with disabilities; little was known about the prevalence or nature of disabilities in Rallandua, and while the census might be an opportunity for learning more about this, it was recognized that there was a need for further expertise in this area in order for the team to take advantage of this opportunity. In addition, it was found that although the team's cartography skills were excellent, insufficient capacity existed in terms of global positioning systems. As a result the group decided to use traditional maps rather than higher 'geographic information system' technology options for census activities.

With regard to rights-holders, an analysis was carried out to see how best to ensure everyone's participation in enumeration. In light of Rallandua's low literacy rates, it was decided that a canvasser method should be employed where enumerators go house-to-house to administer the census questionnaire. There was debate about the number of translations of the questionnaire that would be required; the government felt that everyone should be able to respond to a questionnaire in one of the country's two main languages. However, civil society representatives insisted that the questionnaire be made available in all indigenous languages. All such decisions have important cost implications for the census but in this case it was agreed that they were absolutely necessary to ensure a successful census.



19. Do you think the capacity gap analysis carried out in the case study was useful for census preparation activities?
20. What capacity gaps have you come across in your census-related efforts?
21. Do you agree with the manner in which capacity gaps were addressed in this case study? How would you improve on this response?

Now that we have examined the census preparatory stage, we can move on to Stage Two: Applying a HRBA to census enumeration.

## B. Stage Two: Applying a HRBA to census enumeration activities

Again, at this stage of the process you can apply the same key human rights principles of equality and non-discrimination, participation and inclusion, and accountability and Rule of Law to your census enumeration activities, while also keeping in mind the principles of universality and inalienability, indivisibility, and interdependence and interrelatedness.

Given the complexity of national censuses, roles and responsibilities for enumeration should be

clearly laid out during the planning phase. Enumeration takes place during a set time period (appropriate to the scale of the census) and has to be managed with extreme precision and attention to detail.

State directors, cartography directors, census supervisors, enumerators and data processing monitors should all be recruited before the enumeration stage. In some countries they will be cross-posted around the country to ensure that nobody is working in their area of origin or usual residence; in other places it is considered preferable for quality assurance that people work in their area of origin as they are familiar with the area and any local languages. In addition to the national staff, international observers may be posted throughout the country to oversee the enumeration process. This is designed to act as a quality control mechanism, lending credibility and international acceptability to census results.

At this stage, ensuring application of the key human rights principles means:

- ▶ Ensuring **participation** and **inclusion** by translating census materials into different languages and ensuring also that illiterate individuals or persons with disabilities can participate. Also take note that the groups that should participate in the implementation of census activities might not have the relevant skills necessary to carry out the implementation. As a result, you and your partners will have to ensure that **all relevant actors who are engaged in implementation are educated, trained and equipped to carry out the census in a human rights-based, gender responsive, and culturally sensitive manner**. How this can be best achieved will vary from place to place. You will have to determine what method is best to carry out the training in these areas, and be prepared to put in the necessary time and financial commitments to ensure that the training is of high quality.
- ▶ Ensuring that all processes relating to enumeration are **acceptable** and of **high quality**, and that they are designed to elicit good **quality** information that will be made **available** to everyone without discrimination. This could mean ensuring that enumerators are culturally sensitive, and when going door-to-door are respectful, courteous and aware of any cultural taboos that may offend the individuals being questioned. It could also mean ensuring that the enumerators themselves represent all ethnic groups, as well as both sexes, and that they are willing to go to rural or hard-to-reach areas.
- ▶ Ensuring that the implementation of the census is not **discriminatory** in any way, for example by ensuring that all questions are carefully phrased so as to be culturally acceptable to all. For example, there have been difficulties in the past surrounding questions about persons with disabilities as disability is regarded as a source of shame in some places.
- ▶ Implementing enumeration activities in a transparent way, where decision-making is open and shared, and there is a system for complaints and redress if affected communities are unhappy with the way that census activities are carried out. This helps to ensure **accountability**.

To help you think about the questions you need to ask at this stage, refer to the 'Implementation' section of your checklist of questions (on your poster), and take a look at how the questions here encourage you to address the key human rights principles.

The training of enumerators is of primary importance and it is critical that sufficient time be allocated to ensuring adequate core competencies of all enumerators. In addition to filling in the census forms, enumerators should be trained to address concerns that individuals might have about participating in the census, confidentiality of data, or how the data will be used. While all of the issues will have been addressed in media campaigns during the preparatory phase, it is important that enumerators can articulate the importance of the census as well as how information will be used. You can help your partners advance the principles of participation and non-discrimination by

encouraging them to use an appropriate mix of female and male enumerators as well as enumerators from different ethnic origins. Enumerators can be seen as the public face of the census for the general population; as such they have a crucial role to play regarding the quality of the data collection process—they have to make people comfortable answering the questions and they must faithfully record the information that they are given.



22. How would you support such efforts in a census in your country to ensure appropriate attention to the principles of equality and non-discrimination, participation and inclusion, accountability and the 3AQ?

Let's see what Rallandua chose to do:

### CASE STUDY

#### Rallandua : census enumeration

For the enumeration process, UNFPA helped to facilitate cross-posting of provincial directors, commissioners, census supervisors and data processing monitors, as requested by the government, to ensure that nobody was responsible for census activities in their own region. Furthermore, UNFPA assisted with the organization of 88 international monitors to act as neutral observers to the enumeration process.

Enumerators were carefully selected from different provinces and diverse communities to ensure an appropriate mix of ethnicities and genders. Census supervisors in each enumeration area were responsible for ensuring that the demographics of their enumerators matched as closely as possible those of the population to be enumerated.

Finally, as mentioned in the planning section, to help ensure accountability, Rallandua provided a telephone number to be called in case of complaint, and staffed it with trained individuals who could speak all nine languages.



23. Do you think that Rallandua did enough to ensure an appropriate mix of participants?
24. What kind of information do you think should be gathered in order to prove that enumeration activities were available, accessible, acceptable and of high quality to the general population?
25. It appears that efforts were made to ensure gender biases were minimized in the census findings, but there is no mention of similar efforts being made to avoid other sources of bias such as those affecting data on minority population groups (e.g. ethnic, racial, nomadic, etc.). What other kind of biases might require special attention?
26. With regard to accountability, Rallandua provided a telephone number to be called in case of complaint. Do you think this was sufficient? What about people who do not have access to a telephone? Does this constitute a true avenue of complaint for them?
27. What else could Rallandua have done to better ensure accountability during the enumeration process?
28. Having thought about ways in which to support implementation of the key human rights principles at the census enumeration stage, do you think this is something you can easily integrate into your work on censuses?

Now that we have examined the census enumeration stage, we can move onto Stage Three: Applying a HRBA to post-enumeration activities.

### C. Stage Three: Applying a HRBA to post-enumeration activities

Post-enumeration activities include:

- ▶ data processing – for instance, data capture and validation to ensure the accuracy of the data collected during enumeration activities;
- ▶ data evaluation;
- ▶ data tabulation and analysis;
- ▶ data dissemination;
- ▶ data utilization; and
- ▶ analysis of the entire census process.

Adoption of a HRBA during preparation and enumeration greatly facilitates the application of a HRBA to post-enumeration activities. So assuming that you have supported this approach so far, you are well placed for the remaining activities. As one UNFPA staff member working on censuses stated: “Only through this approach, one can guarantee that census findings will be effectively utilized to plan and implement equitable programmes and interventions that should lead to achieving improved standards of living and bridging the existing gaps between population subgroups.”

#### 1) Data capture and validation (data ‘processing’)

**Data capture** refers to the system used to capture the information recorded on the census forms and create associated computer data files.<sup>29</sup>

**Data validation** refers to the process of analysing the quality of the data that have been gathered. This may include reviewing the data, comparing it with previous census results or other surveys and sources. Errors in coverage, misreporting, data capture or other reasons are identified and corrected. Where necessary, respondents might be contacted to verify their responses. Near the end of the validation process, certification reports containing results of the analysis and recommendations for publication may be prepared and presented to a review committee.<sup>30</sup>

Whatever choice is made, **data capture** processes should be conducted through applying standard protocols and procedures, controls and validation checks that should pay due and equal attention to all groups of the population without undermining any group or geographical area that may lead to underrepresentation or biases in the final results. To ensure **non-discrimination** at this stage, due attention should also be paid to capturing the characteristics of all populations. For example, characteristics regarding women’s participation in the labour force and their occupations, working hours and other relevant variables should be handled according to the standard procedures without making incorrect assumptions. Standard procedures of data processing, including completeness, consistency and range checks should be equally applied to all data entries irrespective of the group being dealt with.

UNFPA and its partners can use their understanding of the national context, the available resourc-

<sup>29</sup> United Nations, Handbook on Census Management for Population and Housing Censuses. Studies in Methods, No. 83, Revision 1, 2001. Available at: <http://unstats.un.org/unsd/censuskb/Article.aspx?id=10142>.

<sup>30</sup> Statistics Canada, 2006 Census of Agriculture, Data Processing. Available at: <http://www.statcan.ca/english/agcensus2006/about/dataproc.htm#d3>.

es, and the capacity of the census team to advise on how these issues should be addressed and prioritized.

As regards **data validation**, decisions need to be made as to whether a full post-enumeration survey to validate the data is required. Instead of a post-enumeration survey to validate the data, one option that can be used is for a full mapping and household listing to precede the census enumeration and be entered as a master frame for entering the enumeration data. In helping national census teams make these choices, you should always take into consideration the value added vis-à-vis the cost (resources, effort and time) of these approaches in both the short and long term.

In terms of quality assurance, this data processing step is a critical one, and is best achieved by ensuring that appropriate systems are in place well in advance. However, as we will see in the Ral-landua case study, UNFPA can play an important support role at this stage to ensure that procedures are adhered to, and to address any potential issues that may arise.

For more information on data capture and validation processes and the options available, refer to the UN Principles and Recommendations for Population and Housing Censuses .

## 2) Data tabulation and analysis

**Data tabulation and analysis** refers to organizing and coding the data within agreed-upon categories and tables, and then analysing the data to help understand the census findings and results.

Once the quality of the data has been ascertained, the tabulation and analysis can take place. The tabulations and analyses that are carried out have already been agreed upon during the preparatory phase of census activities. As we saw during the preparatory phase, the analyses must take into account a wide range of factors including:

- ▶ issues raised by stakeholders during the participatory discussion in the process of analyzing data;
- ▶ due consideration of identifying factors that may create a higher vulnerability of some social groups;
- ▶ any data that show the unequal exercise of rights;
- ▶ identification of most important needs of vulnerable populations; and
- ▶ gender and culturally sensitive approaches.

You should support your partners in ensuring the analysis and presentation of findings include attention to relevant human rights principles, and that these findings are used to inform legal and policy reform as necessary.

## Extract from the UN Principles and Recommendations for Population and Housing Censuses

“The aim is to deliver census products and services and to meet legal obligations and users’ needs with stated quality standards and a predetermined timetable. Subsidiary objectives include a) producing outputs with a minimum of error and suitable for the purposes for which the data are to be used; b) providing standard outputs for the main results and services for customized output; c) providing access to output; d) using geographical bases appropriate for collecting and referencing data for output; e) improving methods of enumeration, particularly in difficult areas so as to reduce levels of under-coverage and response error; f) improving methods of evaluation and the means to convey findings to users; and g) developing a measure of quality and targets.”

As was mentioned earlier, the census analysis stage is where confidentiality issues often come to the forefront. Care must be taken to avoid a situation where the census authorities, claiming the need to protect the statistical secret, actually end up monopolizing or hampering the flow of legitimate information to the public. This issue is particularly important when third parties (universities, local government, etc.) have to analyse information at the household level. There are different ways to deal with this problem, including the following:<sup>31</sup>

- ▶ Some census offices limit themselves to removing personal identification variables (name and address) from the census records and allow the distribution of the census file in this anonymous format. Most specialists agree, however, that this is insufficient to guarantee the protection of confidentiality, because it may still be possible to identify individuals by using highly disaggregated geographical units and a few specific characteristics that uniquely describe a certain individual in the community.
- ▶ Some countries (particularly in Latin America) make the census information available through computer programmes on the Internet or on CD-ROM, which allow the user to generate his/her own information, while making it impossible to generate tables with cells containing only one case. This is a very good solution as long as the intended use is disaggregation.
- ▶ Sometimes the risk of identification can be reduced significantly by making only a one percent or five percent sample of the census available to the public. This may work well for some purposes, but it is impractical in very small countries or for the work of local governments.
- ▶ Some countries (particularly the US and Canada) have prepared public user files which, in addition to removing personal identification variables, use a sophisticated system of random perturbation of the records that does not affect highly aggregated data, but becomes increasingly present as one disaggregates. The disadvantages of this approach are that it may be laborious and expensive, and that it may not allow certain kinds of analysis that depends on high levels of disaggregation.
- ▶ Some countries only allow the use of census data in the form of requests processed by the staff of their own central statistical offices (CSOs) or by outside researchers on the premises of the CSOs, so that they can control the process more closely. The drawback of this approach, particularly in developing countries, is that the facilities (e.g. specific software) available to researchers at the central statistical office may be much more limited than the ones they can count on in their home institutions, so that depending on processing by the CSO staff or even carrying out analyses on the premises of the CSO may significantly delay or discourage the use of information, even if it is nominally available. It may also limit certain kinds of uses, e.g.

<sup>31</sup> UN Economic Commission for Europe and Conference of European Statisticians, *Managing Statistical Confidentiality & Microdata Access: Principles and Guidelines of Good Practice*, 2007, New York.

exercises to train students in data processing.

- ▶ Finally, there are still countries that do not make their census information available under any modality, except for certain specific tables produced by the census authorities.

### 3) Data dissemination and utilization:

**Data dissemination** refers to the sharing of data and making it widely available to the public.

**Data utilization** refers to the manner in which the census findings are used to shape policies and programmes.

As has often been reiterated, a census is not an end in itself but a means to better understanding a national population and thus to informing appropriate policies and programmes. Thus, **data dissemination and utilization could be considered the most important part of the entire census process.** It is important that data be made widely accessible in formats that are appropriate to the specific needs of different users. No single publication of results will suffice as different audiences will have different requirements. It is key that local authorities, research institutions and other stakeholders have free access to appropriate data to be used for their own needs, and national authorities (with support from UNFPA) should encourage extensive use of timely information in all national and sub-national plans.

Alongside the dissemination of census findings, information should also be released on the data editing, imputation and quality. This is critical to transparency of the census and will help to build confidence in the findings.

Many countries are choosing to make census findings available on the Internet, which allows other users to run their own analyses from wherever they are. Obviously, due care must be taken to ensure the confidentiality of respondents, but with those safeguards in place, the Internet can constitute a very useful tool for transparency and disseminating census findings.

“The aim is to ensure that all the aspects of collection operations and the dissemination of results are acceptable to the public and fully comply with legal and ethical standards for protecting the confidentiality of individual responses.”<sup>32</sup>

The **3AQ** remain useful at this stage, especially with regard to any training activities you may wish to carry out. For example, if, as part of post-enumeration activities, you aim to improve the skills of high-level public servants and civil society groups to analyse and utilize this population data for the purpose of informing or advocating around policies and programmes, you need to ensure that your training sessions (if that is how you plan on building their skills) are:

- a. available to all the public servants and civil society groups being targeted—and are provided in the languages that they speak, are at flexible times, etc.;
- b. accessible to all relevant public servants and civil society groups—financially, physically, for persons with disabilities, etc.;
- c. culturally acceptable—for instance, if you’re working in a culture where women and men are not allowed to be in the same room, you have to make sure that separate training sessions are

<sup>32</sup> Op. cit., Statistics Canada, 2006 Census of Agriculture.

provided for women as well as men; and

- d. of high quality—which means you must make sure the people hired to carry out the training are competent, qualified individuals, that training materials are of good quality, that systems are in place to monitor quality over the life course of the programme, and so forth.

#### 4) Analysis of the census process

Evaluating census activities involves many of the same processes as evaluation of other population and development programmes.

- ▶ This should be a transparent and learning process.
- ▶ All the census processes must be documented and problems must be identified.
- ▶ Statistical authorities must assure the participation of different stakeholders.
- ▶ This should be an opportunity to evaluate the final quality of census results and the provisions taken to improve the quality of results. Causes of deficiencies must be identified in order to take measure for future data collection activities.

Due consideration is required as to what to evaluate, how to evaluate and who will be involved. Let's look at each of these in turn.

**What to evaluate:** A HRBA requires evaluation not only of the results of the census, but also, importantly, of the process by which it was implemented. Ongoing monitoring of process during census preparation and enumeration is essential, because it helps you to continually assess whether your efforts in encouraging participation, accountability and non-discrimination are working. As a result, you need to support the development of both process indicators and outcome indicators. At this stage, you may want to look back at Module 2 where you will find information on the current UN guidelines on selecting indicators for human rights-based work.

**Indicators used:** In order to fulfil the human rights principles we have been discussing, help your partners to ensure that the M&E system is designed to detect causes, practices and impacts of discriminatory actions. For a census, this might include ensuring that no particularly hard-to-reach groups were under-enumerated for any reason. But it also encompasses checking that the mix of staff working on the census was appropriate, and that the census questions were not construed as discriminatory by any participants. This can be done by reviewing any complaints received during enumeration (assuming that appropriate complaints procedures were put in place) and through spot checks of data quality.

**How to evaluate:** UNFPA guidelines explain that wherever possible, monitoring and evaluation efforts should build on existing mechanisms and processes within the UNCT and the national context. Basically, if you can, you should use national systems and avoid creating a parallel monitoring and evaluation system that is designed specifically to capture data relating to your current activities and that functions outside existing government structures. This is especially critical for census activities as they are government managed, and therefore all data must be collected within national frameworks.

In order to fulfil the principle of accountability, support your partners in ensuring that the census findings as well as any evaluation of the census process are made public. It is critical that the data be made available to the general public in a format that is accessible and easy to understand. But dissemination of census findings is insufficient to fulfil the principle of accountability; the purpose of a census is to inform policies and programmes, and there is a fundamental obligation on the state to ensure that the data are analysed with this in mind and that channels exist for using findings to inform needed changes relating to population policies, legislation and programming.

UNFPA often plays a very important role in this process, and is increasingly assisting governments with gendered analyses of census data with a view to informing policy change.

**Who to involve:** A HRBA requires that monitoring and evaluation of census activities occurs with public participation. As we have mentioned many times previously, encourage your partners to pay special attention to a gender balance and the inclusion of marginalized groups (e.g. those living in extreme poverty, adolescents and young people, indigenous populations, aging populations, etc.). The involvement and participation of stakeholders in evaluation, planning and implementation promotes ownership of evaluation results, ensures that census evaluation findings are relevant to local needs and conditions, and contributes to improved communication and collaboration in the follow-up to the evaluation recommendations.

Again, turn to the questions in the 'Monitoring and Evaluation' section of the **checklist of questions** on your poster. Do you see how asking these questions can ensure attention to the key principles of a HRBA?

Let us take a look at how Rallandua attempted to integrate the key human rights principles into some of the post-enumeration activities.

## CASE STUDY

### Rallandua: Census post-enumeration activities

#### Data validation and evaluation

UNFPA provided support throughout the process of enumeration checks that are designed to find the number of missing people or double-counts in the census. These checks turned out to be critically important for national and international authorities in terms of the credibility of the census, especially as there were no recent surveys that could have been used to check for errors in enumeration. Because of this situation, a fully-fledged post-enumeration survey was carried out in Rallandua. Emphasis was given to checking the accuracy and level of coverage of hard-to-reach populations, which in Rallandua includes nomads as well as internally-displaced persons in camps. The checks were especially useful in convincing local leaders of the overall validity of census findings.

Three questions guided this stage of activities:

1. Did we make sure that all census enumeration areas (EAs) were captured in the master data capture scheme?
2. Did we make sure that all components of each EA were entered, and that all housing units and households within each component were captured?
3. Did we make sure that data for all members of each household were captured, and that data for eligible members for specific issues (labour force, education, marriage and fertility, etc.) were captured?

#### Data processing

The data processing in Rallandua focused on checking for inconsistencies and omissions in the data that had been entered electronically and ensuring the availability of complete and clean data files. This task was jointly undertaken by census management and the data processing center (with technical support from UNFPA). The tasked teams referred to the hard copy questionnaires to verify specific data entries and correct any inconsistencies in the data. A consistency and range checking computer programme (that was prepared and tested by a team ahead of time) was also used. This programme made sure that all individual, household and housing unit records were captured, tested and cleaned and that every individual's data were correctly and completely captured within the right household and the right EA.

Throughout all manual and electronic data processing, confidentiality protection was maintained in line with the prevailing policies of the national statistical offices. Working alongside data processing

personnel, UNFPA played a quality assurance role in ensuring the protection of confidentiality at all stages of data processing. An efficient, well-articulated and controlled system of mobility of census questionnaires and databases had been established ahead of time such that the location of any census questionnaire or any other document or electronic file was easily identified. This system identified which personnel had the authority to deal with the distribution and collection of every batch of questionnaires or to access any electronic data files.

### **Data tabulation and analysis**

Data tabulation and analysis were conducted objectively and transparently by using pre-determined methodologies and documenting the process as well as the findings. Findings were analysed and tabulated by the National Population Commission using the previously-agreed-upon disaggregation criteria. In line with the guidance in the UN Principles and Recommendations, all individual-level data were tabulated by sex. Certain indicators were also tabulated by ethnicity, rural/urban and socio-economic status as these categories had been deemed particularly relevant to the Rallanduan context. All of this work was based on full assessment and evaluation of the coverage and content of the data.

### **Dissemination and utilization of census results**

For this phase, Rallandua's focus was on how to prepare and provide marketable indicators and statistics that helped duty-bearers understand their accountability for specific issues, and that showed rights-holders where they needed to focus their efforts to ensure realization of their rights.

A report of key census findings was compiled and printed. In addition, detailed tables of in-depth and extensive classifications were stored in the national statistics office and the central library. The report was disseminated at a stakeholders' workshop in the capital city that was attended by government officials, civil society representatives and other interested parties. All those in attendance were encouraged to also access the more in-depth electronic records and to carry out their own analyses of these data.

To enhance the use of census data, capacity-building was carried out by planners, policy makers and decision makers to understand the meaning and implications of the findings. This included training on the analysis of existing policies and programmes to assess their appropriateness in light of the census findings as well as advice on how to effect the changes necessary to adapt policies and programmes to fit the reality described by the census findings.

One of the primary findings was that the enrolment of boys in primary education far outstripped that of girls in all areas of the country. UNFPA and UNICEF worked together to bring this to the attention of government education officials, teachers, community leaders and parents. Many parents showed reluctance to enrol their female children in school as they contributed to work in the home; however, in response to these findings, government officials and community leaders began a campaign, which has led some parents to understand the importance of education for girls, and there are initial signs that female enrolment is increasing.

### **Monitoring and evaluation of census process and results**

The National Statistics Office ensured that all meetings relating to census activities were documented and minutes were filed, including action points and who was responsible for each action. At the beginning of every meeting, the previous meeting's minutes were reviewed and any outstanding action points questioned. In addition, evaluations were carried out at every training that took place, and the findings were used to feed into training improvement. Where serious shortfalls were noted in one area, repeat trainings were carried out to ensure the appropriate skill level of all census staff.

One person was responsible for collating all ongoing monitoring information and for leading evaluation activities. In addition to providing ongoing input into how findings suggested the census process could be improved, at the end of the entire process this person presented his/her overall findings on the census process to all those involved.

### Indicators used:

- ▶ number of in-depth analyses that have been conducted and published;
- ▶ degree of consideration of inequalities;
- ▶ level of access to the census data and results of different stakeholders;
- ▶ number and type of stakeholders making use of census data; and
- ▶ time elapsed between enumeration and publication of the results at the national level;
- ▶ percentage of under-enumeration of the total population and in particular subgroups; and
- ▶ increase in the final budget in relation to the original budget.

As you think about how a HRBA was implemented at this stage of the census, and how its implementation could be strengthened, consider the following questions:



28. As at every other stage, it is important to ensure the participation of all the appropriate groups in the data analysis. What do you think about the ways in which Rallandua encouraged participation throughout the post-enumeration stage?

#### **Data validation and evaluation, data processing, and data tabulation and analysis:**

29. How is Rallandua fulfilling the principle of accountability in the way data are being analysed? (c, racial, nomadic, etc.). What other kind of biases might require special attention?

#### **Dissemination and utilization of census results:**

30. Rallandua chose to disseminate its main census report through a stakeholders' meeting held in the capital city and to make the detailed electronic records available at the library and statistics office. Do you think that this was sufficient? How would you improve Rallandua's data dissemination methods to make sure they were really available, accessible and acceptable to the population?

31. What mechanisms exist in Rallandua for feeding census findings into the reform of laws and policies?

#### **Monitoring and evaluation of census process and results:**

32. How did Rallandua include the public in setting targets and in defining success and failure of the census?

33. How did Rallandua attempt to ensure the principle of non-discrimination in its evaluation of census activities? Do you think these attempts were sufficient?

34. How did Rallandua monitor and evaluate the implementation of the census with respect to the criteria of availability, accessibility, acceptability and quality?

#### **Indicators used:**

35. Rallandua attempted to create human rights-based indicators by paying particular attention to non-discrimination, such as through attention to underenumeration of population subgroups, which is indeed an important indicator. What other indicators might you have included in order to assess the degree to which the census took into account the other human rights principles? Might it have been useful for Rallandua to have included an indicator

36. Can you think of any more process indicators that could complement the indicators listed above?

Overall, at the census post-enumeration stage, it is important to ensure that analysis and presentation of findings includes attention to relevant **human rights principles**, and that these findings are used to inform legal and policy reform as necessary. In addition, remember to evaluate not only the results of the census, but also the process by which it was implemented; and ensure that the census findings as well as any evaluation of the census process are made public in order to promote accountability.

#### **D. Case study conclusion**

Applying a HRBA to your population and development work including census activities does not entail an entirely new approach—you are probably already doing more on human rights than you think! The aim of this Module was to walk you through how you can apply systematic consideration of human rights principles throughout your work, and how this can contribute to stronger policies and programmes.

There are a number of ways in which implementation of a HRBA can be seen to have positively benefitted Rallandua's census activities. One factor contributing to the success of the census was the integration of participatory practices in preparatory and enumeration stages. The participation of a wide range of stakeholders ensured that areas of concern were raised and resolved early. Furthermore, politically sensitive issues were not overlooked and were addressed head-on. The participatory approach at the preparatory stage also fostered a sense of collective ownership, which subsequently ensured high response rates when the census was finally enumerated.

Rallandua's attempts to ensure availability, accessibility, acceptability and quality at all stages of the process also paid off. Attention to ensuring adequate provision of information regarding census processes from very early in the preparatory phase contributed to the successful mobilization of the entire population, while promotion of the participation and inclusion of a wide variety of groups helped to ensure the acceptability of data collection and analysis processes. Very early in the census process, the Rallandua government recognized the importance of ensuring the high quality of all census endeavours. As a result, special emphasis was placed on appropriate training for everyone involved in census activities to ensure sufficient capacity for the task at hand.

Some of the biggest challenges faced by Rallandua included ensuring that all population groups were on board for the census itself and that everybody understood its purpose. UNFPA played an extremely important role ensuring the quality of all of the census processes, which, ultimately, contributed to the acceptance of the census process and results among local groups as well as the international community. In addition, collecting the data proved to be more time consuming than had been envisaged, which led to delays at the enumeration stage. There was a risk that enumeration coverage was going to be unacceptably low, but by extending the enumeration period this risk was averted.

Overall, the census was an immense success. This was due to unwavering commitment of the government to ensure that the census was carried out in a transparent manner and that the highest standards were applied to all aspects of the census process. Thus, very careful attention was given to the preparatory phase to ensure that enumeration ran smoothly and that adequate data was collected to enable the appropriate analyses to be carried out. Given the enormity of the task of carrying out a census, such commitment and dedication is critical and truly contributed to the overall success of Rallandua's census.

Congratulations! You now have the tools necessary to apply a HRBA to your census activities. You may of course still have outstanding questions. Remember that a HRBA does not necessarily provide what the right answer should be. It does, however, tell you what key principles you should focus on and highlights the questions you should ask at each stage of your programme. Remember to keep referring to the checklist of questions on your poster.

## E. Key take-home messages for population and development

The case study above focused specifically on census work, which is just one aspect of UNFPA's efforts in the population and development area. Many of UNFPA's other population and development programmes follow the more traditional programming cycle of situation assessment and analysis, planning and design, implementation, and monitoring and evaluation. Modules 4 and 5 follow this more traditional structure in more detail, and we encourage you to read them closely, and think about the questions posed at each stage of the programming process. Put these questions into the context of your own work in the population and development area, paying close attention to UNFPA's specific goal and outcomes.

Below are some hints on the application of the human rights principles key to a HRBA to other areas of your population and development work.

While the importance of making disaggregated data available is clear with regard to ensuring **non-discrimination**, carefully think about the process of gathering disaggregated data: Are the processes of collecting the information in line with human rights principles? Is there concern that other people may be able to use these data to further discriminate against these groups? Think about the risks that certain groups may face as a result of data on their status being disseminated to the public, and therefore think twice about how and with whom these data will be shared. This is very pertinent for population and development programmes, as much of UNFPA's work in this thematic area is concerned with data.

In order to determine a population's needs with regard to services, assess the extent to which existing services are **available, accessible, acceptable** and of **high quality**. For example, it is not enough to have data stating that family planning services are available in a rural village, because the village has three family planning clinics. Consider asking: Are clinic staff youth-friendly? Is the clinic open enough hours during the day, so that women who work all day can still go to it? Does the clinic have a female doctor, if women are uncomfortable seeing a man?

The **participation** of a wide range of stakeholders is critical to all population and development activities, and it is important to recognize that partners and other stakeholders might require significant capacity-building in order to truly engage in such processes. As UNFPA promotes the use of data to inform policies and processes, help to ensure that partners are able to participate meaningfully at all stages of the process even if this means lengthening activities' timeframe and allocating extra resources. Within this, it may be necessary to focus on capacity-building/outreach efforts for specific groups such as grassroots organizations. A capacity gap analysis of all relevant stakeholders can help to direct this.

Understanding the capacities and capacity gaps of duty-bearers is important because most of UNFPA's population and development goals deal with developing the abilities of governments to gather, analyse and incorporate population dynamics into their policies. In order to know where your technical support or training is most needed, it is good to know what capacities the government already has to collect data, disaggregate data, analyse data, etc. For example, UNFPA has played an important role, in some places, in promoting understanding of the need for further attention to disaggregation of data by age in order to better understand the situations of both adolescents and young people (for whom data may well need to be disaggregated within the '10-24 year-old' age group) and older people (for whom data may need to be disaggregated within the 'over 50' age group).

The concept of **accountability**, and especially government accountability, is crucial to all population and development work. Through data collection, an evidence base is created that can be used to shape development policies and programmes at national and subnational levels. UNFPA is a strong advocate for the use of good quality data, including censuses but also a wide range of other data such as surveys and other in-depth studies, to ensure an informed and appropriate response

to all development issues. Part of UNFPA's credibility in this task stems from the organization's commitment to ensuring transparency and accountability in its own work, which is a key component of creating legitimacy.

As you can see, although the census is a very specific part of UNFPA's population and development work, the lessons learned from the case study hold true across other activities in this thematic area. Systematic attention to the application of a HRBA by UNFPA itself, as well as the promotion of such an approach by UNFPA's development partners, can help to ensure that a population's needs are better understood and can be appropriately addressed.

Let us now look at how the application of a HRBA plays out in UNFPA's thematic area of sexual and reproductive health.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 4: Reproductive Health



# MODULE 4

## REPRODUCTIVE HEALTH

*This module summarizes UNFPA's work in the reproductive health thematic area and features a sexual and reproductive health case study. It walks you through the case study and highlights the process of implementing a human rights-based approach by asking you to think about the types of questions that should be asked at each programming stage of a typical sexual and reproductive health programme.*

### ***By the end of this Module, you will be able to:***

- ▶ describe and provide examples of UNFPA's work in the sexual and reproductive health thematic area;
- ▶ list UNFPA's goal and outcomes in sexual and reproductive health;
- ▶ explain the importance of human rights for the advancement of sexual and reproductive health;
- ▶ list at least three questions that should be asked at each programming stage of a sexual and reproductive health programme in order to encourage application of a human rights-based process;
- ▶ provide at least one example of how the core human rights principles can be integrated into the process of developing a sexual and reproductive health plan as part of the health sector plan and the overall development framework in a country;
- ▶ provide at least one example of how the human rights standards of the 3AQ can be integrated into the process of developing a sexual and reproductive health programme; and
- ▶ create, and provide examples of human rights-based outputs, outcomes and indicators in a sexual and reproductive health programme.

## How this Module is structured

This Module is separated into two parts:

1. An **overview** presents an introduction to UNFPA's work in the area of reproductive health, a summary of UNFPA's goals and outcomes in this area and an overview of reproductive rights.
2. A **case study** walks the user through a sexual and reproductive health (SRH) case study. After each excerpt of the case study, a series of questions are asked, which are designed to help you think about how each human rights principle has been considered or integrated into each stage of the SRH programme. There is little discussion in the text as the focus is really on the questions that need to be thought about at each stage.

## PART I - OVERVIEW

### A. Introduction to UNFPA's reproductive health work

*Reproductive ill-health accounts for nearly one sixth of the worldwide burden of illness and premature death, and one third of illness and premature death among women of reproductive age.<sup>1</sup>*

UNFPA is the leading UN agency on promoting sexual and reproductive health, and is committed both technically and financially to leverage, strategically engage and advance reproductive rights and sexual reproductive health at all levels (subnational, national, regional, global)..In an effort to strengthen the effectiveness of its work, and as a follow-up to the Paris Declaration on Aid Effectiveness<sup>2</sup>, the TCPR and the Accra Agenda for Action<sup>3</sup>, UNFPA's approach to programming focuses increasingly on strengthening national processes based on the principles of country ownership, alignment, harmonization, mutual accountability and management for results. These principles recognize that sustainable development, including the achievement of ICPD goals and MDGs, requires coordinated support for national development plans, less fragmentation of funding and more effective partnerships.

UNFPA's activities in sexual and reproductive health deal with a number of sensitive issues (such as the family planning and HIV and AIDS needs of adolescents and young people). Nonetheless, over the past few years, governments have made a number of powerful commitments that promote the fulfilment of sexual and reproductive health:

- ▶ Most of the world's governments have ratified the ICCPR, ICESCR, and CEDAW—all treaties that support sexual and reproductive health and reproductive rights (see the definition of 'reproductive rights' below).
- ▶ In 1994, the world's governments made a commitment at ICPD to advance women's and men's sexual and reproductive health and reproductive rights.
- ▶ The Millennium Development Goals (MDGs) were adopted by world leaders following the United Nations Millennium Summit in 2000. The eight goals are consistent with the ICPD's vision: Three of them, which depend crucially on the availability and use of sexual and reproductive health care, call for reducing maternal and infant deaths and combating the AIDS pan-

<sup>1</sup> UNFPA Strategic Plan 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.

<sup>2</sup> Development Co-operation Directorate, Organization for Economic Co-operation and Development, The Paris Declaration and Accra Agenda for Action.

Available at: [http://www.oecd.org/document/18/0,3343,en\\_2649\\_3236398\\_35401554\\_I\\_I\\_I\\_I,00.html](http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_I_I_I_I,00.html).

<sup>3</sup> Third High Level Forum on Aid Effectiveness, Accra Agenda for Action, Sept. 2-4, 2008.

Available at: <http://siteresources.worldbank.org/ACCRAEXT/Resources/4700790-1217425866038/AAA-4-SEPTEMBER-FINAL-16h00.pdf>.

demic.<sup>4</sup> In 2007, the MDGs were expanded to include the additional target of universal access to sexual and reproductive health services.

In order to make universal access to sexual and reproductive health a reality, it is essential to focus on **gender equality and women's empowerment**. Gender equality is a cross-cutting theme in all sexual and reproductive health plans and programmes, especially as a critical gap remains in the area of sexual and reproductive health and reproductive rights when it comes to fulfilling gender equality. Many governments around the world have shown their commitment to gender equality by ratifying CEDAW. This means they are legally bound to promote women's human rights. Gender mainstreaming has become an essential part of UN country programmes, and many governments are integrating gender budgeting into their national development frameworks, for example, in poverty reduction strategies. This focus on gender equality helps to create an enabling environment for the achievement of universal access to sexual and reproductive health.

In addition to focusing on gender equality and women's empowerment, it is also essential to take account of **culture** when supporting sexual and reproductive health programmes. The intersections between human rights, gender and culture are greatly emphasized in the area of sexual and reproductive health, where cultural beliefs and attitudes often have an enormous impact on an individual's sexual and reproductive health choices and his/her access to services. Working from **within** a culture (for example, by working with faith-based organizations, religious leaders, religious NGOs, traditional leaders, indigenous communities, youth associations, etc.) is essential to attaining sexual and reproductive health for all.

In the area of reproductive health, UNFPA's role is to:

- ▶ ensure that the ICPD agenda is adequately reflected in all national development strategies, including poverty reduction strategies and sector policies, plans and programmes;
- ▶ be an effective advocate for ensuring that sexual and reproductive health activities, in particular those related to the needs of young people, as well as gender concerns, receive sufficient resources within sector budgets;
- ▶ play a prominent role at all stages (from planning to implementation to monitoring and evaluation) of all processes that affect SRH planning and programming at the national level;
- ▶ advocate for a results-based approach to strengthen the design and implementation of SRH-related planning and programming at the national level; and
- ▶ promote partnership with civil society in the planning, implementation, monitoring and evaluation of national and sector programmes.

To achieve the above, UNFPA works with countries in a wide variety of ways, such as:

1. Supporting countries in their implementation of the ICPD Programme of Action, tracking progress and monitoring results.
2. Working with civil society, including faith-based organizations (FBOs), to advocate for and support the advancement of ICPD goals through, for example, the building of reproductive rights-focused strategic plans.
3. Harmonizing with development partners to reduce fragmentation and transaction costs.
4. Supporting four priority areas, which include:
  - a. Provision of SRH services as part of basic health-care services;

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<sup>4</sup> S. Bernstein and C.J. Hansen, *Public Choices, Private Decisions: Sexual and Reproductive Health and the Millennium Development Goals*, New York, UN Millennium Project, 2006. Available at: [http://www.unmillenniumproject.org/documents/MP\\_Sexual\\_Health\\_screen-final.pdf](http://www.unmillenniumproject.org/documents/MP_Sexual_Health_screen-final.pdf).

UNFPA focuses on the 'life-cycle approach' to sexual and reproductive health, which includes supporting countries to respond to adolescents' and young people's SRH needs; preventing maternal mortality and morbidity; and providing women and men (including elderly women and men) with the sexual and reproductive health information, goods and services they require. (For more on adolescents and young people and a HRBA, see Information Card 3 at the back of the Manual).

- b. The integration of HIV prevention, management and care in SRH services; UNFPA is the **designated lead agency (under the UNAIDS Division of Labour) for the provision of HIV prevention-related information and education, condom programming, HIV prevention for young people outside schools, and prevention efforts targeting vulnerable groups, which includes leading the UN response in the area of sex work.**<sup>5</sup> UNFPA focuses especially on HIV prevention in women and girls. (For more on UNFPA's activities in the area of HIV prevention see the box below.)
- c. Gender-sensitive, life skills-based SRH education and a package of social protection services for adolescents and youth.
- d. SRH in emergencies and humanitarian crises;<sup>6</sup> UNFPA is the **lead agency for providing sexual and reproductive health services in emergencies.** UNFPA's efforts in emergencies include partnering with others to ensure the immediate shipment of supplies and equipment to enable pregnant women to deliver safely, and then transitioning at the end of the emergency towards a post-conflict and long-term development approach. (For more on UNFPA's work in sexual and reproductive health and emergencies, see Module 6.)

### Explanatory note on the 'life-cycle approach'

Reproductive health is a lifetime concern for both women and men, from infancy to old age. UNFPA supports programming tailored to the different challenges they face at different times in life.

In many cultures, the discrimination against girls and women that begins in infancy can determine the trajectory of their lives. The important issues of education and appropriate health care arise in childhood and adolescence. These continue to be issues in the reproductive years, along with family planning, sexually transmitted diseases and reproductive tract infections, adequate nutrition and care in pregnancy, and the social status of women and concerns about cervical and breast cancer.

Male attitudes towards gender and sexual relations arise in boyhood, when they are often set for life. Men need early socialization in concepts of sexual responsibility and ongoing education and support in order to experience full partnership in satisfying sexual relationships and family life.<sup>7</sup>

To illustrate the implementation of a HRBA in a SRH programme, the Module 4 case study focuses on a combination of activities one, two and three listed above. This case study was chosen specifically because it is broad, and because it highlights UNFPA's work in partnership with the government and CSOs in the creation of a broad, comprehensive SRH programme that will fulfil the needs and rights of an especially marginalized population.

<sup>5</sup> Op. cit., UNFPA Strategic Plan 2008-2011. See also UNAIDS Division of Labour. Available at: <http://www.unaids.org/en/Cosponsors/DivisionOfLabour/default.asp>. Program on International Health and Human Rights, Harvard School of Public Health and the

<sup>6</sup> UNFPA, Reproductive Rights and Sexual and Reproductive Health Framework, May 2008, at para 28.

<sup>7</sup> UNFPA, Reproductive Health: The Life Cycle Approach. Available at <http://www.unfpa.org/rh/lifecycle.htm>.

## Four priority areas

To implement the strategic plan's goals in reproductive rights and SRH and to contribute to achievement of the related outcomes, UNFPA will invest in four priority areas:

1. SRH services as part of the basic health-care services delivered at district and local levels, particularly primary health care, through functioning health systems that prioritize quality, equity and integration and are equipped with accountability mechanisms for users and providers. The SRH package should universally include: family planning services; pregnancy-related services, including skilled attendance at delivery, emergency obstetric care and post-abortion care; STI and HIV prevention, and diagnosis and treatment of STIs; prevention and early diagnosis of breast and cervical cancers; prevention of gender-based violence and care of survivors; and RHCS for each component of the package. UNFPA will emphasize the key components of the package as relates to the outcomes of the strategic plan while at the same time promoting progressive realization of comprehensive SRH care.
2. The integration of HIV prevention, management and care in SRH services. The integration of HIV and SRH services matters enormously from a user's perspective, providing users with a unique experience in dealing with the health-care system as a single entity, in testing its quality and in feeling supported. This will determine the extent to which users trust the system and its value in resolving their problems, which, in turn, will determine continuity of use.
3. Gender-sensitive, life-skills-based SRH education and a package of social protection services for adolescents and youth, including SRH. At a minimum, these will include life-skills education, psychosocial counselling, contraception, HIV-prevention, STI-prevention/treatment and maternal health services;
4. SRH in emergencies and humanitarian crises, which will include the same services defined above in the SRH package to safeguard the SRH and reproductive rights of women and adolescents affected by conflict and disasters.<sup>8</sup>

As you work through the rest of this Module, take note of the **value-added of a HRBA for sexual and reproductive health programming:**

- ▶ Grounding sexual and reproductive health programming in a human rights framework clarifies the obligations and responsibilities of duty-bearers (such as the government, religious leaders, parents, etc.). Impressing upon a government the fact that it has **legal obligations to provide access to sexual and reproductive health services** is especially important when dealing with the sensitive issues that fall under UNFPA's mandate in this area. Often, governments are unwilling to deal with sensitive issues (such as access to contraception for adolescents and young people, or HIV prevention for sex workers), but are more likely to do so when they are aware of their specific duties.
- ▶ By encouraging the **participation** and **inclusion** of marginalized groups throughout the programming process, a HRBA helps to ensure that sexual and reproductive health goods, information and services are tailored to the needs of these groups. This will help to make programmes more effective in the long term.
- ▶ Keeping in mind the human rights principles of **universality** and **inalienability, indivisibility, interdependence** and **interrelatedness** strengthens sexual and reproductive health programmes by emphasizing the intersections between reproductive rights and other human rights—such as the rights to education, information, privacy, food and shelter. These intersections require that sexual and reproductive health programmes be built upon multisectoral partnerships, and that the expertise and resources of diverse groups and ministries be combined to create

<sup>8</sup> Op. cit., UNFPA. Reproductive Rights and Sexual and Reproductive Health Framework, May 2008, at para 28.

truly comprehensive national sexual and reproductive health frameworks, strategies and programmes. Such holistic ownership of sexual and reproductive health plans will strengthen their acceptability, sustainability and effectiveness.

- ▶ Implementing the principles of **equality** and **non-discrimination** will shed light on groups whose sexual and reproductive health has been particularly neglected. Focusing on the most neglected groups is essential if universal access to sexual and reproductive health is ever to be attained.
- ▶ A HRBA emphasizes **accountability** and **rule of law**. This includes promoting the creation and implementation of national laws and policies that advance sexual and reproductive health and reproductive rights, supporting governments in upholding the promises made at ICPD (and grounding these promises in governments' legal obligations under international human rights treaties), and ensuring that sexual and reproductive health programmes are designed, implemented, monitored and evaluated in a transparent, participatory manner, where results are disseminated with the public and a complaint process exists for those who feel that the programme may have violated their rights. Such a process will help to ensure more sustainable and effective SRH programmes in the long term. SRH programmes that might neglect or violate human rights (e.g. programmes that only provide SRH services to people who can pay for them) will not stand the test of accountability and rule of law.
- ▶ By adopting a HRBA, the message is conveyed that one has the right not only to SRH services, but to **quality** services, and that these services should not just be made **available**, but should also be **accessible** and **acceptable** to all groups (see our discussion regarding the elements of the 3AQ in Module 2).

### UNFPA's Reproductive Rights and Sexual and Reproductive Health Framework

UNFPA will implement the SRH framework in the context of applying the principles of human rights, gender equality and cultural sensitivity. It understands the human rights-based approach as a set of obligations (entitlements for citizens) of States to their citizens<sup>9</sup> to allow them to exercise their reproductive rights through access to affordable, quality SRH services. To fulfil this right, UNFPA supports the development of accountability mechanisms within health-care institutions so that diverse social actors can participate and exercise control over the way health systems deliver services. At the same time, UNFPA emphasizes the need to build cultural legitimacy for human rights principles so that communities can make them their own.

With special attention to understanding how values, practices and beliefs affect individuals in their communities, UNFPA works closely with communities to understand and adapt to cultural diversity of perceptions, language and norms. In the same way, UNFPA promotes gender equality through ensuring access to SRH services as a way of empowering women and adolescent girls to control their sexual and reproductive lives. This SRH framework and the strategic plan underscore this principle and have created synergies with the gender-mainstreaming framework approved in 2007 to enhance the empowerment of women in addressing entrenched patterns of social and cultural discrimination with complementary initiatives.<sup>10</sup>

## B. UNFPA's goals and outcomes for reproductive health

In its Strategic Plan 2008-2011, UNFPA lists one main goal and five outcomes in its sexual and reproductive health programme area.

UNFPA's **goal** is:

***Universal access to sexual and reproductive health by 2015 and universal access to comprehensive HIV prevention by 2010 for improved quality of life.***

### Expected outcomes<sup>9</sup>

**Outcome 1:** Reproductive rights and SRH demand promoted and the essential sexual and reproductive health package, including RH commodities and human resources for health, integrated into public policies of development and humanitarian frameworks with strengthened implementation monitoring.

**Outcome 2:** Access to and utilization of quality maternal health services increased in order to reduce maternal mortality and morbidity, including the prevention of unsafe abortion and management of its complications.

**Outcome 3:** Increased access to and utilization of quality, voluntary family planning services by individuals and couples according to reproductive intention.

**Outcome 4:** Demand, access to and utilization of quality HIV and STI prevention services increased, especially for women, young people, and other vulnerable groups including populations of humanitarian concern.

**Outcome 5:** Access of young people to sexual and reproductive health, HIV and gender-based violence prevention services, and gender-sensitive, life-skills-based sexual and reproductive health education, improved as part of a holistic multisectoral approach to young people's development.

In all of its SRH programmes, UNFPA supports both duty-bearers and rights-holders, and thus aims to expand not just the availability, accessibility, acceptability and quality of sexual and reproductive health services, but also to expand the utilization of services, and to train rights-holders in knowing what their rights are and how to demand them.

Sustaining support for sexual and reproductive health is critical, and is necessary for UNFPA to promote achievement of the goal and outcomes listed above. Unfortunately, as UNFPA notes in its Strategic Plan 2008-2011, support for sexual and reproductive health may be weakening, with the exception of some work in the area of HIV/AIDS.

UNFPA believes that addressing the sexual and reproductive health and HIV prevention needs of vulnerable/marginalized groups requires a multisectoral approach. To meet this challenge, UNFPA programmes will require greater cohesion among the different levels of the organization as well as with other agencies, especially UNICEF, WHO, the World Bank and UNAIDS.<sup>10</sup>

<sup>9</sup> For more details on these outcomes, see the UNFPA Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.

<sup>10</sup> Op. cit., UNFPA Strategic Plan, 2008-2011.

## C. Sexual and reproductive health and reproductive rights

According to UNFPA, **sexual and reproductive health** incorporates the protection and promotion of reproductive rights for individuals and couples through access to comprehensive health services and information to meet sexual and reproductive needs, relating to both physical and mental health, **throughout the life cycle** (this includes attention to aging populations).<sup>11</sup> Through its work on sexual and reproductive health, UNFPA promotes a wide range of human rights, including the rights to health, life, privacy, information and education.

Note that UNFPA's work in the 'reproductive health' area encompasses sexual and reproductive health (SRH) and reproductive rights (RR).

UNFPA works hard to promote ICPD and support governments in their efforts to respect, protect and fulfil the reproductive rights and achieve sexual and reproductive health of individuals, especially when it comes to marginalized or excluded groups (e.g. those living in extreme poverty, especially disadvantaged adolescents and youth, women survivors of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous people, women living with disabilities, refugees and internally displaced persons, women living under occupation, and aging populations).

Although 'reproductive rights' are not specifically stated in international human rights documents, the ICPD Programme of Action articulated and affirmed the idea that reproductive rights **embrace** rights that have been established in national laws and earlier international human rights documents and other consensus documents<sup>12</sup>

**“Reproductive rights embrace certain human rights that are already recognized in national laws, international laws and international human rights documents and other consensus documents. These rights rest on the recognition of the basic rights of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes the right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.”**

– ICPD Programme of Action, para. 7.3

As can be seen from the quote above, UNFPA's work in advancing ICPD by promoting sexual and reproductive health and reproductive rights is inextricably tied to the promotion and protection of many other human rights. SRH and RR therefore, more than anything else, highlight the indivisibility, interdependence and interrelatedness of human rights. Reproductive rights derive from the

<sup>11</sup> Ibid.

<sup>12</sup> See ICPD Programme of Action, para. 7.3.

recognition of the basic right of all individuals and couples to make decisions in their reproductive lives free of any form of discrimination, coercion or violence. As a result, they include many of the rights listed in the ICPD excerpt above (e.g. right to health, right to decide the number and spacing of children, right to privacy, right to marry and create a family, and so forth). (See also the table in Module 1, where UNFPA's various activities can be seen to advance different human rights). All of these rights are relevant when implementing a SRH programme.

The committees that monitor CEDAW and the CRC have also produced a number of General Comments that further elaborate the notion of reproductive rights.<sup>13</sup>

### **For example – The Committee monitoring CEDAW states in General Recommendation No. 21 (equality in marriage and family relations):**

The responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women's lives and also affect their physical and mental health, as well as that of their children. For these reasons, **women are entitled to decide on the number and spacing of their children.**

Some reports disclose coercive practices that have serious consequences for women, such as forced pregnancies, abortions or sterilization. Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or government. **In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.**<sup>14</sup>

In addition, the Committee on the Rights of the Child stresses in General Comment No. 4 (Adolescent health and development in the context of the Convention on the Rights of the Child) that States parties “should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted diseases (STDs).”<sup>15</sup>

Consider drawing upon General Comments and other such documents when supporting the design of national programmes as they often provide useful information on key issues that duty-bearers and rights-holders should take into account.

Finally, when thinking about reproductive rights in the context of national programming, do not forget the elements of **availability, accessibility, acceptability and quality (the 3AQ)**, which were introduced in Module 2. They form a minimum standard of the right to health (and thus of the right to sexual and reproductive health). Any sexual and reproductive health services or information programme supported by UNFPA or its partners—such as condom provision, HIV prevention services, obstetric care services, etc.—must be available, accessible, acceptable and of high quality.

<sup>13</sup> Refer back to Module 1, or to the Glossary of Terms, for a discussion of a treaty bodies and ‘General Comments’.

<sup>14</sup> CEDAW, General Comment 21. Available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#top>.

<sup>15</sup> Committee on the Rights of the Child, General Comment No. 4, Adolescent health and development in the context of the Convention on the Rights of the Child, U.N. Doc. CRC/GC/2003/4 (2003).

Available at: <http://www1.umn.edu/humanrts/crc/crc-generalcomment4.html>.

## Hint: How to think about sexual and reproductive health in the context of human rights, and therefore about reproductive rights<sup>16</sup>

Reproductive rights are not new rights. They relate to the ability of an individual woman or man to make and control decisions about her or his life, which will impact on her or his sexual and reproductive health.

As is mentioned above, according to international consensus no new rights have been created. Rather, the constellations of rights that together make up what we call reproductive rights have been identified from within the existing human rights documents.

Reproductive rights are understood to be entitled to protection for their own sake, but also because they are essential as a precondition for the ability to exercise other rights without discrimination. Protecting reproductive rights mean considering governmental obligations under the human rights documents in a whole new light. For example, consider the rights to education, health and social services in relation to all of the well-known causes of maternal mortality. A government that fails to provide education, health and social services to young women of reproductive age could well be found to be in violation of these rights now recognized as part of reproductive rights. This is likely not to have been the case before the ICPD conference.

Consider the additional elements of information that a gender perspective and recognition of the existence of reproductive rights would bring to governmental accountability under the human rights treaties it has ratified. Think through the added dimensions that considering a right from this perspective brings. For example, the right to bodily integrity and security of the person was traditionally understood to relate to actions concerning individuals in the custody of the State, or use/abuse in medical experiments, etc. But it actually can also be interpreted as security from sexual violence and assault at the hands of one's intimate partner or others.

*In 1997, UNFPA put out a State of the World Population report on sexual and reproductive health and reproductive rights. This report provides an excellent summary and discussion of reproductive rights and can be used for further research and reading on this topic.*

### **Reproductive rights are central to human rights...for biological, social, cultural and economic reasons.**

What does it mean to say that UNFPA promotes ICPD and supports the advancement of the sexual and reproductive health and reproductive rights of individuals? Take a look at some of UNFPA's projects in this area:

- ▶ As part of the Stronger Voices for Reproductive Health project, UNFPA supports partnerships to improve the quality of sexual and reproductive health care in six developing countries. A user's right to quality sexual and reproductive health care is the cornerstone of the project. The initiative aims to enable women to better articulate their reproductive needs and rights through the establishment of community-based mechanisms that give them a stronger voice in securing quality sexual and reproductive health care. It also encourages greater interaction between health care providers and users.<sup>17</sup>

<sup>16</sup> Much of the text in this box is taken from: WHO, Transforming Health Systems: Gender and Rights in Reproductive Health, Module 3. Session 2. Part 4: How to think about reproductive health in the context of human rights, and therefore about reproductive rights, WHO/RHR/01.29 (2001).

<sup>17</sup> See the Stronger Voices for Reproductive Health website. Available at: [http://www.unfpa.org/stronger\\_voices/](http://www.unfpa.org/stronger_voices/).

- ▶ The EU/UNFPA Reproductive Health Initiative for Youth in Asia (that ended in October 2007) contributed to advance the sexual and reproductive health and reproductive rights of young people. The initiative focused on disadvantaged and vulnerable adolescents and youth, including those in and out of school, married and unmarried young people, street youth and factory workers, among others. By acknowledging the sensitivity of addressing adolescent sexual and reproductive health issues, and by involving parents, teachers, religious leaders and others, the initiative changed cultural attitudes toward sexual and reproductive health education for young people, and led to new policies and guidelines for adolescent/youth-friendly reproductive and sexual health services in several Asian countries.
- ▶ As part of its efforts in HIV prevention, UNFPA engages in a number of activities outlined in the box below.

### UNFPA and HIV prevention

UNFPA works to support efforts to intensify and scale up universal access to HIV prevention using human rights-based, evidence-informed strategies, which include strengthening linkages with sexual and reproductive information and services and focusing attention on the gender inequalities that fuel the epidemic.

As mentioned above, UNFPA takes a leadership role in comprehensive condom programming and prevention among adolescents and young people and among women, two groups that are at greatest risk of infection. It also reaches out to other vulnerable populations, including sex workers and their clients. Linking HIV with SRH enables a comprehensive, full-scale and sustained response towards the goal of universal access to comprehensive HIV prevention programmes, treatment, care and support by 2010.<sup>18</sup>

Some of UNFPA's activities in HIV prevention include:

#### Working with rights-holders and duty-bearers

In 40 countries in some stage of conflict, emergency or recovery, UNFPA has worked with partners to deliver SRH information and services, including HIV prevention, and responding to gender-based violence. Examples of this work include:

- ▶ A toolkit on engaging young men on HIV prevention that has been field tested in the LAC region where UNFPA has supported 14 governments in institutionalizing gender and SRH in national police or armed services or both.
- ▶ In several Asian countries, UNFPA has successfully supported promotion, training, peer education and inclusion of safer sex and STI and HIV prevention for sex workers and their clients.

#### Young people

- ▶ In Asia and Africa, more than 100 partnerships have been formed to improve the provision of SRH and HIV prevention and services to young people.
- ▶ In Asia, youth centres have been expanded to ensure that young people's access to information is linked to access to youth-friendly services.
- ▶ UNFPA action in sub-Saharan Africa is guided by its African Regional Strategy 2004-2015, with HIV prevention, especially among young people, a priority. In one country in southern Africa, integrated services were the focus. The sites expanded sexual and reproductive health care to include voluntary counselling and testing for HIV (VCT), treatment of opportunistic infections, HIV prevention in pregnancy, community home-based care, and support groups for youth living with HIV/

<sup>18</sup> Op. cit., UNFPA Strategic Plan 2008-2011.

## UNFPA and HIV prevention (continued)

AIDS. By 2009, the programme is expected to reach 60 percent of the country's youth population through health centres and hospitals in schools, youth centres, and 'out-of-school' peer activists.

- ▶ Thousands of adolescents in a country in Asia gained life skills through training and access to information via hotlines and new 'youth-friendly services' rooms established in 2005 in every township in the county.

### Condom programming

- ▶ In Asia, the Reproductive Health Initiative for Youth and Adolescents has impacted access to condoms through youth-friendly information, education, services and counselling for youth, such as establishing 'condom corners'.
- ▶ In 2005, UNFPA launched the Global Female Condom Initiative, which aims to integrate female condom programming as an essential component of national HIV/AIDS policy guidelines and sexual and reproductive health in at least 23 countries. Progress has been made in a number of countries around the world.
- ▶ The Country Commodities Manager, a tool to assist country level efforts in assessing sexual and reproductive health commodity requirements and stock positions, is now operational in 85 countries.
- ▶ In one East Asian country, UNFPA continues to support efforts of the Ministry of Railways' HIV awareness efforts aimed at protecting the 2.2 million railway workers and their families as well as millions of passengers. Condom promotion is an explicit part of the railway campaign.<sup>19</sup>

Closely linked to UNFPA's efforts in HIV prevention, and more generally to sexual and reproductive health and reproductive rights, is the promotion of gender equality. Due to the extra burdens women bear around reproduction and child-bearing, promotion of their rights is crucial for the success of improved sexual and reproductive health. However, gender equality cannot be achieved by focusing exclusively on women, and UNFPA therefore also involves men in its efforts.

Finally, UNFPA acknowledges the influence of population dynamics such as fertility, mortality and migration on the prospects for social and economic development. It likewise recognizes that sexual and reproductive health, in turn, influences population dynamics as they relate to such disparate factors as unintended pregnancies, premature death and disability, as well as the opportunities that exist for women to participate in the labour market and local communities. UNFPA recognizes that rapid population growth, high fertility rates, unintended pregnancies and high infant and child mortality rates constitute a 'demographic-related poverty trap'. The poorest people tend to have the highest fertility rates and the largest families. **This is why promoting the ICPD agenda is so important to alleviating poverty.** (See Module 1 and Module 3 for more details on the links between a HRBA and poverty reduction strategies, and to learn how UNFPA's population and development activities work towards poverty reduction).

In order to break out of the poverty trap, sexual and reproductive health and reproductive rights must be achieved, including access to voluntary family planning. Access to sexual and reproductive health information and services allows people to time and space their births, invest more of their resources into the health and education of each child, and increase their chances of breaking the intergenerational cycle of poverty.

With this in mind, we can now turn to the implementation of a HRBA within the reproductive health thematic area.

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<sup>19</sup> UNFPA, HIV–Prevention is for Life: Highlights of UNFPA Action at Country Level, August 2006. Also see UNFPA, Prevention is for Life. HIV/AIDS: Dispatches from the Field, 2008. Available at: <http://www.unfpa.org/public/publications/pid/1181>.

## PART II – CASE STUDY

This case study is merely illustrative; please note that all country contexts are different. It is our hope that by taking you through the process, and by showing you the key questions to ask or think about, you will then be able to apply this process to your future work in implementing a HRBA in SRH activities in the future.

Throughout this Module, we will be using an illustrative case study that features a UNFPA-supported sexual and reproductive health programme in the imaginary country of Mapland. We will present you with the case study, and then ask you a series of questions regarding how each human rights principle was integrated at each stage of the SRH programme. In some cases, answers can be found in the text of the case study. But in other cases, answers are not easy to come by and can reveal the gaps in implementation of a HRBA.

### Introduction to case study

#### CASE STUDY

##### Mapland: Introduction and background

Mapland is a country where cultural attitudes portray women as less than equals. The major religion speaks out against the use of modern contraceptives and preaches for abstinence until marriage. There are generally high levels of violence against women, and high rates of teenage pregnancies. The highest rates of teenage pregnancies occur in North Mapland, which is more rural, and where cultural and religious attitudes are particularly strong. North Mapland is where UNFPA has decided to focus its support.

In North Mapland, UNFPA is partnering with a local religious NGO (North Mapland Church Relief), a local women's human rights NGO (North Mapland Women's Rights), local town councils, a local youth peer network (North Mapland Youth) and a number of government ministries (the Ministry of Health, the Ministry of Education, the Ministry of Youth Affairs, the Ministry of Justice, the Ministry of Finance, the National Secretariat for Women and the Ministry of Cultural Affairs). The primary implementing partner for this programme is the Mapland Ministry of Health (MOH). As such this partner is responsible for reporting to UNFPA on activities and expenditures. Representatives from the MOH sit on all programme committees, which ensures that they are fully aware of programme progress.

The goal of the SRH programme (called '**The North Mapland SRH Programme**') is to improve sexual and reproductive health and reproductive rights within this region using a HRBA. The ultimate aim will be to scale up the programme throughout the entire country.

"Through an intensive process of community consultation that explores the connection between the rights related to one's own body and other civil, political and economic rights, the North Mapland SRH Programme is fostering personal and cultural transformation in an area where strong negative attitudes towards women prevail."

– Quote by a staff member of North Mapland Church Relief

#### Your task:

You have recently joined UNFPA's Mapland office. You have been asked to advise on how well the UNFPA-supported North Mapland SRH Programme has implemented a HRBA, and where implementation can be strengthened.

The North Mapland SRH Programme was designed by the local and government partners, with UNFPA's support, on the basis of the principles outlined in the ICPD Programme of Action. The Programme is attempting to adopt a HRBA, but as you will see in the case study, it is having difficult doing so consistently.

As you read through the sections of the case study below, keep in front of you the poster illustrating the diagram of a HRBA and the checklist of questions. Consider how the human rights principles of:

- ▶ universality and inalienability;
- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ equality and non-discrimination;
- ▶ participation and inclusion; and
- ▶ accountability and rule of law; and

how the human rights standards embodied in the 3AQ (availability, accessibility, acceptability and quality), were (or were not) applied at each stage of the SRH Programme, and also think about what you would do to strengthen the implementation of a HRBA, both in this case, and if supporting a similar programme.

**Remember that a HRBA is about the *process* of a programme, not just the outcome. The questions that are raised, therefore, are designed to help you learn this process. Think about the *types* of questions you should ask, and *when* they should be asked, in order to help your national partners implement a HRBA in a SRH Programme.**

**Hint: When supporting the implementation of a HRBA in a sexual and reproductive health programme, keep these key HR principles in mind:**

- ▶ In Asia, the Reproductive Health Initiative for Youth and Adolescents has impacted access to condoms through youth-friendly information, education, services and counselling for youth, such as establishing 'condom corners'.
- ▶ **Universality and inalienability:** UNFPA's ultimate goal is universal access to sexual and reproductive health; reproductive rights are universal—every single person has the right to sexual and reproductive health.
- ▶ **Indivisibility:** Reproductive rights cannot be separated from other human rights. And in fact, civil and political rights (such as freedom of information and the right to marry) are equally important to the fulfilment of reproductive rights as are economic, social and cultural rights (the rights to health, shelter, education, etc.). How can you strengthen attention to these different human rights in your SRH programme?
- ▶ **Interdependence and interrelatedness:** Fulfilling reproductive rights depends on the fulfilment of a range of human rights, such as the right to education (e.g. HIV prevention education), or the right to the benefits of scientific progress (e.g. access to modern forms of contraception). This requires SRH programmes to be built upon multisectoral partnerships, and ensures that different duty-bearers, each responsible for fulfilling different aspects of human rights, can work together to advance reproductive rights as a whole.

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- ▶ **Equality and non-discrimination:** Sexual and reproductive health programmes must not discriminate against any group based on factors such as race, colour, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status, such as sexual orientation and marriage status. Instead, SRH programmes should start by targeting those marginalized and excluded groups that have been historically discriminated against, and thus whose sexual and reproductive health needs are most dire.
- ▶ **Participation and inclusion:** SRH programmes should encourage participation at all stages, and inclusion of the most marginalized groups. This is essential to ensure national ownership of the SRH programme, sustainability of the programme, and to ensure that the programme is designed and tailored to fulfil the accurate needs and rights of the marginalized groups. For example, adolescents and young people may have different SRH needs than older population groups; certain refugee populations might be more vulnerable to HIV than others; and so forth. The different needs of different groups can only be properly incorporated into a SRH programme if those groups are included in the programme, and given a voice to express those areas where they face the greatest risks to their sexual and reproductive health.
- ▶ **Accountability and rule of law:** Reproductive rights are grounded in human rights that are already expressed in international human rights treaties (ICCPR, ICESCR, etc.). Governments that have ratified these treaties should protect reproductive rights in their national laws and policies and implement these laws and policies with sufficient budgets. National human rights commissions and the national legal system can also play a role in holding governments accountable for their reproductive rights obligations. Laws and policies that obstruct the fulfilment of universal access to sexual and reproductive health should be determined and efforts made to abolish them (e.g. laws that mandate spousal consent for the receipt of contraceptive methods; laws that mandate user fees; laws that make it difficult for adolescents and young people to access sexual and reproductive health services without parental consent, etc.). SRH programmes themselves should also be carried out in a transparent manner, with regular dissemination of results and other information to the public.

**When supporting the implementation of a HRBA in a sexual and reproductive health programme, the key human rights standards to keep in mind are the elements of the 3AQ:**

- ▶ **Availability:** The national SRH programme should aim to make functioning sexual and reproductive health and health-care facilities, goods and services, as well as programmes, available in sufficient quantity within the country. These goods and services include, for example, safe and potable drinking water and adequate sanitation facilities; hospitals, clinics and other health-related buildings; trained medical and professional personnel receiving domestically competitive salaries; and essential drugs (including antiretroviral therapy) as defined by the WHO Action Programme on Essential Drugs.
- ▶ **Accessibility:** Sexual and reproductive health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:
  1. **Non-discrimination:** Sexual and reproductive health facilities, goods and services must be accessible to all, especially the most marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
  2. **Physical accessibility:** Sexual and reproductive health facilities, goods and services must be within safe physical reach for all sections of the population, especially marginalized groups, such as those living in extreme poverty, especially disadvantaged adolescents and youth; women survivors of violence and abuse; out-of-school youth; women living with HIV; women engaged in sex work; minorities and indigenous people; women living with disabilities; refugees and

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**Hint: When supporting the implementation of a HRBA in a sexual and reproductive health programme, keep these key HR principles in mind: (continued)**

internally displaced persons; women living under occupation; and aging populations. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.

3. **Economic accessibility (affordability):** Sexual and reproductive health facilities, goods and services must be affordable for all. Payment for sexual and reproductive health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
  4. **Information accessibility:** Accessibility includes the right to seek, receive and impart information and ideas concerning sexual and reproductive health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.
- ▶ **Acceptability:** All sexual and reproductive health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as designed to respect confidentiality and improve the health status of those concerned.
  - ▶ **Quality:** As well as being culturally acceptable, sexual and reproductive health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, for example, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water and adequate sanitation.

**Note:** As we have mentioned before, these principles and standards apply across the board to all types of programmes, and all areas of UNFPA's work. When reading Modules 3, 5, and 6, keep this hint box in mind, and think about how each of these principles would be implemented in all of the other thematic areas.

## A. Stage One: Applying a HRBA to situation assessment and analysis

Typically, when a government decides to design a SRH programme, the purpose of carrying out a situation assessment and analysis is to understand the main challenges facing the country with respect to sexual and reproductive health, and the underlying and root causes of these challenges. Implementing a culturally sensitive, gender-responsive HRBA in the situation analysis will help a government ensure that:

- ▶ All rights-holders (e.g. women facing sexual and reproductive health problems, women living in poverty, young people who lack access to comprehensive SRH services, etc.) and duty-bearers (e.g. Ministry of Health, Ministry of Women's Affairs, SRH service providers, religious leaders, etc.) participate actively and meaningfully;
- ▶ The needs of the most marginalized and excluded are considered (e.g. indigenous women whose access to SRH services and information may be worse than for the rest of the population, refugees, IDPs, women in prison, etc.);

- ▶ There are clear channels of accountability; and
- ▶ Current programmes and services are examined to see if they are available, acceptable, accessible and of high quality to all (e.g. by ensuring that such data on SRH services are gathered at the situation assessment stage, and that they are disaggregated as much as possible to see where the gaps lie).

## CASE STUDY

### North Mapland: Situation assessment and analysis as carried out by the government of Mapland, for the North Mapland SRH Programme

#### Applying a HRBA

UNFPA and its partners attempted to apply a HRBA to the process here by ensuring that all partners (listed above) **participated** in the data gathering stage. They did this by hosting regular meetings among partners and asking different partners to carry out different pieces of the data gathering. The Ministry of Health provided health statistics, the Ministry of Education provided education statistics, and so forth. In order to ensure **equality** and **non-discrimination**, UNFPA encouraged its partners to involve civil society organizations in the data gathering, especially those groups that were focused on the most marginalized and excluded populations. Attempts were also made to examine poverty reports and to disaggregate data as much as possible in order to reveal disparities. At this early stage, UNFPA believed that by involving such a wide range of partners, they were promoting the principles of **indivisibility** and **interdependence**, because these different partners could each advance different human rights, all of which were important to furthering the right to sexual and reproductive health (e.g. the Ministry of Education could promote the right to education and information; the National Secretariat for Women could advance the rights of women, etc.). Finally, UNFPA encouraged its partners to promote accountability at this stage by ensuring that all results of the situation assessment and analysis would be shared with the public, and that the programme itself, as well as those who would be responsible for it, were broadly advertised to the North Mapland population.

#### Gathering of data

As part of incorporating a HRBA, UNFPA encouraged its partners to include data from the most excluded/marginalized groups at the data gathering stage. Poverty, violence and health indicators in all of Mapland's municipalities were compared, and this revealed that the 29 municipalities of North Mapland were considered most poorly served by subsidized health care in the region.

The study, which was carried out through a series of municipal workshops, also found that North Mapland had:

- ▶ insufficient institutional data;
- ▶ SRH indicators significantly below national averages;
- ▶ poor community participation in the control and management of resources and services;
- ▶ high rates of sexual and family violence; and
- ▶ a poor supply and quality of sexual and reproductive health services.

On average, the level of maternal mortality was high at 1,000 deaths per 100,000 births. Midwifery services were low in North Mapland, with only 37 percent of women on average having attended births (as compared to 65-90 percent of women having attended births in South Mapland). Overall, there was clearly a lack of access to quality sexual and reproductive health services in North Mapland.

In addition, UNFPA also encouraged its partners to look further and examine who among the North Mapland population was most at risk of poor sexual and reproductive health status. It was found that in North Mapland, among women without education, maternal mortality was six times higher than it

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## CASE STUDY

### North Mapland: Situation assessment and analysis as carried out by the government of Mapland, for the North Mapland SRH Programme (continued)

was among women with secondary education or more; among women in rural areas, maternal mortality was three times higher than in urban areas.

The HIV prevalence in the population between 15 and 49 years was estimated as 0.7 percent. The data were not disaggregated to show specific prevalence rates in North Mapland, or whether rates among women or adolescents and young people were increasing faster than rates for older men.

It was also estimated that, in North Mapland, almost 40 percent of women who had at some point lived in partnership had been the victim of some kind of physical violence on the part of their husband or partner, and that 11.5 percent had been raped.

#### Legal and policy environment

In addition to the usual data gathered at the situation assessment stage, a HRBA requires an examination of the legal and policy environment. UNFPA encouraged its partners to work with Mapland's justice department and with legal and gender experts to gather information on Mapland's laws and policies, as well as any international human rights treaties that had been signed.

It was found that Mapland has ratified several major international human rights treaties without reservation, including the following:

- ▶ International Covenant on Economic, Social and Cultural Rights;
- ▶ International Covenant on Civil and Political Rights;
- ▶ Convention on the Elimination of All Forms of Discrimination against Women; and
- ▶ Convention on the Rights of the Child.

In gathering data on the legal and policy environment, research was also carried out to see whether any Special Rapporteurs (e.g. the Rapporteur on violence against women, and the Rapporteur on the right to the highest attainable standard of health) had visited Mapland, or whether any comments relevant to sexual and reproductive health had been made by the treaty body monitoring committees (e.g. CEDAW committee, CRC committee, ICESCR committee).

It was found that the committee monitoring ICESCR made several references to the government of Mapland in 2003 in its Concluding Observations regarding the status of women's sexual and reproductive health:

"The Committee is concerned about the current state of sexual and reproductive health of women and that the incidence of child and maternal mortality is relatively high."

The research also found that the Special Rapporteur on the right to health carried out a visit to Mapland four years ago and made specific references to the situation of sexual and reproductive health in the country, as well as a number of recommendations. She stated that she was "deeply concerned by the extremely high rates of maternal mortality" in Mapland. She stressed:

- ▶ The importance of ensuring access—in particular for populations living in poverty—to a wide range of sexual and reproductive health services;
- ▶ Civil society and women's groups should be involved in the development of policy, legislation, programmes and strategies in relation to sexual and reproductive health; and
- ▶ A comprehensive, intersectoral policy on sexual and reproductive health should be developed

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for—and with the participation of—adolescents. The policy should be grounded in international human rights law and should recognize, in particular, the right of adolescents to access information, education and user-friendly sexual and reproductive health services, including on family planning and contraceptives, risks related to early pregnancy, and prevention of sexually-transmitted infections such as HIV/AIDS. The right of adolescents to privacy, confidentiality and informed consent should be protected.

Regional treaties were also considered. Mapland has ratified the human rights treaty that pertains to its region, and this regional treaty explicitly makes reference to rights to health, life, information, education, privacy, etc.—all rights that make up ‘reproductive rights’.

In 1994, a new Constitution was adopted in Mapland. It made women and men equal before the law, condemned any form of discrimination against women, offered protection to women during pregnancy and after delivery, provided special assistance for women heads of households, and established the right of the couple to freely determine the number of children they wish to have. In 2003, Mapland also instituted a national sexual and reproductive health policy.

Despite these and other advances, obstacles persist. Among them is the predominance of a patriarchal culture. In North Mapland in particular, strong cultural norms mean that men typically do not allow women to use contraceptives, male infidelity is common and early sexual activity and early pregnancy are common—and often not a matter of choice. Furthermore, Mapland has a poorly developed legal and social culture. Accordingly, the positive action stipulated by the Constitution concerning women’s participation in public administration has not been translated into legislation, despite the efforts of some members of Congress and the women’s movement.

Finally, efforts made towards implementation of existing legislation are weak at best. Laws also prevent those under the age of 18 from accessing family planning information and services without their parents’ consent.

Research was also carried out to understand the religious and cultural context, in order to ensure that a culturally sensitive, gender-responsive HRBA was applied. It was found that religious beliefs in North Mapland reinforce the idea that women should not use contraceptives and that both men and women should not have sex outside of marriage. As a result, sex between unmarried individuals usually occurs in secrecy, and without the use of contraceptives. The major religion is the North Mapland Church. The Church preaches against the use of contraceptives and promotes abstinence until marriage.

### **Causality analysis**

After going over the results of the situation assessment, the government, UNFPA and other partners identified a number of key development challenges. The government determined that, in line with national priorities—taking into account the Concluding Observations made by the ICESCR Committee, and keeping in mind the importance of advancing ICPD and MDG goals—the main development challenge the NMP would focus on would be the high rates of maternal mortality in North Mapland, which could be seen as violations of the rights to life and to health. By framing this development challenge in human rights terms, the Programme partners believed they were consistently applying a HRBA.

A causality analysis (by way of a problem tree) was then used to analyse why these high rates were occurring.

The causality analysis revealed, for example, that some of the factors associated with maternal mortality in North Mapland included:

- ▶ high rates of teenage pregnancies;

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## CASE STUDY

### North Mapland: Situation assessment and analysis as carried out by the government of Mapland, for the North Mapland SRH Programme (continued)

- ▶ low rates of education;
- ▶ lack of access to sexual and reproductive health services; and
- ▶ negative attitudes towards women.

#### **Determination of rights-holders and duty-bearers**

The next step, according to the HRBA was to identify the rights-holders and duty-bearers.

#### **Rights-holders:**

All people are rights-holders. However, when beginning the NMP, the government of Mapland wished to focus on a 'target' group of rights-holders. Given the main development challenge of 'high rates of maternal mortality', it was determined that, within North Mapland, the primary rights-holders would be:

- ▶ women without formal education; and
- ▶ adolescents and youth (girls and boys between the ages of 10-24).

The list of duty-bearers was long:

- ▶ Ministry of Health;
- ▶ Ministry of Justice;
- ▶ Ministry of Education;
- ▶ Ministry of Youth Affairs;
- ▶ Ministry of Finance;
- ▶ National Secretariat for Women;
- ▶ Ministry of Cultural Affairs;
- ▶ local planning councils;
- ▶ North Mapland Church;
- ▶ North Mapland Church Relief (a local religious NGO);
- ▶ North Mapland Women's Rights (a local women's human rights NGO); and
- ▶ North Mapland Youth (a local youth peer network).

Again, based upon the main development challenge, it was agreed that the primary duty-bearers (due to their responsibilities, level of authority and leadership in the area) would be:

- ▶ Ministry of Health;
- ▶ Ministry of Education;
- ▶ Ministry of Youth Affairs;
- ▶ National Secretariat for Women;
- ▶ North Mapland Church Relief;
- ▶ North Mapland Women's Rights; and
- ▶ North Mapland Youth.

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### Capacity gap analysis

The capacity of rights-holders and duty-bearers was assessed, and the specific capacity gaps were mapped out.

It was decided that adolescents and youth lacked the capacity to articulate their rights and needs for SRH services and information. They also lacked the capacity to protect themselves against teenage pregnancies.

Women with no formal education also lacked the capacity to articulate their sexual and reproductive health and reproductive rights (especially in a society where there was such gender inequality) and lacked access to quality sexual and reproductive health services.

With regard to the capacity of duty-bearers, it was not deemed feasible to work with the North Mapland Church. It was, however, considered important to work with the religious NGO (North Mapland Church Relief), as well as the women's rights NGO, the youth network, and a number of government ministries. Their capacity gaps were also mapped out. It was determined, for example, that the North Mapland Church Relief NGO lacked the capacity to provide accurate SRH information to the local community.

All of these rights-holders and duty-bearers were included in the project planning committee that further defined the project, oversaw its implementation and monitored its progress.

### Priority issues

At the end of the situation analysis, the rights-holders and duty-bearers agreed on several priority issues for this programme. Priorities were chosen that would address the persistent negative trend of high rates of maternal mortality. They included:

- ▶ Addressing adolescent sexuality, including teenage pregnancy by using the suggestions provided by the Special Rapporteur on the right to health; and
- ▶ Increasing the availability, accessibility, acceptability and quality of sexual and reproductive health information and services, including maternal and prenatal care and family planning in North Mapland, especially for women with no formal education, adolescents and young people.

## 1) Examining the legal and policy environment

As we mentioned in Module 2, in programming, no intervention takes place in a vacuum. Assessment of the legal and policy environment in which work takes place will help to determine the success or failure of country programme activities.

If you are a UNFPA staff member, you probably know that in order to advance universal **access to sexual and reproductive health**, you will need to be familiar with not just statistics, factors surrounding human resources for sexual and reproductive health development, health regulatory systems, and expenditure frameworks, but also the **national and local laws and public policies** surrounding sexual and reproductive health, gender equality, women's empowerment, youth participation, and so forth. Assessment of this information will provide your partners with a more accurate idea of what sort of interventions will ultimately work in their national SRH programmes.

Understanding the legal and policy environment will also present you with a picture of Mapland's main human rights concerns in the area of sexual and reproductive health.

### Hint: Legal and policy analysis – pay special attention to the following:

When helping your partners to examine the legal and policy context, remind them to **keep a special eye out for general laws that may impede the success of their efforts**, for example laws that require the mandatory registration of sex workers, or laws that require spousal consent for women's access to sexual and reproductive health services including contraception.



1. Take a look at the questions on your checklist of questions (found on your poster) regarding the legal and policy environment. What additional steps would you take to make sure that your partners have sufficiently considered the legal and policy environment before moving forward with their programme?

It does not seem as if information from alternative sources was considered, such as:

- ▶ ombudspersons' reports on the issue of sexual and reproductive health or maternal mortality;
- ▶ reports of human rights NGOs on the status of reproductive rights or women's rights in Mapland;
- ▶ reports of national human rights commissions on sexual and reproductive health-related issues in Mapland;
- ▶ poverty assessments (especially of North Mapland); and
- ▶ direct information from groups in North Mapland whose reproductive rights have been violated.

2. Why might the above sources of information be useful at the situation assessment and analysis stage in a SRH programme?

3. What human rights treaties were signed by Mapland? The case study mentions that they were signed 'without reservation'—do you think it matters whether a State has made reservations to a treaty?

4. What, if anything do we know about Mapland's domestic laws, including the constitution? Are the laws consistent with human rights norms and standards?

When asking these questions, remember that there is often more than one 'right' answer. A HRBA does not guarantee a certain pre-ordained result or a 'right' answer. Instead, it is the process of asking these questions, **and considering these issues, at each stage of a programme that characterizes the nature of a human rights-based approach.**

## 2) General integration of human rights principles into the situation assessment and analysis



5. In general, how well do you think the following human rights principles were considered at the situation assessment and analysis stage?

- ▶ **Universality and inalienability** –Hint: Did the data gathering and analysis activities emphasize that reproductive rights are universal? If yes, how? And if not, what do you think you could do at the situation assessment and analysis stage to ensure attention to the principles of universality and inalienability?



- ▶ **Indivisibility** – Hint: Did the situation assessment and analysis pay attention to the interconnections between the different human rights that make up reproductive rights? If yes, how? And if not, what do you think you could do at the situation assessment and analysis stage to ensure attention to the principle of indivisibility?
  - ▶ **Interdependence and interrelatedness** – Hint: Did the situation assessment and analysis incorporate a multisectoral approach that included institutions, groups and agencies that each could promote different human rights related to reproductive rights? If yes, how? And if not, what do you think you could do at the situation assessment and analysis stage to ensure attention to the principles of interdependence and interrelatedness?
6. In general, how well do you think the following human rights principles were implemented at the situation assessment and analysis stage?
- ▶ **Equality and non-discrimination** – Hint: What, if anything, was done to ensure that no group was discriminated against in the process of data collection and analysis? What, if anything, was done to ensure gender equality at this stage of the sexual and reproductive health programme, and to mainstream gender into the process? How well were the data disaggregated to reveal groups that were being discriminated against?
  - ▶ **Participation and inclusion** – Hint: How was participation of all stakeholders implemented at this stage, and how were marginalized groups—rural women, women lacking formal education, adolescents and young people—included in the process? How is participation helping to make the NMP more culturally-sensitive, if at all?
  - ▶ **Accountability and rule of law** – Hint: What, if anything, was done to ensure the integrity of the data gathering and analysis process—i.e. was enough done to check the quality and reliability of the evidence gathered? How were roles and responsibilities clarified? How were major decisions made? How were the results of the situation assessment and analysis shared with the public?
7. Do you think the situation assessment adequately revealed whether SRH services were available, accessible, acceptable and of high quality for marginalized groups in North Mapland?

In addition to the hints above, refer to the checklist of questions on your poster, and see how many you can answer based on the information provided above.

You may notice that it is difficult to answer all the questions in your checklist of questions as many refer to the process by which the situation analysis was carried out. Although this case study is a description of a UNFPA-supported programme, not all the process details have been recorded or reported. **This is a gap and something you can help to ensure does not happen in the national programmes you support. As a staff member of UNFPA, and as a technical adviser, you can help national stakeholders to pay attention to these sorts of process concerns.**

### Hint: Paying attention to process

Remind your national partners to:

- ▶ record the manner in which the participation of marginalized groups is implemented in their sexual and reproductive health programme;
- ▶ explain how the results of the situation assessment and analysis will be disseminated or shared with the public; and
- ▶ provide evidence of their efforts to ensure non-discrimination, etc.

All of this will be important when it is time to monitor and evaluate their efforts at implementing a HRBA.



8. How would you help your national partners to ensure that the human rights principles and standards listed above are implemented into the situation assessment and analysis here?

## 3) Determination of rights-holders and duty-bearers

### Hint: Rights-holders and duty-bearers

When supporting the implementation of a SRH programme, you want to ensure that your list of 'rights-holders' includes those groups that are **most vulnerable to reproductive ill health**.

This could include groups that have low access to SRH services and information for a variety of reasons—perhaps because they live in poverty, or because they live in hard-to-reach areas, or because they are a group that the government does not want to acknowledge for political or other reasons (e.g. sex workers, certain ethnic minority groups, migrants), or because they may be a group whose SRH needs are simply ignored (such as refugees, adolescents, women prisoners, IDPs, etc.).

Make sure you pay special attention to groups that might face **multiple types of discrimination** (e.g. women with disabilities living in rural areas).



9. What are your thoughts on the list of **primary** rights-holders chosen by the NMP?
10. What groups would you typically assume would be primary rights-holders in a SRH programme? (Remember, it is not enough just to make a list of rights-holders. **A HRBA requires you to identify the rights-holders, their main claims, and the corresponding duty-bearers, and their specific obligations to respect, protect and fulfil those claims**).
11. If you were to list the main claims of the primary rights-holders, what would they be?
12. Who would be the corresponding duty-bearers? And what would their specific obligations be? (It will be interesting to compare your list of duty-bearers with the list the NMP put together).

Remember that the indivisibility and interdependence of human rights encourage the participation of a plethora of duty-bearers outside the Ministry of Health. **Think creatively about the duties and responsibilities of other parties.** For example, what do you think the duties might be for the NGO North Mapland Church Relief? What do you think of the list of primary duty-bearers that the NMP selected here? Are these groups that you would typically view as duty-bearers in a SRH programme?

#### 4) Capacity gap analysis

Only after properly identifying the rights-holders and their claims, and the corresponding duty-bearers and their specific obligations, can we accurately list the capacity gaps of the rights-holders and the duty-bearers. When thinking about capacity gaps, remember the points we raised in Module 2. Consider the aspects of responsibility/motivation/leadership, authority and resources.



- I3. Who typically has the responsibility/motivation/commitment/leadership to provide SRH services and information to women, adolescents and young people?
- I4. Who typically has the **authority** to do so?
- I5. Who typically has the **resources** to spend on sexual and reproductive health services?

Having identified some of the potential capacity gaps, turn back to the research that was gathered on the legal and policy environment in Mapland. As we mentioned in Module 2, investing in capacity development will have little impact on human rights if laws, institutions and policies fail to recognize rights and establish specific roles. UNFPA may wish to suggest that the NMP develop the capacity of adolescents to demand access to sexual and reproductive health services. However, if national legislation is in place that states it is illegal for adolescents to access SRH services without parental consent, this would be an obvious barrier to be overcome before they could do so.



- I6. Are there any laws and policies that might be an obstacle to fulfilling any of the capacity gaps that resulted from the NMP capacity gap analysis?

#### 5) How to set priorities that advance human rights?

The final step in integrating a HRBA into the situation analysis is to identify the priorities. A government usually chooses its priorities based on its national strategy or country programme, as well as any available critiques and/or documentation thereof. When helping a government to choose priorities, UNFPA will tend to focus on priorities that will further ICPD goals, as well as UNFPA's sexual and reproductive health goal and outcomes.



17. What kinds of priorities have you typically come across in your work in SRH? **IO.** What groups would you typically assume would be primary rights-holders in a SRH programme? (Remember, it is not enough just to make a list of rights-holders. A HRBA requires you to identify the rights-holders, their main claims, and the corresponding duty-bearers, and their specific obligations to respect, protect and fulfil those claims).
18. Do you think the priorities chosen in this case study advance UNFPA's sexual and reproductive health and reproductive rights goal and its outcomes?
19. Do the priorities address sexual and reproductive health disparities within Mapland?
20. Do the priorities ensure that interventions reach the most marginalized groups?
21. In your opinion, do the priorities address the gaps raised by a human rights-based situation assessment and analysis of the situation?
22. Based on your answers to questions 17-21, do you think the priorities chosen in this case study are 'human rights-based'?
23. What do you think UNFPA staff can learn from this case study that will be helpful in your work in supporting governments to advance ICPD goals from a human rights-based approach in the future?

Even as there might not be enough information provided in the case study to answer all the above questions fully, consider these isues when supporting a situation assessment and analysis for a national SRH programme.

Remember, **the skill of knowing how to implement a HRBA lies in understanding the questions that should be asked at each programming stage.**

Let us move onto Stage 2: Programme planning and design. Again, keep in front of you the poster with the diagram of a HRBA and the checklist of questions.

## B. Stage 2: Implementing a HRBA in programme planning and design for a SRH programme

Let us see how the UNFPA-supported North Mapland SRH Programme was planned and designed:

### CASE STUDY

#### North Mapland: Planning and design stage of the NMP

The idea at this stage was to plan an effective programme that would ultimately reduce maternal mortality rates by addressing some of its root causes.

Ensuring a culturally sensitive approach to sexual and reproductive health

At the planning and design stage, it was deemed important to work in partnership with the religious NGO North Mapland Church Relief to design a programme that would be culturally sensitive and yet advance reproductive rights (despite the North Mapland Church's stance on contraception). As can be expected, in supporting the goals of the SRH programme, the religious NGO faced a number of dilemmas and risks, but these were jointly addressed by the NMP, and ended up constituting one of the strengths of the project. North Mapland Church Relief did not focus on 'reproductive rights'—instead, it focused on other human rights that were related to reproductive rights, such as the right to health, the right to education, the right to information, and so forth.

From UNFPA's perspective, it was recognized that a project centred on a culturally sensitive, gender-

responsive HRBA could not distance itself from religious convictions and practices in a region with a strong religious tradition. **Once it became clear that people understood and managed their sexuality from a set of cultural norms with deep religious roots, this became an opportunity. Common ground—the inherent dignity of human beings—was established as the base from which all could work together.**

In seeking to design a programme in the sensitive area of sexual and reproductive health, the programme planning team identified **culture** as the central variable that had to be transformed, especially as one of the root causes of high maternal mortality rates was found to be ‘negative attitudes towards women’ that were steeped in culture and tradition. Sensitivity to culture compelled project staff to follow a method of ‘guided community dialogue’. This allowed them to focus on understanding people’s daily lives—what motivated them, why they acted the way they did, and how they survived day to day. Based on this understanding, a culturally sensitive, gender-responsive human rights-based intervention was designed.

### Quote

“We began the work in North Mapland by getting close to people, respecting them and learning about their culture. If we had begun by launching a birth control campaign, we would have been rejected. There are certain things that cannot be faced head on. . . . What traditionally has been done is to look at sexual and reproductive health problems from an objective perspective, but not from people’s own experience. . . . In helping women make decisions about themselves, we found that the road map was the body—teaching them to recognize their body as their own. It allowed us to help women begin a process of self-affirmation and consciousness that impacted the culture and began to change habits.”

– Sexual and Reproductive Health Adviser, UNFPA

At the same time, identifying with people and their day-to-day lives allowed programme staff to sense when the programme was valued by the community, and when people felt that their lives were being changed in a positive and sustainable way. Similarly, programme staff found out quickly if certain aspects of the programme were not working well, and learned to adjust the programme accordingly. In addition, by making the roles and responsibilities of the duty-bearers known to the public, the NMP also encouraged accountability and transparency. Furthermore, the North Mapland Youth Network decided that as part of this programme, and as part of promoting accountability and rule of law, it would help to set up ‘municipal teams’ to monitor the availability and quality of SRH services and information provided to young people in the North Mapland area. Young people could also submit their complaints about poor/substandard SRH services or information to these municipal teams. These teams would then meet with the relevant State authorities to discuss how these problems could be resolved.

At the programme planning stage, UNFPA and its partners agreed upon the following results for the project:

### Outcomes:

- ▶ Maternal mortality decreased; and
- ▶ Sexual and reproductive health services of women lacking formal education, adolescents and young people in North Mapland improved.

### Outputs:

- ▶ Number of emergency obstetric care facilities increased and accessible;
- ▶ Number of medical personnel trained;
- ▶ Number of reproductive health facilities increased and information accessible for adolescents;

- ▶ Number of women attending formal education increased;
- ▶ Number of young friendly services established;
- ▶ Number of reproductive health facilities increased and accessible;

The belief was that these outputs and outcomes would eventually lead to the ultimate goal of reducing maternal mortality rates and improving sexual and reproductive health among the population of North Mapland.

## 1) General integration of human rights principles into SRH programme planning and design

How do you think the following human rights principles were integrated into the planning and design of the NMP?



24. In general how well do you think the following human rights principles were considered at the planning and design stage?

- ▶ Universality and inalienability – Hint: Did planning and design activities emphasize that reproductive rights are universal? If yes, how? And if not, what do you think you could do at the programme planning and design stage to ensure attention to the principles of universality and inalienability?
- ▶ Indivisibility – Hint: Did planning and design activities pay attention to the interconnections between the different human rights that make up reproductive rights? If yes, how? And if not, what do you think you could do at the programme planning and design stage to ensure attention to the principle of indivisibility?
- ▶ Interdependence and interrelatedness – Hint: Did the planning and design incorporate a multisectoral approach that included institutions, groups and agencies that could each promote different human rights related to reproductive rights? If yes, how? And if not, what do you think you could do at the programme planning and design stage to ensure attention to the principles of interdependence and interrelatedness?

25. In general how well do you think the following human rights principles were implemented at the planning and design stage?

- ▶ Equality and non-discrimination – Hint: What, if anything, was done to ensure that no group was discriminated against in the process of planning and designing the NMP? What, if anything, was done to ensure gender equality at this stage of the sexual and reproductive health programme and to mainstream gender into the process? If there was no special attention paid to non-discrimination and gender mainstreaming, what do you think should have been done at this stage of the programme to ensure integration of these principles?
- ▶ Participation and inclusion – Hint: Was meaningful participation of all stakeholders implemented at this stage? How did participation help to make the NMP more culturally sensitive?



▶ Accountability and rule of law – Hint: How were roles and responsibilities clarified at this stage of the process? How was accountability built into the design of the programme, if at all?

26. Do you think that at the planning and design stage adequate attention was paid to how SRH services would be made more available, accessible, acceptable and of high quality for marginalized groups in North Mapland?

In addition to the hints above, refer to the checklist of questions on your poster, and see how many you can answer based on the information provided above.

## 2) Application of a HRBA to results-based management

As we noted in Module 2, project outcomes and outputs are usually determined at the planning and design stage, using results-based management (RBM) methodology. RBM makes UN agencies and partners accountable for achieving **results**. **The process of developing culturally sensitive, gender-responsive human rights-based results is as important as the results themselves.** Turn back to Module 2 if necessary to remind yourself about RBM methodology.

As we state in Module 2, human rights-based **outcomes** will show changes in the **ability** of rights-holders to exercise and claim their rights, and of duty-bearers to respect, protect and fulfil these rights.



27. Take a look at the outcomes in the case study above. Do they show changes in the abilities of either rights-holders or duty-bearers?

28. What are some other human rights-based outcomes you can think of for this case study?

Now, take a look at the **outputs** in the case study above. Refer back to Module 2 for the definition

### Hint: What is a human rights-based output in a SRH programme?

**In general, if an output has been chosen in a manner that is participatory and non-discriminatory, after attention has been paid to marginalized groups, and accountability ensured, the chances are it will be a human rights-based output.**

**In addition to the above, when focusing specifically on SRH, a human rights-based output will typically also fulfil at least one of the following:**

- ▶ Foster the right to universal access to sexual and reproductive health, information, and services;
- ▶ Foster the views of youth in social policies on sexual and reproductive health and sex education;
- ▶ Foster the creation of mechanisms to prevent violence against women and girls and to provide protection to survivors of such violence;
- ▶ Support initiatives for legal reform;

- ▶ Contribute to the review and amendment of laws and practices that do not conform to the constitution and international human rights treaties to which the country is a State party;
- ▶ Advocate the ratification of international human rights instruments dealing with women's rights, or the withdrawal of reservations to CEDAW;
- ▶ Provide technical support for the elaboration of the State report and follow-up and implementation of concluding comments/recommendations to CEDAW and other treaty bodies;
- ▶ Support the inclusion of reproductive rights and the prevention of violence against women in the judiciary and in the work plans of the police, the national human rights institutions and local NGOs;
- ▶ Support advocacy on women's rights and reproductive rights;
- ▶ Support the creation and strengthening of networks that provide legal assistance, medical care and psychosocial support to women and girl survivors of abuse, violence and neglect; and
- ▶ Support the sensitization of health-care personnel on human rights issues.

Please note that this is not an exhaustive list! It just provides you with some examples of factors that can help you determine whether an output is 'human rights-based' or not.



29. Do the outputs in the case study above fulfil any of the criteria listed above? If not, how can they be improved in order to be more 'human rights-based'?
30. Do you think a HRBA has been useful at this stage of the SRH programme? How so?

Now that we have examined the programme planning and design stage, we can move onto Stage 3: Implementation using a HRBA.

### C. Stage 3: Programme implementation using a HRBA

Again, keep in front of you the poster with the diagram of a HRBA and the checklist of questions. Think about how the various human rights principles were (or were not) applied to this stage of the NMP, and also think about what you would do if supporting a similar project.

Let us turn our attention to the case study:

#### CASE STUDY

##### North Mapland: Implementation

During implementation, UNFPA cooperation was conceived of as an adjunct to the work of North Mapland's local health institutions. Programme activities first focused on building the capacity of government institutions responsible for the implementation of national policies on sexual and reproductive health. They continued with direct empowerment and training of people in social organizations and in communities.

##### Capacity-building

The implementation included three types of capacity-building workshops (for both rights-holders and

duty-bearers).

1. The first focused on awareness raising and individual identity. Participants learned to recognize others as human beings who have their own identities and rights, and with whom one can interact on equal terms.
2. The second workshop focused on the meaning of human rights and reproductive rights, and how participants can take action to demand and help realize them.
3. The third workshop focused on rebuilding social relationships within the community and with the State, both at the individual and group level.

The above capacity development workshops were carried out in primarily rural communities in North Mapland, in both public and private settings. Efforts were made to ensure that workshops were made accessible to the most marginalized groups (women living in poverty, women with no formal education and young people) by providing free transportation from rural areas to the workshop sites, holding the workshops at three different times so that working women could attend, and by making the workshops 'child-friendly' so that mothers could come with their children. However, aside from ensuring that representatives from the Mapland Youth Network could attend, no efforts were made to promote the attendance of adolescents and young people in general. Given the fact that some workshop participants could not read, programme staff used pictures and diagrams instead of text to explain reproductive health concepts.

The ultimate goal of the programme was to reduce maternal mortality and improve reproductive health by empowering individuals through a better understanding of their rights. This better understanding would enable them to recognize problems, identify solutions and take individual and collective action for positive change in the area of sexual and reproductive health and reproductive rights, with the support of relevant institutions. UNFPA's role was to facilitate the creation of an environment in which people can make their own diagnoses and elaborate their own plans for action, follow-up and evaluation with the support of local project teams.

In addition, in order to improve the reproductive and sexual health of young people, **municipal teams** for young people's sexual and reproductive health were formed in North Mapland. By 2005, teams had been established in 23 out of 29 municipalities. These municipal teams have worked impressively to negotiate with local government authorities and hold them accountable for promoting reproductive health services in North Mapland. Since 2005, improvements have been noted in the quality and coverage of sexual and reproductive health services for adolescents and young people.

The municipal teams pivot around the creation and consolidation of work groups and/or mobile teams for the promotion of sexual and reproductive health and reproductive rights. The groups are informally structured with no hierarchy, and consist of volunteers representing the health, education and community development sectors as well as local planning councils, women's groups, religious NGOs and youth networks. Most municipal teams strive for a gender balance, but often women are too busy to volunteer their time and so they consist predominantly of men.

Strategic alliances have also been built through negotiations with government and civil society organizations.

### **Communication and dissemination**

The communication strategy at the implementation stage involved the production of flyers, radio programmes and other communication vehicles to raise awareness of the programme and of reproductive rights in North Mapland. This willingness to share and disseminate information with the public was seen as a way of promoting accountability and transparency. Local implementation of the programme was seen as a way to build capacity and to foster internalization of project objectives.

As a result of the community dialogues on sexual and reproductive health, the orientation of the programme shifted in the second phase to focus not just on maternal mortality, but also on survivors of sexual violence and the SRH needs of people in remote rural communities.

*(continued on following page)*

## CASE STUDY

### North Mapland: Implementation (continued)

#### Reaching rural populations

After two years of implementation, the programme expanded its work in rural areas of North Mapland. This reorientation was the result of an evaluation that found that a lot of work had already been accomplished in urban areas, but very little in rural areas, where the greatest violations of rights were occurring. For some time, programme members had thought to approach rural women and youth through social networks. But it turned out these very people were the least visible in such networks. This insight led the technical team and the community to explore a different strategy—one in which rural women, adolescents and young people could become the subjects of direct actions aimed at promoting their rights.

### 1) General integration of human rights principles into SRH implementation

How do you think the following human rights principles were integrated at the implementation stage of the NMP?



31. In general how well do you think the following human rights principles were implemented at the implementation stage?

- ▶ **Equality and non-discrimination** – Hint: What, if anything, was done to ensure that no group was discriminated against in the implementation of the NMP? And if nothing was being done, what would you do? What, if anything, was done to ensure gender equality at this stage of the sexual and reproductive health programme and to mainstream gender into the process?
- ▶ **Participation and inclusion** – Hint: How was meaningful participation of stakeholders implemented at this stage, and how were marginalized groups—rural women, women with no formal education, adolescents and young people—included in the process, if at all? How did the implementation process take into account the needs of the most marginalized groups?
- ▶ **Accountability and rule of law** – Hint: How were roles and responsibilities clarified at this stage of the process, if at all? How was transparency and accountability ensured at this stage of the programme, if at all?

32. How (if at all) did the NMP attempt to make SRH services more available, accessible, acceptable and of high quality for marginalized groups in North Mapland? How would you strengthen their efforts?

In addition to the hints above, refer to the checklist of questions on your poster, and see how many you can answer based on the information provided above.



33. Consider the above questions for a moment. Do you think enough effort was made to ensure the participation and inclusion of excluded groups?

34. How (if at all) did the NMP attempt to make SRH services more available, accessible, acceptable and of high quality for marginalized groups in North Mapland? How would you strengthen their efforts?

Now that we have examined the programme implementation stage, we can move onto Stage 4: Monitoring and evaluation using a HRBA.

## D. Stage 4: Implementing a HRBA to monitoring and evaluation

Monitoring and evaluation requires you to determine: Let us turn our attention to the case study:

- ▶ Who will be involved?
- ▶ How to measure?
- ▶ What to measure?

Again, keep in front of you your poster with the diagram of a HRBA and the checklist of questions. Think about how the various human rights principles were (or were not) applied to this stage of the programme, and also think about what you would do if supporting a similar sexual and reproductive health programme.

### CASE STUDY

#### North Mapland: Monitoring and evaluation

A monitoring and evaluation committee was established comprising representatives of all programme partners as well as community members. The committee had meetings every three months to discuss the NMP's progress and any issues arising. Lessons learned during programme implementation were fed back into programme design, and the programme evolved to meet the emerging needs of the population.

Some community members and representatives of smaller organizations found quarterly meetings onerous and were unable to attend all of the meetings. Despite this, quarterly meetings continued for those committee members who could attend with the aim of ensuring the continued relevance and efficiency of project activities.

In addition, building on the initial baseline survey in 1997, further evaluations were carried out in 2000 and 2004 to monitor the progress and impact of the programme. These evaluations looked at a variety of indicators, such as:

- ▶ knowledge of SRH issues among men and women aged 16-60;
- ▶ level of use of SRH services;
- ▶ maternal mortality rates in North Mapland;
- ▶ teenage pregnancy rates;
- ▶ percentage of births attended by trained health personnel;
- ▶ age at first sex;
- ▶ contraceptive use; and
- ▶ satisfaction with health services.

It was hoped that the data from these evaluations would be disaggregated by at least age, sex, socio-economic status, level of formal education and geographic location, but unfortunately such a level of disaggregation was difficult in all cases, and often the data was disaggregated by only age and sex. The findings of all of these evaluations were shared with community members at gatherings of women's groups throughout the North Mapland area.

In addition to these four-year evaluations, three focus group discussions were carried out with some of the partners (anyone who wished to volunteer) in 2002 to evaluate implementation processes. Some of the key findings from these discussions included:

## CASE STUDY

### North Mapland: Monitoring and evaluation (continued)

- ▶ Understanding the needs and aspirations of individuals and communities requires that development workers ‘enter their reality’—that they spend the time necessary to understand their beliefs, motivations, perceptions and values, and therefore culturally sensitive implementation is essential;
- ▶ Participation, especially among adolescents and youth, is key to changing attitudes and behaviours, but the NMP was not making a real effort to engage young people as actual partners in programme activities. They were still just viewed as ‘volunteers’ and given peripheral non-decision-making roles, especially young people from rural areas and young girls;
- ▶ The support of institutions is integral to progress in SRH. As participation by various groups in the project increased, so did the need to articulate the process of change, and to communicate it to others; and
- ▶ By adopting a HRBA, the message is conveyed that one has the right not only to SRH services, but to **quality** services. This message was conveyed in workshops that were participatory and inclusive, and thus succeeded in reaching and raising awareness among many of the rights-holders.

The diversity of partners in the programme created a need for intensive dialogue as partners were not always in agreement regarding the priorities for this work or the approaches that might be effective in addressing the key issues. This process was very time-consuming and delayed project activities but ultimately helped bring partners closer together. Flexibility and compromise had to be built into programme strategies to accommodate this.

As a result of this flexibility, activities and target groups changed over the course of the project. Thus, while an initial strategy had been to reach particularly marginalized groups (i.e. rural women, women with no formal education, adolescents and young people) through social networks, monitoring revealed that this was not very effective. New spaces were therefore opened up for engaging with marginalized groups (such as wells and river banks—areas where many women gathered at a time to collect water or wash clothes), and new indicators regarding the use of these spaces were introduced. Further, as the importance of communication with partners and other community groups became better appreciated, some programme resources had to be diverted to ensure that sufficient meetings and information-sharing mechanisms were in place.

Managing change in a programme this size and with so many partners was a time-consuming process, but in order to meet the needs of the communities it was felt that the programme had to be responsive to lessons learned. Every effort was made to ensure that this was done in a transparent manner and with the aim of improving progress towards the overall country programme objectives.

#### Indicators

Some of the indicators chosen to measure results included:

- ▶ qualitative feedback from users and participants as to effectiveness of programme;
- ▶ number of people accessing sexual and reproductive health services in rural areas, and the proportion of those that are women and young people living in poverty;
- ▶ maternal mortality rates in North Mapland, disaggregated by age, geography, socioeconomic status;
- ▶ resources allocated to implement government responsibilities to improve sexual and reproductive health services in North Mapland;
- ▶ proportion of births attended by skilled attendants (in North Mapland and nationally); and
- ▶ contraceptive prevalence rate (both nationally and in North Mapland).

## CASE STUDY

### North Mapland: Monitoring and evaluation (continued)

#### Accountability

At this stage of the programme, UNFPA and its partners were primarily concerned about the accountability of the government to the citizens of Mapland. As the programme continued, partners began to think about scaling up the programme to the rest of Mapland. UNFPA's commitment to advancing universal access to sexual and reproductive health meant that a successful programme in North Mapland should be scaled up and implemented nationally. Making plans to scale up the programme also revealed the government's commitment to improving sexual and reproductive health services in Mapland, and thus progressively working towards fulfilling its human rights obligations. This was seen to be important for accountability purposes.

UNFPA also supported Mapland's National Human Rights Commission and Ministry of Justice in improving Mapland's legal system. For accountability purposes, it is important to ensure that there is a strong legal system that is available, accessible, acceptable and of high quality, especially for marginalized groups. This way, citizens can be assured that a fair process exists to enable them to make complaints and receive compensation for violations of their reproductive rights.

### 1) General integration of the key human rights principles in monitoring and evaluation: Who will be involved? How to measure? What to measure?



35. Take a brief look at the M&E questions in the checklist of questions (found on your poster). Would you say that the monitoring and evaluation stage was carried out with an HRBA in mind? Why or why not?

Let us take a closer look at some of the questions:

#### 1. Who to involve?

A HRBA requires that targets are set, and success and failure defined with public participation.



36. Was there 'public participation' in setting the targets of this case study? If so, how? How do you think the participation of marginalized groups, such as young women, can be encouraged at the M&E stage of a SRH programme?

#### 2. How to measure?

Here, our concern is whether the monitoring and evaluation systems are designed to detect causes, practices and impacts of discriminatory actions. We are also concerned, as usual, with accountability. In general, UNFPA takes accountability very seriously, and is committed to helping duty-bearers and rights-holders take part in international reporting requirements.



37. Did the M&E plan for the NMP have a method by which it could detect discriminatory actions? Hint: can you argue that the three focus groups held in 2004 were an effective method to detect discrimination in the way the NMP was being implemented?
38. How did the NMP attempt to ensure accountability at the M&E stage? Do you think these attempts are sufficient?

### 3. What to measure?

As we emphasized in Module 2, a HRBA gives importance not only to the intended results of a programme, but also to the processes through which the programme is implemented. Therefore a HRBA and results-based management call for monitoring: **outcomes, outputs** and the **design/implementation process**.

Monitoring process is essential because it forces you to continually examine whether your efforts to encourage participation, accountability and non-discrimination are working. In order to monitor process and outcomes effectively, you should ensure that you have the proper set of indicators—more specifically, that you include indicators that can actually show whether your process is human rights-based.



39. Are the indicators chosen to monitor and evaluate Mapland's programme human rights-based? Why? Hint: Ideally, you want to include indicators that will show you whether your interventions strengthen the capacities of rights-holders and duty-bearers to advance sexual and reproductive health and reproductive rights.
40. What do the indicators in this case study reveal to us? Do you think they show whether strategies to build the capacity of rights-holders to claim their reproductive rights have been effective? If not, how would you improve the indicators to enable them to do so?
41. Will the indicators show us if North Mapland's SRH Programme has been successful in making SRH services available, accessible, acceptable and of quality to primary rights-holders (such as rural women, women with no formal education, adolescents and young people)? If not, how would you improve the indicators?
42. What kinds of process indicators are being used? Do you think they will show us whether North Mapland's SRH programme is being implemented in a human rights-based manner?

## E. Key take home messages for reproductive health

This case study highlights the linkages that exist between cultural dynamics, gender responsiveness and human rights in carrying out SRH programmes and projects.

- ▶ Throughout the case study, UNFPA attempted to blend its commitment to cultural sensitivity with a commitment to human rights and gender empowerment. The results included a sense of ownership among community members and the creation of valuable partnerships.
- ▶ Through review of the excerpts of the case study, participation and local control emerge as fundamental to the human rights of the individual, especially when implementing a sexual and reproductive health programme.

- ▶ **Participation of the local community also helps to ensure cultural sensitivity and acceptance of human rights.** UNFPA staff and their partners spent a long time among the members of the community—learning about their culture and religion, and learning how to place human rights in a local and cultural context. This is key for SRH programmes, because they deal with sensitive matters.
- ▶ **Do not be afraid to be creative when training programme participants in sexual and reproductive health and reproductive rights.** Reproductive rights can be supported by the local community (despite, for instance, cultural and religious norms that forbid the use of contraceptives), so long as the concept of reproductive rights is entrenched within their cultural context. It may be useful not to use the term ‘reproductive rights’ for instance, but to focus on other human rights—which are all related to reproductive rights. Or, for example, **find what exists in common between local cultural norms and human rights concepts.** All cultures have positive aspects, such as a belief in inherent human dignity, that can be drawn upon to show the importance of sexual and reproductive health care and services.
- ▶ **When implementing a human rights-based SRH programme, introducing the subject of human rights by focusing in the first instance on the human body’s physiological functions and needs and the role of each individual in caring for his or her body, can lead to an understanding of the inviolability of each person’s body.** This, in turn, provides the basis for exploring how all forms of human rights ultimately give the individual full agency over his or her physical, mental and emotional well-being. This understanding is essential for the support of reproductive rights, and can usefully be carried out even in challenging cultural and religious environments.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 5:

Gender



photo by Lynsey Addario ©

# MODULE 5

## GENDER

*This Module summarizes UNFPA's work in the gender thematic area and features a gender equality and women's empowerment case study. It walks you through the case study and reveals the process of implementing a human rights-based approach by asking you to think about the types of questions that should be raised at each stage of a gender programme.*

### **By the end of this Module, you will be able to:**

- ▶ describe and provide examples of UNFPA's work in the gender thematic area;
- ▶ list UNFPA's goal and outcomes in gender;
- ▶ provide at least one example of how each core human rights principle (universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law) and how the 3AQ elements (availability, accessibility, acceptability and quality of services) can be integrated into the process of developing a gender equality and women's empowerment programme; and
- ▶ create (and give examples of) human rights-based outputs, outcomes and indicators in a gender equality and women's empowerment programme.

### **How this Module is structured**

This Module is separated into two parts:

1. An overview presents an introduction to UNFPA's work in the area of gender, a summary of UNFPA's goals and outcomes in this area, and an introduction to UNFPA's gender mainstreaming framework and efforts in gender-based violence.
2. A case study walks the user through a gender equality and women's empowerment case study. After each excerpt of the case study, a series of questions are asked, designed to help the user think about how each human rights principle has been considered or integrated into each stage of the SRH programme. Hints are provided as to what the answers might be, but the key is really to think about the questions and how you would answer them if supporting a gender equality and women's empowerment programme.

## PART I - OVERVIEW

### A. Introduction to UNFPA's gender work

Gender equality and women's empowerment are vital aspects of UNFPA's mandate, and gender mainstreaming is a crosscutting approach relevant to all programming and policy areas within UNFPA and within the UN in general. (Definitions of 'gender' and 'gender mainstreaming' are provided below.)

The concept of bringing gender issues into the mainstream of society has been in existence for a long time and was clearly reaffirmed as a global strategy for promoting gender equality in the Platform for Action adopted at the United Nations Fourth World Conference on Women, held in Beijing (China) in 1995. It highlighted the necessity to ensure that **gender equality is a primary goal in all areas of social and economic development.**

In addition to the Beijing Platform for Action, governments around the world have made a number of other powerful commitments that aim to promote the fulfilment of gender equality and women's empowerment:

- ▶ Most of the world's governments have ratified the ICCPR, ICESCR, and CEDAW—all treaties that support gender equality and non-discrimination. CEDAW in particular promotes the empowerment of women in all sectors of society: social, economical, political and cultural.
- ▶ In 1994, the world's governments made a commitment at ICPD to promote gender equality and advance women's rights. It was agreed that advancing gender equality and equity and the empowerment of women is a cornerstone of population and development programming.
- ▶ In 2000, governments from around the world signed the Millennium Declaration and made a commitment to promote gender equality and empower women with Millenium Development Goal 3 (MDG 3).

The current international climate, therefore, is one where commitment to gender equality has been made by almost all the world's governments. Despite this, gender disparity and discrimination against women continue to prevail, hence the importance of increased effort in this area.

**“Despite a solid evidence-base demonstrating the centrality of women’s empowerment and gender equality to poverty reduction and development, and to unraveling the world’s most pressing global challenges, including HIV and AIDS; and despite universal promises of equality made at the highest levels of government (most recently at the 2000 Millennium Summit and the 2005 World Summit), gender equality remains an unfinished agenda for the 21st Century.”**

–UNFPA, *Delivering on the Promise of Equality: UNFPA's Strategic Framework on Gender Mainstreaming & Women's Empowerment 2008-2011*

When focusing on gender equality and women's empowerment, it is also essential to take account of **culture**. Cultural or religious attitudes and beliefs often have an enormous impact on women's and girls' lives and choices. Working from **within** a culture (for example, by working with faith-

based organizations, religious leaders, cultural leaders, etc.) is therefore essential to achieving gender equality and women's empowerment.

In the area of gender, UNFPA works with governments in a wide variety of ways:

- a. Mobilizing support for developing and improving gender equality policies and legislation.**  
This includes legislation on issues such as violence against women and girls, female genital mutilation/cutting and child marriage—all practices that have, in one way or another, adverse sexual and reproductive consequences, and that predominantly impact and harm women and girls.
- b. Working to eliminate gender-based violence.**
- c. Actively engaging men and boys as partners and agents in promoting gender equality and ending gender-based violence against women and girls.**
- d. Advocating for gender equality and women's empowerment** with governments and CSOs, and promoting commitment to ICPD goals and CEDAW.
- e. Supporting** capacity development activities that raise awareness of women's rights and provide women with the services they require, especially in terms of reproductive health,
- f. Promoting gender mainstreaming in all programmes and policies** (supported by the UNFPA gender mainstreaming framework) as well as promoting gender budgeting.
- g. Supporting governments in preparing their reports to CEDAW** and thereby helping ensure governments' accountability for their international human rights obligations.

The Module 5 case study depicts a blend of activities relevant to 1, 4, and 5 above by focusing on strengthening the implementation of gender equality legislation and raising awareness of women's rights. It showcases a programme that develops government capacity to implement legislation that promotes and protects women's human rights, raises awareness of women's human rights among all actors, and empowers women to articulate and claim their rights. This case study was chosen specifically because it reflects UNFPA's work in partnership with government and CSOs, and shows how important it is to both support empowerment of women to articulate their rights, and support the government in fulfilling its obligations by implementing policies and programmes that promote women's human rights.

As you work through the rest of this Module, take note of the **value-added of a HRBA for gender programming**:

- ▶ Grounding gender programmes in a human rights framework clarifies the obligations and responsibilities of duty-bearers (such as the government, religious leaders, health workers, etc.). Impressing upon a government the fact that it has **legal obligations to promote** gender equality is especially important when dealing with the sensitive issues that fall under UNFPA's mandate in this area. Often, governments that may seem unwilling to deal with sensitive issues (such as cultural practices that are harmful to women) are more likely to do so when they are aware of their specific duties.
- ▶ By encouraging the **participation** and **inclusion** of marginalized groups throughout the programming process, a HRBA helps to ensure that gender equality is for everyone, including the most excluded groups. This will help to make programmes more effective in the long term.
- ▶ Keeping in mind the human rights principles of **universality** and **inalienability, indivisibility, and interdependence** and **interrelatedness** strengthens gender equality programmes by em-

phasising that all human beings have human rights and that all individuals are equal (women and girls, men and boys). The intersections that exist between human rights require that gender equality programmes be built upon multisectoral partnerships, and that the expertise and resources of diverse groups be combined to create truly comprehensive national women's empowerment strategies. Such holistic support for gender equality will ensure more sustainable programmes.

- ▶ Implementing the principles of **equality** and **non-discrimination** will shed light on groups that have been particularly neglected. Focusing on the most neglected groups is essential if gender equality is to be advanced.
- ▶ A HRBA emphasizes **accountability** and **rule of law**. This includes promoting the creation and implementation of national laws and policies that advance gender equality, supporting governments in upholding the promises made at ICPD (and grounding these promises in governments' legal obligations under international human rights treaties), and ensuring that gender equality programmes are designed, implemented, and monitored and evaluated in a transparent, participatory manner. Such a process will help to ensure more sustainable and effective gender equality programmes in the long term.

## B. UNFPA's goals and outcomes for gender

In order to advance its work on gender, UNFPA has agreed on one explicit goal and four outcomes.

### **Goal**

***Gender equality advanced and women and adolescent girls empowered to exercise their human rights, particularly their reproductive rights, and live free of discrimination and violence.***<sup>1</sup>

### **Outcomes**<sup>2</sup>

**Outcome 1:** Gender equality and the human rights of women and adolescent girls, particularly their reproductive rights, integrated in national policies, development frameworks and laws.

**Outcome 2:** Gender equality, reproductive rights and the empowerment of women and adolescent girls promoted through an enabling sociocultural environment that is conducive to male participation and the elimination of harmful practices.

**Outcome 3:** Human rights protection systems (including national human rights councils, ombudspersons and conflict-resolution mechanisms) and participatory mechanisms are strengthened to protect the reproductive rights of women and adolescent girls, including the right to be free from violence.

**Outcome 4:** Responses to gender-based violence, particularly domestic and sexual violence, expanded through improved policies, protection systems, legal enforcement and sexual and reproductive health and HIV-prevention services, including in emergency and post-emergency situations.

The above goal and outcomes reflect UNFPA's six priority areas in gender that are listed below. Many of these areas overlap because of the linkages that exist between different human rights.

<sup>1</sup> See UNFPA Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.

<sup>2</sup> Ibid., pp. 17-19.

Before we go on to a more detailed overview of UNFPA's work in this area, let us take a look at some definitions:

### Some definitions

**Gender** refers to the socially defined roles and responsibilities assigned to women and men in a given culture, location, society and time.<sup>3</sup> (For a more in-depth definition, see Module 1).

**Gender equality** means absence of discrimination on the basis of a person's sex. It means equal rights in social, economic, civil and political life.<sup>4</sup>

**Gender relations** refer to the ways in which a culture or society defines rights, responsibilities and identities of men and women in relation to one another.<sup>5</sup>

**Gender-sensitive** means being conscious of the need to understand the social relations between men and women, and to take these into account before embarking on interventions.<sup>6</sup>

**Gender mainstreaming** or mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality.<sup>7</sup>

**Gender responsive budgeting (GRB)** is about ensuring that government budgets and the policies and programmes that underlie them address the needs and interests of individuals that belong to different social groups. Thus, GRB work looks at biases that can arise because a person is male or female, but at the same time considers disadvantage suffered as a result of ethnicity, caste, class or poverty status, location and age.<sup>8</sup>

Throughout UNFPA's work, the promotion of gender equality and women's empowerment is both a **goal in itself and central to achieving all the other goals to which it is committed, in both the MDGs and UNFPA's Strategic Plan.**<sup>9</sup> As a result, in collaboration with UNIFEM and other sister UN agencies, UNFPA makes critical contributions to promoting the broader gender equality agenda at global, regional, and country levels using ICPD as the entry point.<sup>10</sup>

*"Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes."*

– ICPD Programme of Action, Principle 4

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<sup>3</sup> UNFPA, Distance Learning Courses on Population Issues, Course 3, Gender Mainstreaming: Taking Action, Getting Results. Module 1: Understanding Gender Concepts, 2003, p. 8.

<sup>4</sup> Ibid., p.16.

<sup>5</sup> Ibid., p. 9.

<sup>6</sup> Ibid., p.14.

<sup>7</sup> UN Economic and Social Council (ECOSOC), E/1997/L.3014, July 1997.

<sup>8</sup> UNFPA and UNIFEM, Gender Responsive Budgeting and Women's Reproductive Rights: A Resource Pack, 2006, p. 12.

<sup>9</sup> Op. cit., UNFPA Strategic Plan, 2008-2011.

<sup>10</sup> Ibid.

“UNFPA is one of the leading United Nations and international development agencies with a strong mandate to promote women’s empowerment and gender equality. Its core mission of furthering sexual and reproductive health and reproductive rights for all is a pillar of poverty reduction, gender equality and development. As such, UNFPA is accountable for progress on gender equality from an ethical as well as a results-based programmatic and financial perspective.”

– UNFPA Strategic Framework on Gender

Supporting governments to fulfil the ICPD agenda entails providing systematic attention to gender equality and women’s empowerment. UNFPA regards gender equality as a vital concern for all partners, including governments and NGOs, and remains concerned that gender equality still is not receiving the priority that it requires. Given the centrality of gender to all development policy, UNFPA will always be a strong advocate and supporter for ongoing efforts to ensure system-wide and agency-specific gender-based action consistent with its mandates.<sup>11</sup>

As stressed above, UNFPA is committed to progress on gender equality from an **ethical, results-based programmatic and financial perspective**. A HRBA can greatly support and enhance these commitments because it advances non-discrimination and gender equality on all these fronts.

How does applying a HRBA support UNFPA’s commitment to gender equality from an ethical perspective? Consider what was said in Module 1 with respect to the intrinsic rationale for implementing a HRBA. A HRBA is the right thing to do—morally, legally and ethically. Human rights form the fundamental, normative basis for development programming, and gender equality is an essential part of this normative basis.

A HRBA also supports results-based programmes because it requires a focus on processes that will ultimately lead to long-term, sustainable development results.

Finally, from a financial perspective, a HRBA requires that resources be put into gender equality efforts in order to make them **real**. While a law prohibiting discrimination is a good first step, that law must be **implemented**, and resources must be spent to make that implementation a reality. This is essential for good governance and to fulfil the human rights principles of accountability and **rule of law**. Gender mainstreaming and gender responsive budgeting both strive to make gender equality efforts real.

**Remember, a government has the obligation to respect, protect and fulfil human rights, which means mobilizing the necessary resources to make that possible.**

UNFPA policies and UNFPA-supported programmes emphasize the importance of addressing gender equality across its operations. This has been particularly true since the ICPD and the Beijing Platform for Action in which governments agreed that a gender perspective should be an integral

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<sup>11</sup> Ibid.

and cross-cutting aspect of all follow-up efforts.<sup>12</sup> **Gender mainstreaming** is thus an integral aspect of national development programmes, poverty reduction strategies, and other types of

“UNFPA policy calls for a **dual approach** that both:

1. **mainstreams gender** across all its activities; and
2. **supports explicit programme components on women’s empowerment.**

UNFPA gender mainstreaming efforts need to operate at both formal (i.e. laws, policies) and informal (i.e. customs and cultural factors) levels; and need to be applied to all programming areas, from census work and Demographic and Health Surveys (DHS), to reproductive health service delivery and reproductive health commodity security. UNFPA’s approach also implies working with men, as well as women of all ages and from diverse backgrounds in transforming discriminatory attitudes, behaviours and practices.”

– UNFPA, *Delivering on the Promise of Equality*:

*UNFPA’s Strategic Framework on Gender Mainstreaming & Women’s Empowerment 2008-2011*

UNFPA’s Strategic Framework on Gender Mainstreaming and Women’s Empowerment 2008-2011 lists six priority areas for gender equality programming:

1. Setting policy for ICPD and the MDGs: Human rights, gender equality, culture;
2. Reproductive health;
3. Gender-based violence;
4. Adolescents and youth;
5. Emergency and post-emergency situations; and
6. Men and boys.<sup>13</sup>

In addition to these six priority areas, four **strategic linkages for advocacy** are identified:

- ▶ girls’ education;
- ▶ economic empowerment;
- ▶ political participation of women; and
- ▶ balancing reproductive and productive roles.<sup>14</sup>

These strategic linkages are critical areas for furthering gender equality and reproductive health and rights and fall squarely within UNFPA’s efforts to develop a holistic, culturally sensitive, gender-responsive, human rights-based approach.

To take just one example of UNFPA’s work in gender equality and women’s empowerment, let us briefly take a closer look at UNFPA’s efforts in the eradication of **gender-based violence**.

## C. Gender-based violence

UNFPA has consistently advocated that violence against women and girls is a human rights violation and a public health priority. UNFPA’s contributions in this area are a major part of its leading

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<sup>12</sup> UNFPA, *Delivering on the Promise of Equality: UNFPA’s Strategic Framework on Gender Mainstreaming & Women’s Empowerment 2008-2011*.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

role within the UN system in furthering gender equality and women's empowerment—in line with its commitment to achieving the Millennium Development Goals (MDGs) and the goals of the International Conference on Population and Development (ICPD), the Fourth World Conference on Women ('the Beijing Conference'), and various international human rights instruments.<sup>15</sup>

UNFPA is an organization that follows a human rights-based approach (HRBA) to programming, UNFPA has an obligation to tackle this systematic and universal violation of fundamental human rights via its policies and programmes. Furthermore, the Inter-Agency Standing Committee (IASC) designated UNFPA as the lead agency for addressing gender-based violence in humanitarian situations. Hence, UNFPA is at the forefront in dealing with this issue and coordinating systems of multisectoral response in all conflict, post-conflict, natural disaster and recovery settings.<sup>16</sup>

### Gender-based violence or violence against women—which is it?

Gender-based violence can occur against women and girls, as well against men and boys. It does however affect women disproportionately – and often, because they are women. Violence against adolescent boys and young men is an area of grave concern, even as it is not UNFPA's focus.

**UNFPA's focus is on tackling violence against women and girls.** UNFPA's work in 'gender-based violence' therefore, really focuses on gender-based violence against women. As a result, throughout this Manual, when reference is made to gender-based violence in the context of UNFPA's work, what we really mean is gender-based violence against women.

Gender-based violence is a form of discrimination and deeply rooted in power imbalances and structural relationships of inequality between women and men. In many places, as a result of gender discrimination and their lower socio-economic status, women and girls have few options and resources at their disposal to avoid or escape abusive situations and to seek justice. As a result of the violence they experience, they suffer from a wide range of consequences, including sexual and reproductive health consequences, such as forced and unwanted pregnancies, sometimes resulting in death, traumatic fistula, and higher risks of sexually transmitted infections and HIV—issues that are at the core of UNFPA's mandate.<sup>17</sup>

Promoting gender equality and eliminating gender-based violence requires a concerted effort to actively engage **men and boys** as partners and agents for change. UNFPA thus also works on issues around masculinities and male outreach by, for example:

- ▶ incorporating components with tailored interventions and messages for men and adolescent boys on gender equality and zero tolerance for violence against women in the SRH programmes it supports, including those related to HIV prevention;
- ▶ strengthening the role of male advocates and opinion leaders under a framework of social change;
- ▶ institutionalizing sensitization on violence against women and gender issues in the policies and training programmes of large scale ; and
- ▶ launching public education and mobilization campaigns by and for men against GBV.<sup>18</sup>

<sup>15</sup> UNFPA, Strategy and Framework for Action to Addressing Gender-based Violence. 2008-2011.

<sup>16</sup> Ibid.

<sup>17</sup> Adapted from UNFPA, Strategy and Framework for Action for Addressing Gender-Based Violence 2008-2011, Draft for Consultation, September 2007.

<sup>18</sup> Op. cit., UNFPA, Strategy and Framework for Action for Addressing Gender-Based Violence.

In working to eradicate gender-based violence, UNFPA, governments, civil society, and other agencies are also guided by international treaties, declarations and other documents that specifically refer to gender-based violence. Some of these include:

- ▶ The **Vienna Declaration and Programme of Action** (adopted by the World Conference on Human Rights in 1993), which stressed the importance of working towards the elimination of violence against women in public and private life.<sup>19</sup>
- ▶ The **Declaration on the Elimination of Violence Against Women** (1993), in which the UN General Assembly resolved “that violence against women is an obstacle to the achievement of equality, development and peace.”<sup>20</sup>
- ▶ The **Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women** (Convention of Belém do Pará). In 1994, the heads of State of the countries of the Americas region declared “that violence against women constitutes a violation of their human rights and fundamental freedoms.”<sup>21</sup>
- ▶ The **ICPD Programme of Action**, which stated that countries should “empower women and should take steps to eliminate inequalities between men and women as soon as possible by: ... Eliminating violence against women.”<sup>22</sup>
- ▶ The **Fourth World Conference on Women** (Beijing Declaration and Platform for Action), 1995, which stated that “violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.”<sup>23</sup>
- ▶ Reports by the **Special Rapporteur on violence against women**, which, among other things, help clarify the obligations of States with respect to addressing gender-based violence.<sup>24</sup> In one of her reports, for example, the Special Rapporteur explains that applying a human rights perspective to gender-based violence shifts the focus from “the earlier victimization-oriented approach to one of empowerment and that today, a life free of violence is accepted as an entitlement rather than merely a humanitarian concern.”<sup>25</sup> The Special Rapporteur goes on to urge governments to address violence against women holistically, and to “approach all forms of violence against women as a continuum and intersectional with other forms of inequality.”<sup>26</sup>
- ▶ Several of **CEDAW’s General Recommendations**, such as General Recommendation No. 19 on ‘Violence against women’ also suggest ways to consider government obligations and responsibilities to address gender-based violence<sup>27</sup>

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<sup>19</sup> Vienna Declaration and Programme of Action. B (3), Article 38, June 1993.

Available at: [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.CONF.157.23.En).

<sup>20</sup> Declaration on the Elimination of Violence against Women, A/RES/48/104, Preamble, 1993.

Available at: <http://www.un.org/documents/ga/res/48/a48r104.htm>.

<sup>21</sup> The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), 1994, Preamble.

Available at: <http://www.oas.org/cim/english/convention%20violence%20against%20women.htm>.

<sup>22</sup> ICPD Programme of Action, Chapter IV (A), Article 4.4 (e).

<sup>23</sup> United Nations Fourth World Conference on Women, Platform for Action, Section: D, Violence Against Women, paragraph 112. Available at: <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>.

<sup>24</sup> Reports of the Special Rapporteur on violence against women can be obtained from the website of the Office of the High Commissioner for Human Rights at:

<http://www2.ohchr.org/english/issues/women/rapporteur/index.htm>.

<sup>25</sup> Y. Ertürk, Report of the Special Rapporteur on violence against women, its causes and consequences:

Intersections between culture and violence against women, A/HRC/4/34, 2007. Available at:

<http://www2.ohchr.org/english/issues/women/rapporteur/index.htm>.

<sup>26</sup> Ibid.

<sup>27</sup> Committee on the Elimination of Discrimination against Women, General Recommendation Number 19.

Available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

More broadly, and in addition to the above, work on gender equality also means paying special attention to the collection, analysis and reporting of **data disaggregated by sex and to exploring the underlying causes of gender disparities** as they affect health and development. In the area of sexual and reproductive health services this implies ensuring that **high quality services are made available, accessible, acceptable** and are supported by the communities they serve; that women and adolescent girls are informed of their rights and empowered to negotiate the use of those services; that they have recourse to redress and reparation mechanisms in cases of violations of those rights; and that they are enabled to make decisions regarding their health and life options.<sup>28</sup>

This Module will feature an illustrative case study of a UNFPA-supported gender equality programme in Jalampore. We will take you through this programme, and learn from it by asking key questions at each programming stage—**questions that are meant to ensure that both the process and the outcomes are human rights-based**. Our hope is that by understanding what questions to ask at each stage of programming, you will be better equipped to apply a HRBA to your own work in the field of gender equality and women’s empowerment.

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<sup>28</sup> Op. cit., UNFPA Strategic Plan, 2008-2011.

## Part II - Case Study

This case study is merely illustrative; please note that all country contexts are different. It is our hope that by taking you through the process, and by showing you the key questions to ask or think about, you will then be able to apply this process to your future work in implementing a HRBA in gender equality and women's empowerment activities in the future.

The case study we are featuring in this Module describes the activities of a UNFPA-supported gender equality and women's empowerment programme in the fictitious country of Jalampore. We will present you with the case study, and then ask you a series of questions regarding how each human rights principle was integrated at each stage of the gender equality and women's empowerment programme. In some cases, answers can be found in the text of the case study. But in other cases, answers are not easy to come by and can reveal the gaps in implementation of a HRBA.

### Introduction to case study

#### CASE STUDY

##### Jalampore: Introduction and background

**The Jalampore Gender Programme (JGP)** aims to strengthen the capacity of the government of Jalampore to implement legislation that promotes and protects gender equality and women's human rights. The JGP also aims to raise awareness of women's human rights among all actors, and empower women to claim their rights.

UNFPA, with its large network of cooperative relationships in the field of gender issues in Jalampore, was the natural choice to manage the planning and implementation of the JGP. Under UNFPA's stewardship, the JGP has already begun to dramatically transform how key actors understand women's and girls' human rights.

#### Your task:

You have recently joined UNFPA's Jalampore office. You are part of a human rights unit within the office, and your unit has been approached by the government of Jalampore to examine the JGP. The government wishes to know if the JGP is accurately implementing a HRBA, and if not, where the gaps are. Your job is to assess how well the JGP has implemented a HRBA, and to suggest ways to strengthen this implementation.

The JGP is attempting to implement a culturally sensitive, gender-responsive HRBA in all its programming stages, but, as you will see in the case study, this is difficult to do consistently. As you read through the sections of the case study below, keep in front of you the poster illustrating the diagram of a HRBA and the checklist of questions. Consider how the human rights principles of:

- ▶ universality and inalienability;
- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ equality and non-discrimination;
- ▶ participation and inclusion; and
- ▶ accountability and rule of law; and

how the human rights standards embodied in the 3AQ (availability, accessibility, acceptability and

quality), were (or were not) applied at each stage of the gender equality and women's empowerment programme, and also think about what you would do to strengthen the implementation of a HRBA, both in this case, and if supporting a similar programme.

**Remember that a HRBA is about the process of a programme, not just the outcome. The questions that are raised, therefore, are designed to help you learn this process. Think about the types of questions you should ask, and when they should be asked, in order to help your national partners implement a HRBA in a gender programme.**

## A. Stage 1: Applying a HRBA to situation assessment and analysis

Turn your attention to the case study below to see how the JGP attempted to implement a HRBA at the situation assessment and analysis stage.

### CASE STUDY

#### Jalampore: Situation assessment and analysis for the UNFPA-supported Jalampore gender programme

*“Women being subjected to violence come to us for help. This means I am involved in women's problems. Still, before the programme I had never thought about women's problems at the local level in this way. For example, I had not established the connection between street lights and women being able to go out on the streets in the evening. Yet, I live right in the middle of it.”*

– Male participant in JGP programme

#### Partners

Before starting the situation assessment and analysis, the primary stakeholders in the programme were chosen. The Ministry of Interior (MOI) of Jalampore, in partnership with UNFPA, decided upon the following partners:

- ▶ Jalampore Women for Politics—a women's NGO that supports women's participation in politics;
- ▶ local governments and municipalities;
- ▶ the national-level NGO—Jalampore Peoples' Rights; and
- ▶ a few local women's NGOs that represented as many different areas of the country as possible.

The selection of partners was closely associated with **responsibility** and **participation**. It was believed that the State should participate in the project as it is the main duty-bearer. Accordingly, the MoI and local level governorates and municipalities represented the State participation in this project. With respect to NGO participation, there was one national-level NGO, as well as some women's NGOs at the local level. It was believed that local level women's NGOs would be able to adequately represent the views of local, and especially rural, women rights-holders.

#### Situation assessment and analysis overview

The initial concept paper for the situation assessment and analysis was drafted by 6-7 female gender experts from the women's movement and academia. A gender expert, who also knows the national governmental system well, was employed to conduct preparatory work. In addition to the general situation analysis, a review of the **legal and policy** environment was also carried out, including the country's international human rights obligations and the degree of compliance with them.

#### Legal and policy context

Jalampore has ratified most major international documents concerning women's human rights, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol (in 1986 and 2002, respectively).

Although over the past years significant legislative changes have been made to promote and protect women's and girls' human rights in Jalampore, **implementation** of this legislation across sectors

*(continued on following page)*

## CASE STUDY

### Jalampore: Situation assessment and analysis for the UNFPA-supported Jalampore gender programme (continued)

continues to be hampered by low awareness and less than adequate capacities. Public Law 2550, for instance, which aims to deter violence against women by applying stiffer penalties towards perpetrators, is barely enforced, and is typically ignored by the country's police officers and judges whenever a gender-based violence case actually makes it to court.

Jalampore has no up-to-date national and local action plans aimed at ensuring that women and girls can fully enjoy their rights. Nor have sufficient funds been allocated to ensure the full **implementation of legislation**, and no monitoring mechanisms exist to track implementation.

Although a law that aims to guarantee women's rights (the Equal Rights Law) exists, the law is silent on operational aspects needed to ensure that the equality guarantees are realized. Furthermore, it does not clarify how cases of discrimination against women are to be resolved, damages awarded or other effective remedies given for violations of its provisions.

The national machinery for the advancement of women (National Commission on Women) is insufficiently resourced in terms of budget, staffing and coordination capacity, and is therefore unable to fully and effectively carry out its functions.

The legal and policy analysis also examined concluding comments made to Jalampore by treaty body monitoring committees. Jalampore recently submitted a report to the committee monitoring CEDAW, where it summarized progress made towards fulfilling women's human rights. The committee congratulated Jalampore on its good laws that guarantee women equal rights. However, the committee also noted the **lack of implementation** of these laws. The committee stated that it was "concerned that there have been very few court cases in the areas of domestic violence against women, polygamy, exploitation of prostitution and trafficking in persons. It is further concerned about the absence of court cases in other areas of women's lives."

As a result of this concern, the committee monitoring CEDAW called upon Jalampore to strengthen implementation of its laws and provide the resources necessary to do so. It also urged Jalampore to "ensure that CEDAW and relevant domestic legislation, in particular the Equal Rights Law, be made an integral part of the education given in law departments of universities and be made available in modules in the further education available to the Judges Study Centre, in order to firmly establish a legal culture supportive of women's equality and non-discrimination in the country."

The committee also invited Jalampore to **enhance women's awareness** of their rights through ongoing legal literacy programmes and legal assistance through women's centres as well as the creation of additional centres with legal expertise in all regions of the country.

Reports of the Special Rapporteur on violence against women and the Special Rapporteur on the right to health were also examined. In one of her recent reports, the Special Rapporteur on violence against women urged all countries with high rates of violence against women (such as Jalampore) to attack the root causes of this violence by working to change the widely accepted subordination of women and the stereotypical roles applied to both sexes. Such measures could include awareness-raising and educational campaigns addressing religious and community leaders, parents, teachers, officials and young girls and boys themselves, in accordance with State obligations under articles 2 (f) and 5 (a) of CEDAW.<sup>29</sup> The Special Rapporteur also recommended that countries like Jalampore encourage the media to discuss and promote non-stereotypical and positive images of women and **promote the value of gender equality for society as a whole.**

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<sup>29</sup> Committee on the Elimination of Discrimination against Women, 11th sess., U.N. document CEDAW/C/1992/L.1/Add.15, articles 2(f) and 5(a), 1992.

## CASE STUDY

### Jalampore: Situation assessment and analysis for the UNFPA-supported Jalampore gender programme (continued)

#### Information gathering

Initially, nine provinces in Jalampore were selected for the situation analysis. In these provinces, the gender expert responsible for the preparatory work had multi-party meetings with:

- ▶ governors;
- ▶ mayors and public servants;
- ▶ academics and private sector representatives;
- ▶ women's NGOs; and
- ▶ women who were members of women's councils.

In these meetings information was gathered on the issues and problems that needed to be dealt with by the programme. During these meetings, local administrators often pointed out that their knowledge of women's human rights was insufficient and that the programme should assist with that.

The results obtained were evaluated together with the MoI, and six provinces were chosen to be the 'pilots' for the launching of the programme.

Following the determination of the six provinces, an opinion poll questioning 3,000 members of the public on the situation of women was conducted. The poll results showed that there were widespread patriarchal attitudes that led to the subordination of women, and strong stereotypes existed regarding their roles and responsibilities in the family and society. A number of cultural views and practices harmful to women were noted, and there were also high reported rates of gender-based violence. Attempts were made to find statistics on gender-based violence, but no reliable statistics were available. Data were also gathered from the UNDAF and CCA for Jalampore. From these documents, the basic problems confronting women and girls, such as health, education, employment, access to resources and services, were analysed using **sex-disaggregated data**. Data, however, were not sufficiently disaggregated to specifically show how particularly vulnerable groups of women, such as indigenous women, women living in extreme poverty, women with disabilities, access services.

#### Causality analysis

Analysis of the data revealed many development challenges in Jalampore. The main ones relevant to this effort were:

1. State failure to implement gender equality legislation—violation of the right to equality; failure of State obligation to respect, protect and fulfil human rights;
2. High rates of gender-based violence—violation of the rights to life, health, bodily integrity.

A determination was made by the partners of the programme to focus on development challenge number one. A causality analysis was done, and it was determined that widespread patriarchal attitudes toward women (both within the family and also in the public sphere—police, lawyers, judges, ministers), as well as negative stereotypes were a root cause. There was a lack of understanding of women's human rights within the government, and in many cases women also did not know their rights and did not know how to demand fulfillment of their rights from the State.

#### Determination of rights-holders and duty-bearers

Given the results of the causality analysis, the partners noted that **all** women and girls were rights-holders in the six pilot provinces. However, there were certain groups of women and girls that were especially excluded in Jalampore's laws and policies, and especially discriminated against—those who lacked formal education and those who lived in extreme poverty. It was also these groups that knew the least about their rights.

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## CASE STUDY

### Jalampore: Situation assessment and analysis for the UNFPA-supported Jalampore gender programme (continued)

As for corresponding duty-bearers, it was determined that these would be:

- ▶ the Ministry of Justice;
- ▶ the Ministry of Interior;
- ▶ local government institutions and departments; and
- ▶ the national and local women's NGOs.

#### Capacities and capacity gaps

Following the determination of rights-holders and duty-bearers, a capacity gap analysis was performed. Through discussion and analysis, it was found that both the rights-holders and the duty-bearers faced major weaknesses in their capacity. These gaps related to weaknesses in **responsibility, authority and access to (and control of) resources**. Basic capacity shortages were identified as follows:

- ▶ lack of authority within many government departments to channel resources towards the implementation of gender-responsive laws and policies;
- ▶ administrative/legal mechanisms that are not gender-sensitive (e.g. no female police officers to take statements from women who have experienced violence or who would otherwise prefer to speak to a female officer);
- ▶ lack of capacity among local government departments to respond to women's complaints adequately;
- ▶ lack of capacity of NGOs on how to effectively communicate with local government, advocate for women and girls, mobilize resources and empower women and girls;
- ▶ lack of awareness among duty-bearers and rights-holders about women's and girls' human rights; and,
- ▶ lack of education among rights-holders as to Jalampore's laws and policies, and lack of knowledge of how to demand the implementation of good laws.

#### Priority setting

After the capacity gap analysis, priorities were set. Priorities were chosen in a participatory manner—through social dialogue and consensus-building among all the stakeholders. These priorities were to:

- ▶ protect, promote and implement women's human rights by strengthening mechanisms to implement national laws; and,
- ▶ raise awareness among women of their rights (and among the general public of women's rights) and how to demand them.

#### Accountability

Overall, the programme wanted to ensure that all duty-bearers (including the programme itself) advanced accountability and transparency throughout the programming process. This was done by, for example, being forthcoming about all plans and activities, and taking responsibility for programme outcomes. The main component of the programme's transparency and accountability at the situation analysis stage was **communication**. For example, the results of opinion polls that helped inform the situation analyses were presented to all partners for evaluation, including participating women's NGOs. The results were further discussed in widely publicized stakeholder meetings, and were described in printed materials and in documents posted on the programme's public website. The website, in turn, became a tool for tracking implementation more generally, with coordinators publishing

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## CASE STUDY

### Jalampore: Situation assessment and analysis for the UNFPA-supported Jalampore gender programme (continued)

frequent updates and supplementary information there. Since it was assumed that many stakeholders outside of government would not have reliable Internet access, the programme also published a quarterly newsletter that was widely distributed in the participating communities.

Women's NGOs helped to disseminate information about developments to their constituencies, as well as relaying the concerns and other responses of constituents back to the other partners. Concerns that rights-holders may have regarding the programme were dealt with via a 'Complaints Channel' set up by the Ministry of Interior. This channel received complaints via mail, telephone or email concerning any problems regarding the manner in which the situation assessment and analysis had been carried out. Lawyers and social counsellors trained to be gender-sensitive were hired to respond to the complaints. Finally, steps were taken to ensure that the methodology in which the situation assessment and analysis were carried out aligned with the **rule of law** in Jalampore.



1. Having read the description of the situation assessment and analysis above, what are your general thoughts? In general terms, do you think a HRBA was properly implemented?

## 1) Examining the legal and policy environment

**A key aspect of a human rights-based situation assessment and analysis is to gather information on the legal and policy environment.** Understanding the legal and policy environment will present you with a fuller picture of the country's main human rights concerns in the area of gender equality, and is a crucial factor when it comes to holding a government **accountable** for its human rights obligations.

### Hint: When gathering legal and policy information...

The key to using this information is not just to see how well a country is (or is not) thought to be fulfilling its human rights obligations at a particular point in time, but also to understand:

- ▶ what **progress has been made towards fulfilling these obligations**;
- ▶ where further attention is needed; and
- ▶ what channels exist in the legal structure for civic participation in governance matters, or for redress if rights have been violated or not realized.

UNFPA and its partners found that there were major differences between what was on paper and what was actually being implemented in Jalampore. Although Jalampore had several laws promoting gender equality, they were not being implemented.

**Hint: What sorts of laws and policies might you assess when trying to understand the legal and policy context surrounding gender equality in a country? In addition to the examples noted above, you might examine:**

- ▶ The laws and policies surrounding access to family planning, access to contraception, and other sexual and reproductive health services. You might want to know: are there restrictions on age when it comes to receiving sexual and reproductive health information or services? Is spousal consent required? Is marital status an issue when accessing contraception? Are reproductive rights recognized? (See Module 4 for a detailed definition of reproductive rights and an idea of what such laws might include.)
- ▶ Laws around education. Are there any temporary special measures in place to reduce the disparity between ratios of boys and girls attending school?
- ▶ The laws/policies around gender-based violence. Are there legal and policy measures in place to prevent and address such violence? Are there specialized law enforcement units or trained female police officers to protect women and girls who are survivors of violence?
- ▶ Whether laws around cultural practices violate human rights. Does the law allow for certain cultural practices, such as child marriage, discriminatory inheritance rules, etc.? If relevant, are 'killings in the name of honour' adequately punished by law and prosecuted? Are there laws on children's health or rights that could be used to punish/change harmful practices?
- ▶ The laws/policies around women's access to property; inheritance laws; women's access to capital.
- ▶ Laws surrounding fair wages, labour laws and how they apply to women, maternity benefits, etc.
- ▶ The laws providing for temporary special measures that aim to reduce disparities between women and men, such as special access to microcredit loan programmes, or grants for small business development.
- ▶ Laws stipulating certain minimum quotas for women in public service positions and/or political positions, and so forth.

Once these laws have been assessed and analysed, the big question then is: are they being implemented?

Keep in mind that some laws may impede the implementation of your programme. For example, consider how a national law that allows marriage of girls as young as 14 years old may interfere with the efforts to increase girls' enrolment in secondary schools.

When it comes to questions of implementation, it is important to know what funding is available to implement gender equality and women's empowerment programmes in the country. The question of resources is huge, and is one to be assessed within the capacity gaps analysis exercise.



2. Take a look at the situation analysis in the case study above. If you were supporting a programme on women's and girls' empowerment, what else would you have included in the legal and policy analysis?

## 2) General integration of human rights principles into the situation assessment and analysis



3. How were the principles of **participation and inclusion** integrated into the situation assessment and analysis?
4. Would you agree that there was enough **meaningful participation** of the stakeholders?
5. Were the views of marginalized groups (such as women living in extreme poverty and women with no formal education) included? If not, what could have been done to strengthen their participation?

### Hint: Paying attention to participation

The case study suggests that participation was encouraged in the following ways:

- ▶ Meetings were held with academics and private sector representatives, local women’s NGOs, etc., when gathering data;
- ▶ Partners in the programme included the State, local government, and NGOs;
- ▶ Opinion polls were carried out to obtain the views of the general public (including women rights-holders); and
- ▶ Gender experts were involved in conceptualizing and carrying out the situation assessment and analysis.

However, with respect to marginalized groups, it is not clear that either the gender experts or any of the local women’s NGOs who participated in the situation analysis paid special attention to the needs of excluded women or girls, and it is not immediately clear whether the women’s NGOs can adequately represent the needs of girls.

The process of ensuring participation was prioritized by the **team**, but they chose the initial organizations to be involved, and—as can be imagined—participation in general was a more onerous task than had initially been envisaged, with the result that project activities became delayed and costs increased beyond the original budget. This led to frustration among certain stakeholders. The extensive participation also sometimes led to disagreements between groups—for example, groups initially had divergent opinions on which development challenge to focus on. However, negotiation and consensus-building eventually led to general agreement. This reveals the **value of a HRBA in bringing different stakeholders** together (inclusion, indivisibility, interdependence and interrelatedness of human rights).

### Hint: Using the principles of participation and inclusion to promote ‘cultural sensitivity’

The programme’s emphasis on social dialogue, participation and working with local governments and local NGOs meant that the project staff gained a strong understanding of the cultural and social context. **Cultural sensitivity** is often a natural and positive result of the human rights principles of participation and inclusion, because it requires you to **listen** to other people’s points of views and **include them** in gathering the data for the project (remember the key concepts of UNFPA’s ‘culture lens’ in Module 1).



6. How were the principles of **equality and non-discrimination** integrated into the situation assessment and analysis?

### Hint: Paying attention to equality and non-Discrimination

The case study suggests that equality and non-discrimination was promoted in the following ways:

- ▶ The programme's attention to involving local women's groups from across the country, as well as local government, and to fostering mutual respect among them, embodies the principle of non-discrimination;
- ▶ At the information gathering stage, data were collected from a diverse range of sources, not just prior government statistics. For example, data were gathered from interviews; as well as surveys, and opinion polls. However, what about reports of ombudspersons, national human rights commissions, poverty reduction strategies, human rights groups focused on marginalized groups of women, etc.?
- ▶ Data were disaggregated as far as possible. Where could the data have more usefully been disaggregated?
- ▶ Gender experts were hired to conduct preparatory work in order to fulfil the commitment to non-discrimination; and
- ▶ **Gender equality** was further advanced by involving women's groups and local women's NGOs in the gathering of information.



7. Do you think the above statements are enough to prove attention to the principles of equality and non-discrimination?

8. What was the gender balance of the information gathering team? How important do you think gender balance is in terms of the composition of the team?

Attempts were made to ensure that data were disaggregated during both collection and analysis (especially along the lines of sex), and local communities were involved. Data collectors also went so far as to note to what extent there was a **lack** of disaggregated data, and found, for example, that there were not enough data specifically showing the status of marginalized groups, such as indigenous women and women living in poverty.



9. How were the principles of **accountability and rule of law** integrated into the situation assessment and analysis?

10. Do you think the steps taken were sufficient? What more can be done by **all** the duty-bearers to ensure their accountability to **all** stakeholders including community members, rights-holders, the general public, government, donors and the international community? (For example, do you think the information disseminated online and in published materials will reach those who have no formal education?)

11. How were the elements of the **3AQ (availability, accessibility, acceptability and quality)** considered at this stage of the programme?

### Hint: Paying attention to accountability and rule of law

The case study reveals that the programme took a number of steps to promote accountability and rule of law. These included:

- ▶ Publicly sharing all plans and activities, and disseminating opinion poll results in printed materials and online;
- ▶ Taking public responsibility for programme outcomes;
- ▶ Tracking programme implementation online as well as publishing a quarterly newsletter;
- ▶ Engaging with women's NGOs to help disseminate information and relay concerns of rights-holders back to the partners;
- ▶ Setting up a 'Complaints Channel'; and
- ▶ Taking steps to ensure that the methodology in which the situation assessment and analysis were carried out aligned with the **rule of law** in Jalampore.

### Hint: Paying attention to the 3AQ

In Module 4, we saw how gathering data on the availability, accessibility, acceptability and quality of sexual and reproductive health goods and services can inform and strengthen the situation assessment and analysis.

In this case, it would be useful to gather data on the availability, accessibility, acceptability and quality of relevant services to women in Jalampore. (Relevant services might include sexual and reproductive health services, services for women survivors of gender-based violence, HIV prevention services, legal services, police services, and so forth.)

The opinion polls could be a great method for gathering information on the 3AQ with respect to certain services, such as services available for women survivors of gender-based violence. While official government data might show that police departments are **available** in all six provinces, only members of the community can actually reveal whether police services are truly **accessible**, or culturally and ethically **acceptable**, to women survivors of gender-based violence.

In Jalampore, it seems, in fact, that given the negative attitudes towards women, police and legal services were actually not **acceptable** to women. However, insufficient data were gathered on this.

Encourage your partners to use creative ways to gather data on the 3AQ elements when it comes to goods, information and services. **The 3AQ elements can help to shed light on which groups are most excluded and marginalized, by revealing the availability, accessibility, acceptability and quality of services across population groups.**

### 3) Causality analysis

With the help of its partners and the local community, the programme decided to focus on the following development challenge:

- ▶ State failure to implement gender equality legislation (which was seen as a general violation of the right to equality).



12. Do you agree with the way in which the main development challenges were framed? If so, why? If not, how would you frame them?

Using the development challenge chosen by the partners, carry out a causality analysis by filling out the table below.

Development challenge <i>What is happening, to whom and where?</i>	<i>State's failure to implement gender equality legislation.</i>
Immediate causes <i>Why?</i>	
Underlying causes <i>Why?</i>	
Structural/root causes <i>Why?</i>	

**The goal of a HRBA is to uncover the root causes of a development challenge. In our case study, the root causes were determined to be:**

- ▶ ingrained negative cultural attitudes and stereotypes against women; and
- ▶ a basic lack of education on women's rights.

?

13. Which root causes did you uncover in your causality analysis? Are they similar to the root causes uncovered by the JGP?

#### 4) Determination of rights-holders and duty-bearers

What groups can typically be seen as **rights-holders** in a gender equality/women's empowerment programme?

##### Hint: Rights-holders in a gender equality and women's empowerment programme

Remember, although all individuals are rights-holders, when setting priorities for programming, a HRBA requires you to focus on the most marginalized and excluded groups. These groups are usually determined after carrying out a thorough causality analysis, and could include:

- ▶ women living in extreme poverty;
- ▶ indigenous women;
- ▶ refugee women;
- ▶ internally displaced women;
- ▶ girls;
- ▶ women living with HIV;

*(continued on following page)*

### Hint: Rights-holders in a gender equality and women's empowerment programme (continued)

- ▶ women living with disabilities;
- ▶ rural women; and
- ▶ women with no formal education.

?

15. Which other groups can you add to the list above?

16. What groups can typically be seen as **duty-bearers** in a gender equality/women's empowerment programme?

### Hint: Duty-bearers in a gender equality and women's empowerment programme

These groups could include:

- ▶ ministry of health;
- ▶ ministry of justice;
- ▶ ministry of finance;
- ▶ ministry of education;
- ▶ national women's commission;
- ▶ police officers;
- ▶ women's rights NGOs;
- ▶ human rights NGOs;
- ▶ national human rights commission;
- ▶ health providers;
- ▶ religious leaders;
- ▶ cultural elders/ community leaders; and
- ▶ parents.

?

17. Which other groups can you add to the list above?

18. Having considered these groups, as well as the root causes you reached in your causality analysis, do you agree with the **primary rights-holders and duty-bearers** chosen by the programme team?

19. Do you think that the obligations of the duty-bearers **correspond** sufficiently to the claims of the rights-holders?

Depending on the development challenge at issue, some of the groups above might be considered 'primary' rights-holders or duty-bearers, some would be 'secondary', and so forth. This will all depend on the specific situation, but it's good to have a clear picture of all relevant actors in order to make this determination.

### Hint: Rights-holders and duty-bearers

Question 19 may be a difficult question to answer, as it seems from our case study that the team neglected to list the claims of the rights-holders or provide the corresponding obligations of the duty-bearers.



20. In the table below, make a list of the primary rights-holders chosen by the team. What are their claims?
21. Who are the corresponding duty-bearers, and what are their obligations?
22. Is your list of corresponding duty-bearers the same as the list the team came up with? If not, why do you think your answers are different?

Rights-holders	Claims	Corresponding obligations	Duty-bearers
1. Women and girls with no formal education.			
2. Women and girls living in extreme poverty.			

When working on gender equality and women's empowerment, you may find that your list of corresponding duty-bearers is longer than might be expected, given the vast range of human rights violations that women from marginalized groups suffer and the deeply intersecting nature of the multiple inequalities they face. Remember to be creative when you think about your list of corresponding duty-bearers!

### 5) Capacity gap analysis

Once all the relevant actors, unfulfilled claims and corresponding duties have been identified, and the root causes have been mapped out, the next step is to assess capacity needs.

When it comes to gender equality and women's empowerment programmes, UNFPA is committed to improving capacity, and is currently strengthening its efforts in terms of supporting the participation and capacities of civil society, especially women's and youth groups. UNFPA is especially committed to developing the capacities of key governmental entities and civil society for the purpose of **accountability** to women.

**Supporting civil society organizations, including women's groups, in strengthening their policy-oriented advocacy capacities is central to establishing accountability mechanisms to monitor commitments on the human rights of women and gender equality.**



23. How do you think the capacity gaps identified by the team reflect the components of:
- ▶ **responsibility/motivation/commitment/leadership** with respect to the human rights of women?
  - ▶ **authority** to make decisions regarding women's rights?
  - ▶ **access to and control over** resources used to implement and operationalize gender-responsive laws, policies and programmes?
24. Do you think that filling the programme's capacity gaps would directly improve the ability of duty-bearers to meet their obligations to respect, protect and fulfil women's human rights?
25. Are there any additional capacity gaps that you would have included if you were working on a similar project?

It is important to identify capacity gaps when implementing a HRBA, because closing these gaps is meant to directly improve the ability of duty-bearers to fulfil their obligations, and rights-holders to make their claims.

### 6) How to set priorities that advance human rights?

The final step in the situation analysis is to identify the priorities for the country programme. These are largely shaped by the national priorities set by the government. UNFPA has to determine, in discussion with the national government, where it can most usefully contribute towards meeting national goals related to women's empowerment and based on the findings of the human rights-based causality analysis and capacity gap analysis.

Ideally, priorities should aim to advance the ICPD human rights agenda as well as UNFPA's gender goal and outcomes.

In our case study, it seems that the team decided upon its national priorities in a participatory manner and by working within the overall goals of the national government.



26. Do you think the priorities chosen by the team are 'human rights-based'? Why or why not?

Remember, a **HRBA ultimately aims to reduce gender disparities and ensure that interventions reach the most marginalized groups of women and girls.**

#### Hint: Setting human rights-based priorities in a gender equality and women's empowerment programme

A good place to start is to support priorities that align with the six priorities listed in UNFPA's gender mainstreaming Strategy. In other words, a HRBA promotes priorities that:

1. Develop, strengthen and implement laws and policies that advance the ICPD agenda and the Millennium Development Goals, particularly number 3 (empower women), as well as laws and policies that respond to the links between human rights, gender and culture, and build a legal, social, cultural and political environment that promotes the realization of women's human rights;
2. Work towards universal access to sexual and reproductive health, and that respect, protect and fulfil reproductive rights;
3. Work towards eliminating gender-based violence;

### Hint: Setting human rights-based priorities in a gender equality and women's empowerment programme (continued)

4. Aim to respect, protect and fulfil the rights of adolescents and young people, including their reproductive rights;
5. Advance a gender-responsive approach to emergency and post-emergency situations; and
6. Engage men and boys in reducing gender disparities and promoting the human rights of women and girls.

Having determined our priorities, we can now move onto Stage 2: Programme Planning and Design. Again, keep in front of you your poster with a diagram of a HRBA, and your checklist of questions. Think about how the different human rights principles were (or were not) applied to this stage of the JGP programme, and also think about what you would do if supporting a similar programme.

## B. Stage 2: Implementing a HRBA in programme planning and design for a gender equality and women's empowerment programme

### CASE STUDY

#### Jalapore: Planning and design stage of the programme

As was the case with the situation analysis, a wide range of participants were involved in planning the programme, including the UNFPA representative, the gender experts whose views were sought during the situation analysis, and a large number of the NGO representatives who also participated in the preparation process.

These NGO representatives were mainly persons who had followed closely the CEDAW, the Beijing Fourth World Conference on Women, the International Conference on Population and Development, and the World Social Summit reporting and meeting processes.

Participation at the planning and design stage was encouraged through stakeholder meetings, trainings, problem-solution analysis and reporting meetings. The trainings were designed to be bi-directional and included both the primary rights-holders from the six pilot provinces (women and girls with no formal education, and women and girls living in poverty) and the primary duty-bearers (Ministry of Justice, Ministry of Interior and local government institutions and departments from the six provinces).

In addition, the team tried to be innovative by creating a website and online chat room for local NGOs. This website was created with the aim of establishing communication among NGOs participating in training on women's rights, ensuring work and discussion on projects, increasing the NGOs' interest in the shaping of local action plans, and sharing experience.

Opinion polls on the programme were also presented for the evaluation of all partners, and provincial level results from the six provinces were presented and discussed at all stakeholder meetings. The results were distributed through printed material prepared subsequently and put on the Internet page of the programme. Authorities responsible were openly listed.

The steering committee, which was responsible for all the main decisions, was a tripartite structure. This was also designed to enhance participation. The steering committee was made up of:

- ▶ the Ministry of Interior;
- ▶ two representatives from a local women's rights NGO in each of the six pilot provinces; and
- ▶ the relevant UN agencies.

Protocols were agreed upon by the steering committee members, which were based on clearly defined duties and responsibilities.

The programme envisaged the development and implementation in the six provinces of an action plan with a framework of priorities to be determined by the State, local government, and local women's NGOs. The action plans would outline how specifically the national gender equality and gender-based violence laws would be implemented in those provinces. A budget would also be drafted.

The programme was implemented in six provinces with different economic, social and cultural characteristics, so it was agreed that it had to be a flexible programme suitable for reflecting local priorities, problems, and social and cultural differences. Depending on the location, it focused on different vulnerable, excluded and marginalized groups in accordance with local needs and priorities. Social dialogue and joint decision-making were essential in this process.

Based on the findings of the situation assessment and analysis, the team planned to emphasize the representation and participation of women's NGOs throughout the programming stages. However, issues arose in places where there were insufficient organizations. This problem was addressed by including NGOs who worked in other areas but also did work concerning women, as well as by including national and local women's leaders in the capacity-building activities. It was assumed that the interests of girls would be adequately represented by local NGOs which had activities related to them.

At the programme planning stage, the team agreed upon the following results for the project:

- Outcome:**
1. Level of respect, protection and fulfillment of women's rights and gender equality by the State;
  2. **Gender-based violence decreased.**
- Outputs:**
1. **Gender sensitive mechanisms** (legal/administrative) in place;
  2. Capacities of local governments to respond to women's complaints in place;
  3. Capacities of NGO's to advocate for women's rights increased;
  4. National strategy to prevent and combar GBV adopted
  5. Institutional capacities to respond to GBV improved;
  6. Awareness among women on GBV increased.

## **1) General integration of human rights principles into gender equality and women's empowerment programme planning and design**

As you think about the questions below, consider the checklist of questions on your poster. It will point you to the kinds of questions you and your partners should be asking at this stage of the programme in order to ensure you are integrating the core human rights principles.



27. In general, how were the principles of **participation and inclusion** integrated at the planning and design stage?
28. Who could be seen as missing from the steering committee? Do you think it would have helped to have more excluded groups represented? What are the positives and negatives of broadening participation at this stage?
29. How could the team have better encouraged the involvement and representation of girls in this project?

### Hint: Paying attention to participation

Notice that the steering committee that took the main decisions was established in a tripartite structure in order to enhance participation.

In some provinces where the programme was implemented, there were not enough women's organizations—and definitely not enough organizations representing the needs of girls. Young people's needs often differ from the needs of adults, and girls may need special attention.

Remember that traditionally excluded groups will probably require some capacity-building before they can truly participate.

Finally, sometimes it is not feasible to include spokespersons for all of the excluded groups relevant to a programme. In this case it might be useful to ask NGOs that represent the interests of these groups, and can report back to them, to participate.



30. How were the principles of **equality and non-discrimination** considered at this stage?
31. The fact that the team chose NGO representatives who had closely followed CEDAW, ICPD, the World Summit, etc., reveals that they really wanted to make sure that participants were familiar with women's rights and reproductive rights and had a sufficient focus on gender issues. But is this enough to ensure equality and non-discrimination?
32. Do we know anything about the gender balance of the tripartite steering committee? Why does this matter?
33. How were the principles of accountability and **rule of law** integrated?

### Hint: Paying attention to equality and non-discrimination

Efforts were made to ensure the programme did not discriminate against any groups by:

- ▶ designing a programme with a flexible structure that responded to local needs;
- ▶ involving gender experts and others who were familiar with international human rights; and
- ▶ assuming that other NGOs could adequately represent the needs of girls. (Is this a correct assumption to make?)

Do you think that the needs of women and girls with no formal education were adequately considered at this stage? Are there any other groups that you think may have been unintentionally ignored?

*(continued on following page)*

### Hint: Paying attention to accountability

In Jalampore, the programme tried to ensure accountability in the following ways:

- ▶ From the preparation stage onwards, the team tried to focus on **social dialogue** and **joint decision-making** among all the participants in order to foster accountability.
- ▶ Protocols were also agreed upon by the three steering committee members and were based on clearly defined duties and responsibilities.
- ▶ It seems that the team also attempted to ensure accountability by designing a programme that they hoped would meet the criteria of **availability, accessibility, acceptability and quality** in the way it responded to the needs of women and girls in the areas targeted. They did this by focusing very closely on **local** needs, and thus purposefully developed a flexible structure intended to be sensitive to the local level. By focusing on different vulnerable, excluded and marginalized groups in different provinces, in accordance with local needs and priorities, the programme aimed to design interventions that would provide services and information that were closely tailored to the cultural and social context of the women in each community. Why do you think that promoting services that meet the criteria of the 3AQ is important for accountability purposes?
- ▶ The team was determined to improve the capacity of local and national government, civil society and relevant partners to develop and implement effective policies and programmes to protect and promote the rights of women and advance the principle of rule of law.

To promote **accountability** in a gender equality or women's empowerment programme, it is important to show that the **intervention will result in quality services, goods or information being made available, accessible and acceptable to the most excluded and marginalized groups of women and girls.**

In our case study, for example, one aim would be to ensure that education on women's human rights would be available, accessible and acceptable to the primary rights-holders: women and girls with no formal education, and women and girls living in extreme poverty.

## 2) Application of a HRBA to results-based management

The programme design stage is often the stage at which your partners will decide upon the results (the outcomes and outputs) of the programme. If you work for the UN, programme results will generally fit within the UNDAF results matrix for your country. Ask yourself whether these outcomes and outputs are human rights-based? How do they compare with UNFPA's overall goal and

### Hint: Human rights-based results for a gender equality and women's empowerment programme

As a UNFPA staff member, you already follow certain guidelines on how to establish results. In addition to the guidelines you already follow, consider the **use of human rights standards to guide the development of your outputs and outcomes when supporting a gender equality programme.**

This means:

1. Agreeing upon outputs and outcomes in a participatory manner with women's rights groups, gender experts, and other marginalized and excluded groups of women;
2. Ensuring that the programme's results aim to benefit the most marginalized and excluded groups of women and girls;
3. Making sure that the programme's results are gender-sensitive and recognizing how they may impact differently upon women, men, boys and girls;

*(continued on following page)*

### Hint: Human rights-based results for a gender equality and women's empowerment programme

4. Ensuring that the programme's results aim to reduce gender disparities; and
5. Making sure that the programme's results aim to advance women's human rights.

Consider the outcome and outputs of our case study. In our case study, the **outcome** refers to an improvement in the capacity of local and national government and civil society to develop and implement effective policies and programmes that protect and promote the rights of women. This is therefore a human rights-based outcome.

As for the **outputs**, Output 2: "Capacities of local governments to respond to women's complaints in place" is a human rights-based output, because it directly strengthens capacities of local government administrators to enforce gender equality laws and thus protect women's human rights.



34. What are your thoughts about Outputs 2 and 3 in the case study? Are they human rights-based outputs?
35. Overall, do you think the application of a HRBA led to the design of more effective outputs and outcomes? How?

Now that we have examined the programme design stage, we can move onto Stage 3: implementation using a HRBA.

## C. Stage 3: Programme implementation using a HRBA

Again, keep in front of you your poster with a diagram of a HRBA, and your checklist of questions. Think about how the different human rights principles were (or were not) applied to this stage of the programme. Also think about what *you* would do if supporting a similar programme.

### CASE STUDY

#### Jalampore: Planning and design stage of the programme

The main strategies of implementation of the programme were **advocacy** (awareness raising) and **capacity development**, with active involvement and partnership of government, civil society, private sector and international/bilateral donors/organizations.

#### Capacity development

With regards to capacity development, the team did the following:

1. Developed the capacities of the local government authorities to more effectively implement gender equality legislation and begin providing gender-responsive services called for in the legislation, such as 'women-friendly' local courts and courtroom procedures.
2. Developed the capacities of the rights-holders and the local women's NGOs to enable them to articulate women's human rights and know how to claim their rights.

3. Developed the capacities to strengthen the national policy environment and implementation of legislation by:

- ▶ strengthening communication and dialogue at local and national level;
- ▶ supporting legislative change;
- ▶ developing the necessary internal guidelines and standards to ensure effective protection and promotion of women's and girls' rights; and
- ▶ strengthening the implementation oversight mechanisms of the MoI's Audit Board so as to include progress on gender specific issues at the local level.

All of the above was accomplished through:

- ▶ Regular dialogues and meetings to share information and build networks.
- ▶ Trainings (for capacity-building of local governments, NGOs and rights-holders). Although many of the learning modules were the same for rights-holders and duty-bearers, the emphasis for duty-bearers was on shifting from a hierarchical model to a collaborative one, with all constituents—including women who lacked professional credentials—equally qualified to work together.
- ▶ Workshops for the preparation of five-year local action plans in selected cities within the six provinces.
- ▶ Preparation of five-year local action plans in selected cities within the provinces.

### Advocacy

With regards to awareness raising, the programme focused on:

- ▶ Increasing the general public's awareness of the rights of women and girls and the legislation that protected and promoted their rights, including the rights of the most marginalized and excluded women and girls.

This was carried out by:

- ▶ awareness raising and advocacy campaign on gender issues, rights and services;
- ▶ evaluation of selected cities and certification of cities as 'women friendly'; and
- ▶ development of a national scaling-up strategy/model.

Throughout the implementation of this programme, all processes were based on social dialogue, participation, and working with local governments and local NGOs. All of the main partners as well as all of the implementation partners at the local level, i.e. municipalities, public institutions, organizations and local NGOs, were part of the **local culture**. This was done to ensure that implementation and all other aspects of the programme were **culturally sensitive**. This is also why the programme was implemented not at the national level but at the local level, so that interventions could be more oriented to local communities and cultural practices. Capacity development for local authorities as duty-bearers in the selected six cities was supported for effective gender mainstreaming at the local level.

To enhance participation at the implementation stage, stakeholder meetings were organized in six provinces by the governorates. The programme was introduced in meetings in which the mayor and NGO officials also participated. In two provinces, second meetings were organized as women's NGO participation had remained insufficient.

Throughout implementation, women's NGOs were approached not as passive beneficiaries of an externally managed set of activities, but as **important agents for protecting and advancing women's human rights**. This was a novel empowering experience for many of the organizations, which had traditionally been perceived—and perceived themselves—as charities simply channelling resources and services to women and children in need.

Trainings, problem-solution analysis and reporting meetings were also held. The programme's capacity-building training was designed according to two basic criteria:

- a. It included both duty-bearers and rights-holders.

*(continued on following page)*

b. It constituted an environment of social dialogue.

With regard to communication, information about implementation was posted on a public website, and three issues of the newsletter 'For a Better Future, Women and Girls First', were published in order to inform the public of developments.

## 1) General integration of human rights principles into implementation of a gender programme

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36. In general how were the principles of **participation and inclusion** integrated at the implementation stage?
37. One participant says to you: "I came to the training. I thought that some people will tell some things, and we will listen. It was not like that. They talked very little. We talked more, deleted, decided, told. I realized afterwards that I learned a lot." What does this quote tell you about how meaningful the participation was during programme implementation?

### Hint: Participation at the implementation stage

The case study informs us that the programme approached women's NGOs as important agents of change, and encouraged their participation from that perspective. This allowed the women's NGOs to engage in the programme in a much more meaningful way. **Engaging women's NGOs as agents in the realization of the goals** meant helping them learn the most effective strategies for participating in the process. It seems as if Jalampore has a strong women's movement, but this movement has had limited opportunities to foster its own organizational development. The central component of the strategy for protecting and promoting women's and girls' human rights was the **direct involvement of women in the process itself**. The programme recognized from the outset that Jalampore's women's NGOs were the most suitable representatives of women in the communities targeted by this particular initiative and that it would be important to build their capacity.

In addition, we can also see that the programme's capacity-building activities **supported participating groups in acquiring the skills, power and access to effectively demand and monitor the realization of women's human rights in daily life**. In many cases, simply attending meetings proved to be an important confidence-building step for representatives of women's NGOs. From there, they could go on to explore their own capabilities for entering into dialogue with government.

Finally, during programme implementation, the process of developing the local five-year action plans had a similarly beneficial effect. By actively contributing to the determination of outcomes in their communities, women's NGOs became capable duty-bearers, and gained the capacity to advocate for the rights of the most excluded women in their provinces.

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38. Do you think that the team was correct in assuming that local women's NGOs were adequate representatives of the most excluded and marginalized women in their provinces?
39. How were the principles of **equality and non-discrimination** integrated? How do you think the primary rights-holders (women and girls with no formal education, women and girls living in poverty) could have been better included? Consider for example, the creation of the five-year action plans, which only took place in the cities?

### Hint: Paying attention to equality and non-discrimination

The case study resulted in local women's NGOs being happy with the implementation of the programme, and one participant noted that "the biggest gender disparity reduction development achieved by the programme so far is that the issue of women and discrimination is talked about so openly."

Additionally, most of the government officials interviewed for the case study stated that as a result of this effort they "supported the inclusion of positive discrimination and special measures in local action plans."

The detailed descriptions about all the ways in which local participation were included in the process of the project implementation makes it seem that active discrimination against certain groups was unlikely. However, the team does not seem to have **specifically examined its own processes and actions and asked itself whether any of its own actions were discriminatory.**

A HRBA requires you to reflect on this issue by carefully examining the **processes by which programmes are implemented.** For example, if your partners are implementing a training programme on women's rights for local women's NGOs, are they holding the training sessions at a time that would be convenient for most women to attend? Are they hosting the training sessions with attention to any differences in local languages? Are there eligibility criteria for their training programme that might be inadvertently discriminating against certain women's groups? All of these questions must be considered to ensure that a programme is not being implemented in a discriminatory fashion.

Aside from avoiding discrimination, asking the above questions also help to ensure that the programme intervention meets the criteria of **availability, accessibility, acceptability and quality** in the way the services provided respond to the needs of women and girls targeted by the programme. This means that both the capacity-building and advocacy activities need to fulfil the 3AQ.



40. How were the principles of **accountability and rule of law** considered?

41. What questions should you ask here to check if attention is being paid to the principles of accountability and rule of law? (Hint: see your checklist. How would you answer the questions posed in your checklist regarding accountability and rule of law at the implementation stage?)

### Hint: Paying attention to accountability

Accountability at this stage was fostered by focusing on developing the capacities of duty-bearers during implementation. The participation of duty-bearers was deemed essential because, as CEDAW affirms, the **protection, implementation and development of women's human rights are the responsibility of the State.**

Capacity development for local duty-bearers took the form of workshops and other activities that helped them become more capable of fulfilling their responsibilities to rights-holders. While some of the same learning topics were relevant to both rights-holders and duty-bearers, the emphasis for duty-bearers was on shifting from a hierarchical model to a collaborative one, with all constituents—

*(continued on following page)*

### Hint: Paying attention to accountability (continued)

including women who lacked professional credentials—equally qualified to work together. **All of these processes helped to build the capacity of duty-bearers to fulfil their obligations to women, and ensured improved accountability systems that could offer redress if the government failed to fulfil its duties.**

Developing the capacity of the State and its partners to better enforce and implement existing gender equality legislation aligned with the rule of law.

Asking all these questions, and ensuring consistent attention to the principles of equality, non-discrimination, participation, inclusion, accountability and rule of law may be perceived as intensely time-consuming. **However, ultimately, the HRBA diminishes the risks and erroneous assumptions in designing and implementing development programmes and will ultimately make them more successful.**

Now that we have examined the programme implementation stage, we can move to Stage 4: monitoring and evaluation using a HRBA.

### D. Stage 4: Implementing a HRBA to monitoring and evaluation

At this final stage, once again consult your poster with the diagram of a HRBA and your checklist of questions. Think about how the different human rights principles were (or were not) applied to this stage of the programme, and also think about what you would do if supporting a similar programme.

#### CASE STUDY

##### Jalampore: Monitoring and evaluation

Internal M&E occurred through regular field visits and activity and programme reports. The programme was externally evaluated at mid-term and at the end of the programme. UNFPA human rights-based gender indicators were used to measure progress specifically in the six programme cities.

The monitoring and evaluation activities were planned to be participatory. For example:

- ▶ As indicated above, the steering committee was a participatory body, and it met at short intervals to evaluate developments.
- ▶ The group that oversaw the activities had the function of monitoring and evaluation and was a widely participatory body.
- ▶ The reports prepared by local facilitators and their participants were exchanged.

As for who was involved in the M&E itself, a group of widely participatory bodies met every six months to review M&E findings. This group included:

- ▶ the Minister of the Interior;
- ▶ the UN Gender Thematic Group (which includes a wide range of UN agencies, such as UNFPA, WHO, UNHCR, ILO, WFP, UNICEF, UNDP, etc.);
- ▶ members of Parliament from the six pilot provinces;
- ▶ chairpersons and local government officials in fields such as health, family, labour, population, etc.;

## CASE STUDY

### Jalampore: Monitoring and evaluation (continued)

- ▶ representatives of local women's NGOs (from the six pilot provinces, but also from a few other provinces in Jalampore);
- ▶ gender experts; and
- ▶ the JGP implementation team.

Both short-term and long-term approaches to monitoring and evaluation were adopted. For example, with regard to the better enforcement of gender equality legislation in the long run, it is assumed the programme will have a permanent impact and will result in:

- ▶ an increase in gender-responsive services being provided to women in the different provinces (e.g. women-friendly court intake procedures, gender-responsive gender-based violence services);
- ▶ an increase in numbers of female police officers, judges, law clerks and other positions as the quota stipulations in the gender equality law are enforced;
- ▶ an increase in gender-based violence court cases (and other court cases) being brought by women;
- ▶ strengthened cooperation and dialogue mechanisms between the government and women's NGOs; and
- ▶ an increase in general knowledge and recognition of women's rights, and so forth.

Concrete results are involved in the short term based on the planned activities. These include:

- ▶ the preparation and start of the implementation of the five-year action plan in the six pilot provinces;
- ▶ an increase of legal services for women in urban areas (this has already been documented);
- ▶ the start of the analysis of public services and strategic plans from a gender perspective (this has begun);
- ▶ the start of the allocation of more financial, technical and in-kind resources by public organizations to services for women; and
- ▶ the start of collection of gender disaggregated data at local services (this has begun).

As a way of monitoring the acceptance and quality of some of the new or improved legal and public services for women, exit interviews are carried out with women as they leave the government department in question. They are interviewed by female government officers who have been trained in 'gender sensitivity'. Focus group discussions have also been carried out among women in the six provinces (in a manner that ensures an equal representation of women with no formal education and women living in poverty) to gather women's views on their interaction with government offices and the justice system.

Early monitoring has already led to implementation changes. For example, it was shown that the initial plan to give training sessions on women's human rights only in the cities of the six provinces was not suitable and did not properly involve the primary rights-holders: women and girls with no formal education and women and girls living in poverty. Although attempts were made to ensure that local NGOs representing the rights-holders made arrangements for the women to attend the training sessions in the city, it was determined that the regular training sessions were not available or accessible to the most excluded groups of women and girls.

### Indicators

Indicators adapted from UNFPA gender indicators were used to measure progress specifically in the

## CASE STUDY

### Jalampore: Monitoring and evaluation (continued)

six programme cities. Some of these indicators included:

- ▶ increased number of laws incorporating gender equality, reproductive rights, and the empowerment of women that have action plans and budgets attached to show implementation;
- ▶ increased number of court cases brought by women in gender-based violence cases;
- ▶ increased percentage of rural population that know what their rights are and know where to go if their rights have been violated; and
- ▶ increased proportion of female police officers, judges, law clerks, etc. in the six provinces.

In the long term, if the programme is successful, the goal is to scale-up the programme nationwide. Gender equality applies to **all** individuals, so the implementation of gender equality laws and the provision of gender-responsive services should eventually be available to the entire population of Jalampore. UNFPA plans to broaden its support for government accountability by developing the capacity of the justice system as a whole and the capacity of the national human rights protection system (human rights commissions, ombudspersons, Ministry of Justice, etc.) to ensure that women's rights are entrenched in national laws and policies that are implemented and enforced. It will be important to ensure that systems of redress and complaint (whether via the justice system, an ombudsperson, or a national human rights commission) are available, accessible and acceptable to the most marginalized and excluded groups of women.

### 1) General integration of the key human rights principles in monitoring and evaluation: (Who will be involved? How to measure? What to measure?)

The programme design stage is often the stage at which your partners will decide upon the results (the outcomes and outputs) of the programme. If you work for the UN, programme results will generally fit within the UNDAF results matrix for your country. Ask yourself whether these outcomes and outputs are human rights-based? How do they compare with UNFPA's overall goal and outcomes in the gender thematic area?

#### 1. Who to involve?

A HRBA requires you to ensure that targets have been set and success and failure defined with public **participation**. During the monitoring and evaluation stage, we are told that a group of widely participatory bodies has met every six months to review M&E findings.



42. Take a look at the list of institutions included in the group (above). Do you think anyone is **missing** from this group (e.g. representatives of women living in poverty)?
43. What are the pros and cons of having so many participants overseeing and involved in the M&E stage of a programme?
44. Can you think of innovative ways to facilitate the **participation and inclusion** of such a diverse group at the M&E stage in order to ensure that everyone's voice is heard?

#### 2. How to measure?

Because a HRBA is concerned with eliminating disparities and advancing equality, it will be useful to promote an M&E system that can detect **discrimination**, and can deal with claims on grounds of discrimination. However, it is also important to encourage an M&E system that, in its process or

methodology, does not indirectly discriminate against any group or otherwise push them away.

- ▶ For example, refugee women who make use of Jalampore’s health services, may be uncomfortable with exit interviews that are done upon their departure from the health center, fearing that they might suffer negative consequences if their status as a refugee is discovered.
- ▶ Similarly, in focus group discussions, depending on how the sessions are structured and led, certain women may feel less comfortable speaking about their personal experiences.

When implementing a HRBA, **it is important to carry out the M&E process in a manner that is culturally acceptable and that does not (intentionally or unintentionally) discriminate against the most excluded groups of women.**



45. Do you think the team carried out its M&E in an inclusive, non-discriminatory manner? (Note how earlier actions that unintentionally discriminated against the primary rights-holders were later rectified).

A HRBA is also concerned at this stage, as usual, with **accountability**. In our case study, the programme attempted to ensure accountability during M&E by, again, focusing on participation and the public sharing of reports and results. By focusing on both short- and long-term results, it was made clear that findings from the programme would be used to inform changes in policy or other interventions. This is a very important aspect of M&E—to learn from your activities. The programme’s intention to scale-up and work towards nationwide implementation and enforcement of gender equality laws is critical to promoting accountability and rule of law in the long term.

### 1. What to measure?

As we emphasized in Module 2, a HRBA gives importance not only to the intended results of a programme, but also to the process by which the programme is implemented. Therefore a HRBA and results-based management call for monitoring: **process and outcomes**.

Monitoring process here is essential because it will help the team see whether their efforts at encouraging participation and inclusion, accountability and rule of law, and equality and non-discrimination are working. Early monitoring in the case study, for example, revealed that the city-based human rights training sessions were not reaching the rights-holders that needed them most. As a result, the team could stop and change these methods to something more effective in order to ensure continued participation and inclusion.

The programme crafted indicators that were based on UNFPA gender indicators, taken from UN-



46. Do you think these indicators are human rights-based?
47. Do you think they can be adjusted in any way to ensure that they measure the programme’s **process** as well as its **results**?
48. Do any of the indicators used evaluate the implementation and impacts of programme with respect to the **availability, accessibility, acceptability and quality** of the offered services?

Congratulations! You have reached the end of the case study. How do you think application of a HRBA benefited the programme? What do you think is the value-added of adopting a HRBA in a gender equality programme?

## E. Key take-home messages for gender

Consistent integration of the key human rights principles at every stage of a gender equality or women's empowerment programme will help to ensure that the rights of the most marginalized women are fulfilled, collective ownership is fostered, and sustainability is achieved.

- ▶ Gender equality programmes that integrate the principles of participation and inclusion often result in bringing together State actors with local and national women's groups and gender experts. Bringing these groups together in the same room can create a sense of collective ownership of the programme and can motivate government agencies, particularly at the local level, to contribute additional resources to promoting women's rights.
- ▶ Bringing different groups together also fosters a common dialogue on issues of importance to women's rights. Communication of this sort is useful for reaching solutions on obstacles to implementation of gender equality laws and policies.
- ▶ A HRBA to a gender programme requires you to cultivate a synergistic relationship among different stakeholders. Collaborating with both rights-holders and duty-bearers is critical for sustainable accomplishments in women's human rights. Working only with rights-holders to empower them to claim their right to be protected from gender-based violence will not be effective if similar efforts are not made among the police and judiciary to ensure that these duty-bearers have the capacity and the commitment to ensure that the right services are in place to respond to women survivors of gender-based violence.
- ▶ As this case revealed, applying a human rights-based approach to a gender equality programme has the powerful effect of mobilizing the efforts of parties who have key roles in ensuring that women's human rights are respected, protected and fulfilled to the fullest extent possible. Actors from all levels (community, local, national, international), and with all ranges of expertise are brought together to advance women's human rights.
- ▶ A HRBA can invigorate women's NGOs and human rights NGOs by helping them recognize their roles as duty-bearers as opposed to seeing themselves as strictly charitable institutions. In addition, learning about their human rights can empower women rights-holders. As a result, both NGOs and women rights-holders increase their ability to take an active role in articulating the community's needs and assessing the effectiveness of institutional responses.
- ▶ Finally, a HRBA ensures that government parties are more aware of their **legal** obligations and duties to women. This awareness, coupled with specific capacity development activities, advances the government's ability to progressively work towards the realization of women's human rights.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### MODULE 6: Emergency Response



photo by UNFPA Haiti ©

# MODULE 6

## EMERGENCY RESPONSE

*This module summarizes UNFPA's work in emergency preparedness, humanitarian response and post-crisis recovery and transition settings, and presents a case study on emergency response. The case study contains questions designed to make you to think about the unique challenges and issues raised when implementing a HRBA to programming in emergency situations.*

### **By the end of this Module, you will be able to:**

- ▶ describe the four phases of emergency settings and work;
- ▶ give an example of how to implement a HRBA in a UNFPA emergency response activity in each of the three thematic areas;
- ▶ explain the similarities in applying a HRBA during conflicts and natural disasters;
- ▶ describe several unique challenges to consider when implementing a HRBA in conflicts and natural disasters; and
- ▶ provide at least one example of how the human rights principles of non-discrimination, participation, inclusion, accountability, and the 3AQ can be integrated into emergency preparedness, response, transition and recovery programming

### **How this Module is structured**

This Module is separated into two parts:

- 1. An overview** presents an introduction to UNFPA's work in the area of emergency situations.
- 2. A case study** walks the user through a case study focusing on programming in emergency situations. There is much discussion both within the case study, and in the general text of this Module that focuses on how to implement a HRBA to programming in different types of emergencies, and in different areas of UNFPA's work. Questions are also provided to guide your thinking about the ways in which key human rights principles are being integrated.

## PART I - OVERVIEW

### A. Introduction to UNFPA's humanitarian mandate

Emergency preparedness, response and recovery are cross-cutting concerns for UNFPA, and are addressed in all of its three core areas of work. UNFPA's work in this area is guided by the ICPD Programme of Action, CEDAW, and Security Council Resolutions 1308,<sup>1</sup> 1325<sup>2</sup> and 1820,<sup>3</sup> which collectively reaffirm an international commitment to ensure that population, reproductive health and rights, and gender issues are adequately addressed in emergency and post-emergency situations.

These international instruments also highlight that gender is not only a core thematic area, but also a cross-cutting issue that must be addressed in a holistic way during humanitarian response. In addition, UNFPA believes firmly that incorporating human rights and the principles from the ICPD Programme of Action, such as ensuring women's ability to control their own fertility and promoting access to sexual and reproductive health services, into humanitarian and transition planning helps to ensure a smoother transition from crisis to development for populations in conflict-affected or disaster-affected countries. Incorporating these principles also contributes to social equity and poverty reduction, which are important aspects of peace-building.<sup>4</sup> UNFPA carries out this work by doing the following:

1. At the country level, **UNFPA works with national authorities and local and international NGOs to improve their capacity to integrate gender, data and reproductive health issues** into emergency preparedness and emergency response planning. UNFPA advocates for the inclusion of ICPD principles in emergency preparedness plans at different levels from national plans to UN inter-agency preparedness and contingency plans. Preparedness is the best and most efficient strategy to ensure swift and effective emergency response once a crisis occurs.
2. UNFPA collaborates with its partners to ensure that the **intersections of culture, gender and human rights are adequately dealt with** in each aspect of emergency response. The current international climate, therefore, is one where commitment to gender equality has been made by almost all the world's governments. Despite this, gender disparity and discrimination against women continue to prevail, hence the importance of increased effort in this area.
3. At the global level, UNFPA strives to **incorporate gender and reproductive health considerations into UN processes**, including joint needs assessments and consolidated humanitarian action plans, post-conflict needs assessments and transition frameworks. It also seeks to integrate population and development concerns into emergency preparedness and conflict analyses within CCAs, UNDAFs, and, subsequently, country programmes.
4. UNFPA provides technical expertise in **gender mainstreaming** to support UN Resident/Humanitarian Coordinators (RC/HC) during crisis through supporting the IASC Gender Standby Capacity Project (GenCap). In partnership with the Norwegian Refugee Council (NRC), UNFPA administers an expert pool of gender advisors who are deployed at short notice as an interagency resource to address gender concerns in the initial stages of a sudden onset of emergencies as well as in protracted or recurring humanitarian situations.
5. In collaboration with other UN partners, UNFPA attempts to **map, collate, develop and share tools and resources on the reproductive health and gender** aspects of conflict and natural disasters.

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<sup>1</sup> Security Council resolution 1308 (2000) on the responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations.

<sup>2</sup> Security Council resolution 1325 (2000) on women and peace and security.

<sup>3</sup> Security Council resolution 1820 (2008) on women and peace and security.

<sup>4</sup> UNFPA, Integrating the Programme of Action of the International Conference on Population and Development into emergency preparedness, humanitarian response, and transition and recovery programmes: a strategy to build commitment and capacity, DP/FPA/2006/14.

6. UNFPA works to establish technical expert networks and mechanisms for **rapid deployment of trained personnel** during crisis and transition periods.<sup>5</sup>
7. UNFPA, as an active member of the Inter-Agency Standing Committee (IASC) for Humanitarian Affairs engages in UN humanitarian reform and its main components, including the cluster approach under which UNFPA has specific responsibilities to ensure that **REPRODUCTIVE HEALTH, GENDER-BASED VIOLENCE (GBV) AND GENDER** be addressed in humanitarian response and early recovery.

The case study in this Module provides practical examples of how to apply a HRBA in both emergency and post-emergency settings, and demonstrates the added value of systematically considering the human rights principles central to a HRBA during humanitarian response. The case study focuses on a cross-section of the activities listed above in order to highlight UNFPA-supported work in all three thematic areas.

Overall, the added value of applying a HRBA to emergency response lies in strengthening accountability of all humanitarian actors, be they UN, local or international NGOs and governments, to those affected populations receiving humanitarian assistance, promoting participation and inclusion and thereby reinforcing a culturally sensitive approach, and responding in a non-discriminatory manner to reduce the disproportionate impact of emergencies on the most vulnerable subpopulations.

## B. UNFPA's general principles for emergency response

UNFPA is committed to supporting the integration of the ICPD Programme of Action into emergency preparedness, humanitarian crisis response and transition and recovery processes at the national level, which includes the promotion and protection of human rights.<sup>6</sup> This commitment holds true regardless of the type of emergency. Whether a political crisis, a natural disaster, or a post-conflict situation, **UNFPA is guided by those human rights and principles emphasized in the ICPD Programme of Action, CEDAW and Resolution 1325 of the Security Council** (see box on this page).

### UN Security Council Resolution 1325

Security Council Resolution 1325 was passed unanimously on 31 October 2000. It invited Secretary-General Kofi Annan to “carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.”

Resolution (S/RES/1325) is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.

Remember, while the circumstances may vary, all the human rights and responsibilities that we discussed in Module 1 remain the same regardless of whether individuals are living in situations of stability or humanitarian emergency. This idea has been reaffirmed by many actors in the humanitarian community as noted in the **Sphere Humanitarian Charter and Minimum Standards** (see box on this page). While there may be legitimate differences of opinion on how best to apply hu-

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

man rights principles during emergencies, the Sphere standards reflect a general consensus within the humanitarian community on the importance of promoting and protecting human rights during humanitarian response.<sup>7</sup>

### What is Sphere?<sup>8</sup>

The Sphere Handbook is the result of a long process of broad collaboration between various humanitarian organizations to ensure quality and accountability during emergency response. The handbook consists of a Humanitarian Charter, as well as Minimum Standards and indicators for key disaster response sectors such as water supply and health services.

The Sphere Humanitarian Charter and Minimum Standards in Disaster Response were first developed in 1997 by humanitarian NGOs and the Red Cross and Red Crescent movements, leading to the publication of the first Sphere handbook in 2000.

The Humanitarian Charter, referred to as the cornerstone of the handbook, is based on the principles and provisions of international humanitarian law, international human rights law, refugee law and the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. The Charter describes the core principles that govern humanitarian action and reaffirms the right of populations affected by disaster, whether natural or human-made, to protection and assistance. It also reasserts the right of disaster-affected populations to life with dignity.

The Charter also points out the legal responsibilities of States to guarantee the right to protection and assistance. When the relevant authorities are unable and/or unwilling to fulfil their responsibilities, they are obliged to allow humanitarian organizations to provide this humanitarian assistance and protection.

The Minimum Standards and the key indicators have been developed using broad networks of practitioners with expertise in different core areas of disaster response. The sectors covered are: water supply, sanitation and hygiene promotion; food security, nutrition and food aid; shelter, settlement and non-food items; and health services. The handbook also contains a group of general standards that applies to all sectors. Taken as a whole, the Minimum Standards represent a remarkable consensus across a broad spectrum, and reflect a continuing determination to ensure that human rights and humanitarian principles are realized in practice. Currently, the Minimum Standards are undergoing revision, so check for changes and updates at [www.sphereproject.org](http://www.sphereproject.org).

Both the Humanitarian Charter and Minimum Standards directly refer to the promotion and protection of human rights, as well as the integration of specific human rights principles into disaster response. The Charter, for instance, refers directly to the right to life with dignity. The Minimum Standards emphasize the importance of participation of affected individuals. They also highlight the importance of giving special consideration to marginalized groups of persons. In fact, children, the elderly, gender, and persons with disabilities are four of the seven cross-cutting issues with relevance to all sectors that have been taken into account throughout the Minimum Standards.

To date, over 400 organizations in 80 countries, all around the world, have contributed to the development of the Minimum Standards and key indicators.

### **Minimum Initial Service Package for Reproductive Health in Crisis Situations<sup>9</sup>**

The 2004 revision of the Sphere Humanitarian Charter and Minimum Standards in Disaster Response includes the Minimum Initial Service Package for Reproductive Health in Crisis Situations (MISP) as a

*(continued on following page)*

<sup>7</sup> The Sphere Project, Humanitarian Charter and Minimum Standards in Disaster Response, 2004.

<sup>8</sup> Ibid.

<sup>9</sup> The MISP module is available at: [www.rhrc.org](http://www.rhrc.org).

## What is Sphere? (continued)

standard for humanitarian assistance providers. It is a coordinated set of priority activities designed to prevent and manage the consequences of sexual violence; reduce HIV transmission; prevent excess maternal and neonatal mortality and morbidity; and plan for comprehensive RH services in the early days and weeks of an emergency.

When responding to emergencies, UNFPA does not work alone, but in partnership with governments, UN agencies and non-governmental actors. UNFPA is a member of the Inter-Agency Standing Committee (IASC) for Humanitarian Affairs, which is the primary mechanism for inter-agency coordination of humanitarian assistance. The IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in response, and advocates for effective application of humanitarian principles. UNFPA is actively involved in the ongoing humanitarian reform throughout the UN. Humanitarian reform seeks to improve emergency response capacity, accountability, and partnership in three major ways.

- ▶ A major aspect of humanitarian reform is the cluster approach, which seeks to strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies by ensuring there is predictable leadership and accountability in the main sectors or areas of humanitarian response. This is achieved through assigning specific lead responsibilities to humanitarian stakeholders, including UN agencies and NGOs, under the eleven topical clusters noted below.
- ▶ Second, through strengthened strategic humanitarian leadership. Humanitarian Coordinators (HC) are responsible for ensuring overall coordination between UN and other humanitarian aid agencies, including promoting resolution of matters of joint concern to the humanitarian aid agencies.
- ▶ Humanitarian reform aims to strengthen predictability of financing for humanitarian response through the establishment of a Central Emergency Response Fund (CERF) that complements existing humanitarian funding mechanisms.

## The cluster approach

The development of the cluster approach forms part of the UN humanitarian reform agenda to improve the predictability, timeliness and effectiveness of a comprehensive response to humanitarian crises, while laying the foundations for recovery. **The cluster approach is intended to be the framework for response in major new emergencies and will eventually be applied in all countries with humanitarian coordinators.**

A **cluster** is a group comprising organizations and other stakeholders, with a designated lead, working in an area of humanitarian response in which gaps have been identified. In essence, the cluster approach involves strengthening humanitarian response in three main ways:

1. Ensuring that roles and responsibilities among humanitarian partners are worked out through transparent, inclusive, consultative processes, in line with the Principles of Partnership developed by the Global Humanitarian Platform;

*(continued on following page)*

## The cluster approach (continued)

2. Ensuring leadership and responsibilities are established at the sectoral level, thereby clarifying lines of accountability and providing counterparts (or a first port of call) for national authorities, local actors, humanitarian partners and other stakeholders; and
3. Ensuring that all relevant sectors and cross-cutting issues for the humanitarian operation in question are covered.

The 11 clusters include some traditional relief and assistance sectors (water and sanitation, nutrition, health, emergency shelter, agriculture, education); support services (emergency telecommunications, logistics) and cross-cutting sectors (camp coordination, early recovery, protection). Clusters are organized at both the global and field level.<sup>10</sup>

Each cluster can have sets of corresponding sub-working groups and areas of responsibility (AoR). **UNFPA has specific responsibilities for reproductive health (under the health cluster); gender mainstreaming (under the early recovery cluster); and, along with UNICEF, prevention and response to GBV (under the protection cluster). UNFPA is also a lead agency for mainstreaming gender as a cross-cutting issue across all clusters.**

It should be emphasized that flexibility in determining response structures at the country level is essential. Local government structures and existing capacities need to be taken into account. There is no need to replicate all global level sectors/clusters if fewer are needed for the particular humanitarian operation in question. Leadership of these clusters at the country level does not need to mirror arrangements at the global level if it is found that, at country level, a specific agency would have a comparative advantage to lead the cluster coordination.

Humanitarian crises can be triggered by a wide range of natural disasters and human-made conflicts, ranging from tsunamis, earthquakes and climate-change related floods and drought to armed conflict. The unique and urgent nature of many crises makes it difficult to implement programmes following the typical programming stages. For example, a rapid assessment may replace a more thorough situation analysis when attending to the sexual and reproductive health of a community affected by sudden displacement. Effective humanitarian response also hinges on the level of emergency preparedness in the country, province or district. On the other hand, in the early recovery phase and transition from relief to recovery, a more comprehensive programme approach carrying out each step of the traditional programming cycle will be feasible.

Many elements of a HRBA to programming that you have already learned about are an explicit part of UNFPA's **guidelines for emergency response**.<sup>11</sup> For example, the guidelines emphasize rapid assessment and continuous data collection focused on the needs of marginalized groups, as well as the **promotion and protection of reproductive health rights in crisis** settings. The focus on the human rights principles of **non-discrimination** and **inclusion** of marginalized groups is particularly important because emergencies often exacerbate existing vulnerabilities within populations. For instance, women from marginalized communities may be more likely to experience sexual violence and to be vulnerable to sexually transmitted infections and may have less access to life-saving reproductive health services during disasters and human-made conflicts.

UNFPA's guidelines also highlight the importance of **community participation** and **empowerment** when supporting the planning and implementation of programmes during emergencies. Moreover, UNFPA promotes a culturally sensitive approach in its emergency response work, working

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<sup>10</sup> Inter-Agency Standing Committee. Available at: <http://www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=80>.

<sup>11</sup> UNFPA, Policies and Procedures Manual.

with existing local power structures to identify cultural barriers and opportunities. **Understanding how cultural factors influence people in emergencies is fundamental to successfully applying a HRBA in these situations.** For more detail on culturally sensitive programming and its relationship to implementing human rights in practice, see Module 1.

### Rights in action: Examples from emergency response Participation

Harnessing local resources and capacities, REFLECT aims to:

- ▶ enable people to assert **their right** to communicate (individually and collectively);
- ▶ give people the **space for analysis and reflection** so that they can decide what to communicate, to whom, and how;
- ▶ develop people's capacity to **understand** and **critically analyse** the communication they receive; and
- ▶ enable people to **actively produce** their own materials and access appropriate 'instruments' of communication.<sup>12</sup>

Accountability and rule of law: Local groups and international NGOs worked together to translate laws on human rights, including women's rights and children's rights into the local language in an effort to improve the capacity of rights-holders to access the justice system and claim their rights.

## C. The four phases of emergency response work

Depending on the context of each emergency situation, UNFPA's response is categorized into four phases:

1. Emergency preparedness and contingency planning;
2. Acute emergency response;
3. Chronic humanitarian response; and
4. Transition and recovery.

The box below explains these phases in more detail. **Depending on the country context, any combination of these phases may occur, and in any order, at the same time.** For instance, a country grappling with chronic strife may also be hit by a natural disaster and an escalation of violence in some geographic areas. A country going through early recovery and peace-building may have a political relapse leading to renewed destabilization.

### The four phases of emergency response work<sup>13</sup>

**Emergency preparedness and contingency planning:** The time period before a disaster or conflict occurs, which may or may not be anticipated.

**Acute emergency response:** Initial phase after the onset of an emergency usually involving immediate humanitarian relief, and which may vary in duration depending on the crisis.

**Chronic humanitarian situations:** Long-term crises often marked by repeated disruptions such as yearly droughts, repeated displacement or long-term refugee populations. Often requires simultaneous humanitarian support and development work while preparing for more acute crises.

<sup>12</sup> D. Archer and K. Newman, An Introduction to Reflect. Available at: [http://www.actionaid.org.uk/doc\\_lib/189\\_1\\_reflect\\_introduction.pdf](http://www.actionaid.org.uk/doc_lib/189_1_reflect_introduction.pdf).

<sup>13</sup> Op. cit., UNFPA, Policies and Procedures Manual.

## The four phases of emergency response work (continued)

**Transition and recovery:** Occurs after the period of necessary immediate relief, and focuses on shifting towards planning for long-term development. While this phase may apply to disasters, it usually refers to post-conflict periods.

The revised 2009 Common Country Assessment/United Nations Development Assistance Framework (CCA/UNDAF) guidelines contain a stronger reference to conflict prevention and disaster risk reduction.

They call for a review of emergency preparedness and to reflect the results in the **Common Country Assessment (CCA) document**, which should identify areas that have growing tensions and potential conflict and/or disaster areas.

Based on the findings and priorities of the CCA, **UNDAFs** should reflect the risks of crises and natural disasters, as well as capacity gaps for crisis prevention and disaster preparedness, as identified in the analysis. Based on analysis of these criteria, the UN's contribution to national development should then be reflected in the UNDAF as UNDAF outcomes. The UNDAF outcomes should be rights-based and gender sensitive, and they should contribute to sustainable changes in national capacity. The development of these UNDAF outcomes must also follow the principles of results based management.

The UNDAF humanitarian goal and outcomes, together with Inter-Agency Standing Committee (IASC) and individual agency strategic documents and guidelines, form the basis for interagency and individual agency's programming on emergency preparedness and response.

A key element of emergency preparedness is the actual contingency planning, a management tool used to analyse the impact of potential crises and to ensure adequate arrangements are made in advance. This is achieved primarily through the participation in the contingency planning process itself, as well as through follow-up actions and regular review of critical planning elements. Inter-agency contingency planning provides a common strategic planning framework and process to ensure alignment of humanitarian action to overarching principles and goals. The humanitarian preparedness and contingency planning should be in line with and complementary to existing government plans. Prior to operationalization, contingency plans should be pre-tested, exercised and drilled at national and local levels.

### Reference documents for additional reading

1. Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance (Revised version). Available at: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-products&rsel=13>.
2. Guidelines for UN Country Teams on preparing a CCA and UNDAF (Updated February 2009). Available at <http://www.undg.org/docs/9879/CCA-and-UNDAF-Guidelines-FINAL-February-2009.doc>.
3. UNDG, Inter-agency framework for conflict analysis in transition situations, November 2004. Available at: [http://www.undp.org/cpr/documents/prevention/integrate/Interagency\\_framework\\_for\\_conflict\\_analysis\\_in\\_transition\\_situations.doc](http://www.undp.org/cpr/documents/prevention/integrate/Interagency_framework_for_conflict_analysis_in_transition_situations.doc).
4. UNDG Guidance Note on Integrating Disaster Risk Reduction into the CCA and UNDAF, 2009. Available at: <http://www.undg.org/index.cfm?P=1093>.

UNFPA staff and its partners on the ground have to take both the type and phase of emergency into account when advising on an appropriate response. An appropriate response can include providing support in any area of UNFPA's mandate—including reproductive health-related, gender-related, or population and development-related efforts. (The MISIP specifically sets out to address the reproductive health needs of displaced populations and provide life-saving support starting from the initial emergency stage of a crisis.) Activities in each of these areas may also vary during different phases of emergency response work. **However, the fundamental elements of a HRBA apply to the response regardless of the phase or type of crisis or activity.**

UNFPA's promotion of a HRBA can be seen as the guiding lens through which we can better understand how emergencies impact the lives and needs of individuals, and respond with appropriate and effective programming.

“Complex conflicts and acute or chronic natural disasters exacerbate poverty, diminish the access of affected populations to basic information and social services, undermine human rights and security, and increase vulnerability to gender violence and exploitation.”

– UNFPA Policies and Procedures Manual

At this point you should be familiar with the various types of emergencies, UNFPA's classification of the four phases of emergency response, and how various human rights principles can generally be integrated in crisis settings. Now, we will go into more detail to show how a HRBA can be useful to emergency response programming.

## D. A HRBA and the emergency response

Remember the six human rights principles:

- ▶ universality and inalienability;
- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ participation and inclusion;
- ▶ equality and non-discrimination; and
- ▶ accountability and rule of law.

While all six principles should always be given due attention, the latter three are key to programmatic efforts. The difficulties posed by emergencies mean that these principles are harder to implement than they would be in the absence of conflict and natural disasters. It is harder to obtain the participation of all concerned stakeholders, for example, as an urgent response may be needed, and encouraging participation is a lengthy process. It may also be more difficult to ensure accountability during emergencies, due to a breakdown in the rule of law, or even the fact that the government may not be functioning at all. In such situations, international humanitarian law may be the only law in operation. **International humanitarian law** was briefly discussed in Module 1. The box below adds to this information.

## International humanitarian law

**International humanitarian law** (also known as the law of war, or the law of armed conflict) and **human rights law** are two separate branches of international law, which share a common purpose. The main purpose of both is to safeguard human dignity in all circumstances.

Both States and individuals must respect international humanitarian law. International humanitarian law must be respected by everyone—combatants and the population as a whole. The obligation to comply with international humanitarian law is such that non-compliance can, in some cases, render the individual liable under penal law, as many national and international courts have recognized.<sup>14</sup>

Violations of international humanitarian law can have grave consequences for sexual and reproductive health and reproductive rights. For example, as a result of illegal restrictions on movement and access to health services in one country in the Middle East, dozens of women gave birth at military checkpoints over a span of five years, leading to at least 35 miscarriages and the deaths of five women. In addition, 10 percent of pregnant women spent two to four hours on the road before reaching a medical centre or a hospital, while six percent spent more than four hours, when the normal traveling time before the conflict broke out was 15-30 minutes. This hardship is estimated to have contributed to an 8.2 percent increase of home deliveries, which are associated with a greater risk of labour and newborn complications.

In the words of UNFPA Executive Director Thoraya Ahmed Obaid, “These figures underline the need to put an end, once and for all, to the agony of pregnant...women held at...checkpoints. It is urgent to facilitate access by pregnant women to life-saving services, as stipulated by international humanitarian law.”<sup>15</sup>

## Promoting accountability and rule of law in humanitarian response

Accountability is a fundamental human rights principle that is instrumental to the process of applying a HRBA. This holds true in emergency settings as well as in times of peace. Working to ensure that governments, as primary duty-bearers, can fulfil their responsibilities to all persons affected by an emergency in their jurisdiction is a main aspect of UNFPA’s efforts to promote accountability in humanitarian response. This involves not only advocating for the rights of specific vulnerable groups such as the elderly or persons with disabilities, but also ensuring that information is disseminated to dutybearers and rights-holders so they know what is happening on the ground and can begin to take appropriate action.

In emergency situations, extensive data collection may simply not be possible and is often replaced by rapid population assessments. For example, in a refugee setting where access to emergency obstetric care may be limited, UNFPA works with its partners to **disseminate the results of rapid population assessments and fact-finding missions to the government and local organizations**. This helps ensure that the government, as the primary duty-bearer, is aware of the sexual and reproductive health situation facing refugees. By sharing findings with local organizations, UNFPA supports their capacity to demand accountability for the lack of emergency obstetric care for refugee populations.

Given the violence associated with human-generated conflicts, a second key aspect of accountability in UNFPA’s humanitarian response is working to **establish redress mechanisms for survivors of sexual and other forms of violence**. For example, in response to high rates of gender-based violence in a postconflict setting, UNFPA advocates for governments to sign and ratify international human rights treaties like CEDAW to place more impetus on the government to respect, protect and fulfil women’s

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<sup>14</sup> See slide 9, Action 2 Common Learning Package presentation.

<sup>15</sup> UNFPA, Checkpoints Compound the Risks of Childbirth for Palestinian Women, Press Release, 15 May 2007.

## Promoting accountability and rule of law in humanitarian response (continued)

human rights. UNFPA also encourages the implementation of existing national laws prohibiting sexual violence by advocating for budgetary allocation for law enforcement and independent tribunals to investigate sexual violence and war crimes committed during a civil war. In doing so, UNFPA helps the government identify those perpetrators of violence and hold them legally responsible for their actions, thereby promoting rule of law, and the government's accountability to the rights of those survivors of violence.

A final aspect of accountability in humanitarian response lies in the responsibilities and obligations of the UN and other humanitarian actors to those persons receiving humanitarian assistance. **Humanitarian relief workers and peacekeepers have a responsibility not to violate the human rights of those they are protecting or commit other crimes.** In response to allegations of sexual abuse by UN peacekeepers, former UN Secretary-General Kofi Annan issued a 2003 bulletin entitled Special Measures for the Protection from Sexual Exploitation and Sexual Abuse, which defines sexual exploitation and abuse on the part of any UN personnel as acts of misconduct subject to disciplinary action. This bulletin is more commonly known as the **zero-tolerance policy**.

In recent years, the zero-tolerance policy has been implemented through a number of mechanisms, including classifying sexual exploitation and abuse as serious misconducts in UN Staff Regulations and applying the same standards for non-UN personnel such as contractors and volunteers. The Department of Peacekeeping Operations (DPKO) is in charge of implementing the UN's comprehensive strategy against sexual exploitation.<sup>16</sup> UN agencies have developed and continue to work on standards of conduct for their staff, including establishing complaint and investigation mechanisms for sexual exploitation and abuse. Many humanitarian NGOs are also taking similar steps to ensure accountability to those being protected in emergency and post-emergency settings.

Other important documents include:

- ▶ Guiding Principles on Internal Displacement,<sup>17</sup> which addresses the specific needs of internally displaced persons worldwide. It identifies rights and guarantees relevant to the protection of persons from forced displacement, and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
- ▶ Disabilities among Refugees and Conflict-affected Populations,<sup>18</sup> which provides practical guidance for UNHCR and implementing partners on ways to improve both protection and service delivery for displaced populations with disabilities.

## What about natural disasters? Can a HRBA still be implemented?

UNFPA collaborates closely with other UN agencies and national authorities in preparing for and responding to all types of natural disasters. Recent efforts in several countries highlight some of UNFPA's achievements in this area. Six months after an earthquake rocked much of these countries in 2005, UNFPA and its UNCT partners continued to provide health services to the earthquake survivors, especially women and adolescent girls. Because much of the health infrastructure in these areas was destroyed, UNFPA set up mobile health units and prefabricated health clinics throughout the mountainous region. Part of this response also supported local NGOs to create community 'Women-Friendly

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<sup>16</sup> United States Department of State, Trafficking in Persons Report, 12 June 2007.

<sup>17</sup> Available at: <http://www.unhcr.org/43cercff2.html>.

<sup>18</sup> Available at: <http://www.womensrefugeecommission.org/programs/disabilities>

## What about natural disasters? Can a HRBA still be implemented? (continued)

Spaces' to promote women's access to information, legal aid, counselling and skills development.<sup>19</sup> In another country, UNFPA assists national partners in strengthening their preparedness capacity to address reproductive health concerns in emergency and post-conflict situations. This has led to the development of protocols and trainings on how to provide reproductive health information and services during humanitarian crises.<sup>20</sup>

You may be asking yourself how a HRBA applies when responding to the particular challenges posed by natural disasters. Like all emergencies, natural disasters can be categorized using the four phases of emergency response earlier in this module. You are probably already familiar with, or have at least heard about, the emergency preparedness phase in this context, in the form of national or regional disaster **preparedness programmes**. The chronic humanitarian emergency phase also applies to natural disasters such as long-term droughts. As you already know, UNFPA upholds its commitment to human rights regardless of the type or phase of emergency. In other words, a HRBA to natural disasters means applying the same fundamental concepts and principles as you would when supporting a family planning programme or assisting in a post-conflict setting.

Such consistency is especially significant given that natural disasters, like all emergencies, have a disproportionate impact on the poorest and most marginalized groups in a society. Therefore, the **participation** and **inclusion** of such groups when preparing for, responding to, and recovering from natural disasters is critical. This position has been reaffirmed in a joint statement by the executive boards of UNDP/UNFPA, UNICEF and WFP.<sup>21</sup> Further, responding in a non-discriminatory manner helps ensure that you are working to reduce the disproportionate impact of a given disaster. For example, mapping out the availability of family planning services in neighbourhoods of different socio-economic status as part of an emergency preparedness strategy can help UNFPA in making sure that the sexual and reproductive health needs of those most affected by a disaster are not overlooked when an earthquake or other disaster occurs.

Clear delineation of the various responsibilities of national authorities and UNCT agencies as part of national or regional disaster preparedness plans can help promote accountability to those affected once a disaster occurs. It is important to note the contribution of the cluster approach to supporting UNFPA actions and accountability to both affected individuals and donor governments.

Of course, applying the key principles of a HRBA has to be complemented by understanding the unique complexities of the disaster at hand, as well as the capacity to draw upon available tools and resources designed specifically for natural disaster response.

There remain several specific considerations to keep in mind that will help you when carrying out a HRBA to natural disaster response.

- ▶ Be aware of the Hyogo Framework for Action,<sup>22</sup> the major international commitment to natural disaster preparedness and response. In January 2005, 168 governments adopted a 10-year plan to make the world safer from natural disasters at the World Conference on Disaster Reduction, held in Hyogo, Japan. The Hyogo Framework is a global commitment to disaster risk reduction efforts during the next decade. Its goal is to substantially reduce disaster losses by 2015—in lives, and in the social, economic and environmental assets of communities and countries. It also aims to reduce the detrimental impact that natural disasters can have on country efforts to achieve the

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<sup>19</sup> Medical News Today, Six Months After Pakistan Earthquake, UNFPA Continues Providing Vital Health Services To Communities, 8 April 2006.

<sup>20</sup> UN, Joint Meeting of the Executive Boards of UNDP/UNFPA, UNICEF and WFP, Background Document, Agenda item 1: Natural Disaster Preparedness and Opportunities, January 2007.

<sup>21</sup> Ibid.

<sup>22</sup> Available at: <http://www.unisdr.org/eng/hfa/hfa.htm>.

## What about natural disasters? Can a HRBA still be implemented? (continued)

MDGs. The Hyogo Framework offers guiding principles, priorities for action, and practical means for achieving disaster resilience for vulnerable communities. Some 92 countries to date have established or are in the process of establishing national risk reduction platforms. The goal of universal coverage will help the Hyogo Framework for Action initiative make a global contribution to national preparedness. This Module will help you understand how a HRBA can help operationalize these commitments.<sup>23</sup>

- ▶ Understanding local knowledge and traditional warning systems and how individuals, families, and communities respond to natural disasters is critical to the effectiveness of emergency preparedness and response. In its emphasis on making programming cycles **participatory, inclusive and non-discriminatory**, a HRBA can contribute to improving understanding of the social factors that influence decision-making during natural disasters. This is also an example of the synergy between a HRBA and culturally sensitive programming.
- ▶ Be familiar with available guidelines and trainings, especially the Inter-Agency Standing Committee's (IASC) Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters. These guidelines provide an overview of the negative impact of natural disasters on human rights, and outline strategies for the protection of rights during humanitarian response, such as allowing persons to move freely in and out of IDP camps, and ensuring the availability, accessibility, acceptability and adequacy of health, food and water services. The United Nations Disaster Assessment and Coordination (UNDAC) teams also hold trainings in natural disaster response.

### 1) Applying a HRBA to emergency response work: Population and development efforts

Understanding the population-level dynamics of disruption and displacement is critical to an effective and coordinated human rights-based response to emergencies. This information is also critical to protecting crisis-affected populations. Both quantitative and qualitative assessments can contribute to this UNFPA goal:

- ▶ **Quantitative analyses** of affected populations can help identify the precise numbers and profiles of those most vulnerable to the crisis at hand, especially when designed with an emphasis on reliable disaggregated data.
- ▶ is just as useful when it comes to understanding the opinions, desires and perspectives of those affected, and integrating those views into a UNFPA-supported response. Qualitative data also provide useful information on underlying socioeconomic and cultural factors that may be difficult to measure accurately with numbers and can therefore be useful to shape programming considerations.

Notice how a HRBA to the collection of data on crisis-affected populations encompasses attention to **both process** and **outcome**. In the process of collecting data, adopting a HRBA means ensuring that attention is given to marginalized groups and that people's voices are heard as part of the analyses. In terms of outcomes, these population analyses are used to promote and protect the rights of affected populations by ensuring that their needs, desires, and concerns are addressed as part of the emergency response. For more examples of how population and development efforts such as census enumeration can integrate a HRBA in both process and outcome, see Module 3.

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<sup>23</sup> Op. cit., UN, Joint Meeting of the Executive Boards of UNDP/UNFPA, UNICEF and WFP.

Within the population and development area of work, UNFPA's three focus areas in emergencies are:

- ▶ collection of data on partners' capacities and available service providers;
- ▶ rapid assessments; and
- ▶ post-conflict evaluation.<sup>24</sup>

Note how these strategies align with UNFPA's work in its population and development thematic area discussed in Module 3.

Overall, the provision of timely, objective and reliable data on populations in crises is fundamental for planning a cost-effective, equitable, humanitarian response and sectoral recovery. Reliable demographic data is required to re-establish basic social services and to establish good governance in post-conflict environments.<sup>25</sup>

“Nearly all disasters are at least somewhat manmade, in that they tend to hit the poorest and most marginalized communities hardest because of where and how they are forced to live.”

– UNFPA Policies and Procedures Manual

Below are several examples of how UNFPA applies the principles of a HRBA to population and development work during each emergency phase.

**Emergency preparedness and contingency planning:** UNFPA supports the monitoring of population migration and the development of early warning systems for those most vulnerable to disasters and crises.

**Acute emergency response:** Providing technical advice and support to vulnerability analyses and rapid enumerations of affected populations are key components of UNFPA's work in this phase.

**Chronic humanitarian situation:** Working towards establishing regular surveys and censuses of vulnerable populations such as refugees and internally displaced persons is a major aspect of UNFPA's work during chronic crises.

**Transition and recovery:** During this phase of emergency work, UNFPA supports the rehabilitation of census and statistical systems in countries, maintaining a focus on collecting data on marginalized or vulnerable groups. UNFPA also supports participatory research studies led by adolescents and young people, which aim to identify their concerns and ideas and integrate them into programming.



- I. Take a look at the box above. Can you identify which principle or principles of a HRBA are being implemented in each example??

<sup>24</sup> Op. cit., UNFPA, Policies and Procedures Manual.

<sup>25</sup> Op. cit., UNFPA, Integrating the Programme of Action of the International Conference on Population and Development.

## 2) Applying a HRBA to emergency response work: Reproductive health and rights efforts

UNFPA procedures recognize that it remains especially important to safeguard reproductive rights in emergencies, particularly the rights of women, adolescents and young people. Reproductive health, rights and needs must be addressed during emergencies; additionally, certain vulnerabilities may be exacerbated during a crisis situation. For example, excess stress and trauma can lead to early onset of labour. Further, emergencies often result in a loss of access to sexual and reproductive health services, while in some cases human-made conflicts have been found to lead to increased incidence of sexual exploitation and violence against women, adolescents and young people. Addressing the heightened risk of maternal and infant mortality,

HIV infection, sexual violence and exploitation, and other reproductive health-related issues during crises protects the lives and well-being of individuals and families and reinforces prospects for community recovery.<sup>26</sup> For more information on UNFPA's five strategic outcomes for the reproductive health thematic area, see Module 4.

UNFPA's three strategies for addressing reproductive health and rights in emergency response are:

- ▶ protecting and promoting reproductive health and rights in emergency and postemergency;
- ▶ increasing access, availability, and affordability to emergency reproductive health services; and
- ▶ reinforcing the capacities of survivors to claim for their rights to be assisted and protected.<sup>27</sup>

Note how these strategies align with UNFPA's work in its reproductive health thematic area discussed in Module 4.

### Examples: Integrating specific principles of a HRBA into UNFPA's reproductive health and rights activities for each emergency response phase

**Emergency preparedness and contingency planning:** UNFPA supports the mapping of available reproductive health services, including medical services, referral systems, and NGOs. UNFPA then helps to incorporate this information into national and local disaster preparedness plans. UNFPA has trained government counterparts, NGOs and national Red Cross Societies in the implementation of the MISPP at the onset of an emergency. Reproductive health and gender concerns are integrated or strengthened throughout a series of disaster management/emergency preparedness plans.

**Acute emergency response:** UNFPA works with various partners to ensure that regular supplies of condoms and sexual and reproductive health services are available, and to make sure that those who have access include the most vulnerable women and youth. (Remember the 3AQ! Refer back to Module 2, and to Module 4 where we take a closer look at reproductive health and the 3AQ). Recognizing that reproductive health is the responsibility of both women and men, UNFPA encourages men's involvement in reproductive health activities during the height of the emergency.

**Chronic humanitarian situation:** Whether working in shelters, or camps for internally displaced persons (IDPs) or refugees, UNFPA assists in enhancing community-based reproductive health services for those most marginalized in this setting.

**Transition and recovery:** UNFPA supports the rehabilitation of reproductive health services, including replenishing delivery systems and building the capacity of service providers and ensuring that there is government commitment for continued reproductive health, education, information, services and supplies by advocating for and promoting the monitoring of necessary budgetary

<sup>26</sup> Ibid.

<sup>27</sup> Op. cit., UNFPA., Policies and Procedures Manual.



2. Take a look at the box above. Can you identify which principle or principles of a HRBA are being implemented in each example??

## 2) Applying a HRBA to emergency response work: Gender equality and women's empowerment

Emergencies can have very different impacts on men and women. Differential impacts may be heightened when people are young. For instance, women, girls and boys almost always make up a large majority of displaced persons. Similarly, chronic humanitarian situations can weaken the foundations of healthy social structures and human security, ultimately contributing to protracted gender-based and sexual violence, as well as other human rights violations. At the same time, differentiations between 'women' and 'girls' and 'men' and 'boys' may vary from one setting to the next and must be taken into account during emergency response. The significance of understanding and addressing these gender dimensions of emergencies and the ways in which they relate to culture and human rights is reflected in Security Council Resolutions 1308, 1325 and 1820.

### Selected Articles from Security Council Resolution 1325:<sup>28</sup>

The Security Council:

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations fieldbased operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: a. The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; b. Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; c. Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998.

<sup>28</sup> United Nations Security Council Resolution 1325 on Women, Peace and Security. Available at: <http://www.peacewomen.org/un/sc/1325.html>.

## Security Council Resolution 1308 on HIV/AIDS and international peacekeeping operations (2000)

Adopted unanimously by the United Nations Security Council in 2000, Resolution 1308 is the first ever by the Council to focus on a health issue. Focusing specifically on the potentially damaging impact of HIV/AIDS on the health of international peacekeeping personnel, including support personnel, Resolution 1308 requests the Secretary-General to take further steps to provide training for peacekeeping personnel on the prevention of the spread of HIV/AIDS and to continue the further development of pre-deployment orientation and ongoing training on those questions for all peacekeeping personnel and urges Member States to consider voluntary HIV/AIDS testing and counselling for troops to be deployed in peacekeeping operations.

The Council recognized the efforts of those Member States that have acknowledged the problem of HIV/AIDS and have developed national programmes. It encouraged others that had not already done so to develop, in cooperation with the international community and the Joint United Nations Programme on HIV/AIDS (UNAIDS), effective long-term strategies for HIV/AIDS education, prevention, voluntary and confidential testing and counselling, and treatment of personnel as an important part of their preparation for their participation in peacekeeping operations. The Council also encouraged international cooperation in support of those efforts. By other provisions of the text, the Council encouraged UNAIDS to continue to strengthen its cooperation with interested Member States to further develop its country profiles in order to reflect best practices and countries' policies on HIV/AIDS prevention, education testing, counselling and treatment.

## Security Council Resolution 1820 on sexual violence against civilians in conflict zones (2008)

Adopted unanimously by the United Nations Security Council in 2008, Resolution 1820 follows up on, and complements, Security Council Resolution 1325. It describes sexual violence as a tactic of war and a matter of international security and demands an immediate and complete halt to all acts of sexual violence against civilians in conflict zones.

The Resolution notes that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide.” It affirms the Council’s intention, when establishing and renewing State-specific sanction regimes, to consider imposing “targeted and graduated” measures against warring factions who commit rape and other forms of violence against women and girls. The Resolution also notes that women and girls are particularly targeted by the use of sexual violence and stresses the importance of women’s “equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.” Stressing that sexual violence could significantly exacerbate conflicts and impede peace processes, the text affirms the Council’s readiness to, where necessary, adopt steps to address systematic sexual violence deliberately targeting civilians, or as a part of a widespread campaign against civilian populations.

The Resolution made several key requests of the Secretary-General, including that he submit by 30 June 2009 a report on implementation of the Resolution; and that he develop effective guidelines and strategies to enhance the ability of relevant United Nations peacekeeping operations to protect civilians, including women and girls, from all forms of sexual violence.

A HRBA to addressing gender during emergency work calls for **active recognition and analysis of changing roles and vulnerabilities of women and men to mitigate the negative effects of a crisis situation.**

Let's take the example of reproductive health after a major earthquake, where access to basic medical supplies is significantly disrupted. In this situation, women's unique vulnerabilities to vitamin deficiencies and anaemia, which can be fatal for pregnant women and for infants, are exacerbated. Women also face particular reproductive health problems ranging from lack of sanitary supplies for menstruation to life-threatening complications during childbirth. Responding to these challenges, integrating the principles of a HRBA throughout an emergency response results in attention to shifts in gender roles and vulnerabilities. This can then be integrated into every phase from rapid assessments to capacity-building efforts with local groups. It is especially important to note that humanitarian assistance and support during the transition and recovery phase can provide an opportunity for UNFPA to promote positive changes in gender roles. For more detail on UNFPA's substantive outcomes for gender equality and women's empowerment, see Module 5.

"Women are particularly affected by these conflicts, as they are more likely to suffer sexual violence, more susceptible to sexually transmitted infection, and suffer the most from breakdowns in reproductive health services, including access to family planning and essential obstetric care."

– UNFPA Policies and Procedures Manual

UNFPA's three priority areas for gender work in emergencies are:

- ▶ protection of women and girls survivors of gender-based violence;
- ▶ increasing access, availability and affordability of medical, psychosocial support, and legal services; and
- ▶ capacity-building of women's and community organizations to promote and protect rights<sup>29</sup>

Note how these priority areas align with the rest of UNFPA's work on gender discussed in Module 5.

Now let's take a look at some examples of how a HRBA shapes UNFPA's gender activities throughout the different phases of emergency work.

**Emergency preparedness and contingency planning:** UNFPA supports gender analyses of vulnerable groups and those who are most susceptible to humanitarian emergencies, including mapping current programmes and support networks working on gender-based violence (GBV).

**Acute emergency response:** Maintaining a participatory approach, UNFPA helps reinforce community networks, faith-based organizations and other groups providing information, raising awareness, and referring and accompanying survivors to psychosocial, health or protective services. In addition to supporting community networks during acute emergencies, working with the UNCT, UNFPA helps to prepare protection plans for marginalized women and adolescent girls, which emphasize activities that seek to prevent GBV. UNFPA programmes also support equal access and ensure that women receive personal hygiene supplies in a manner that is private and dignified. It is important to note

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<sup>29</sup> Op. cit., UNFPA, Policies and Procedures Manual.

that women are often neglected during the planning and distribution of non-food items (NFIs), either for sociocultural reasons or because they simply have less mobility to access relief. As a result, the most vulnerable among them, including those who are caring for others, may not be able to stand in distribution lines for essential supplies. This is particularly important for female-headed households. When women are deprived of a way to manage menstruation or do not have culturally acceptable clothing—such as head scarves—access to public spaces, distribution sites or information forums is severely restricted. Natural disasters in India, China, Cuba, Yemen and Haiti led to the displacement of thousands of women and their families who lost access to even the most basic hygiene supplies and clothing. UNFPA provided personal or family hygiene kits in these countries with contents based on local needs, which allowed women greater mobility.

**Chronic humanitarian situation:** UNFPA advocates for the participation of women in peace mediation and decision-making processes in chronic humanitarian situations. In situations of forced displacement, UNFPA works with local and national partners to ensure the safety of women and girls through camp design, as well as their equal access to camp supplies.

**Transition and recovery:** During this phase, UNFPA provides technical and financial assistance to governments to support their adoption of legislation, policies, and programmes addressing GBV. UNFPA also works with national and local partners to make sure that women's and youth community groups play an active role in transition and recovery programmes.



3. Take a look at the box above. Can you identify which principle or principles of a HRBA are being implemented in each example?

Now that you've seen some examples of how UNFPA provides support to governments and other partners during emergencies through its different areas of work, let us take a look at a fictionalized case study. Remember to keep in front of you your poster with the diagram of a HRBA and check-list of questions. In particular, keep in mind the key human rights principles we have discussed as you read through the case study.

## PART I - CASE STUDY

This case study is merely illustrative; please note that all country contexts are different. It is our hope that by taking you through the process, and by showing you the key questions to ask or think about, you will then be able to apply this process to your future work in implementing a HRBA in emergency situations in the future.

This case will present specific obstacles faced by UNFPA and its partners in the field and thereby demonstrate the relevance of a HRBA to emergency response.

This case study is structured around the three core areas of UNFPA's work. The case also highlights programming elements from the IASC sub-clusters for which UNFPA is responsible: gender mainstreaming, reproductive health, and protection and response to GBV. For each area, both the challenges of working in Arturia and a UNFPA-supported programmatic response are described. These are followed by sets of questions intended to guide your analysis and stimulate discussion about how you would apply a HRBA to improve the situation.

### CASE STUDY

#### Arturia: Introduction and background

This case takes place in Arturia, a hypothetical country, where UNFPA has maintained a presence during the last 20 years of civil war. The North of the country is home to a large population of internally displaced persons (IDPs) and continues to deal with occasional fighting between the military and various rebel factions. The South has not seen any fighting the past five years and is in a stage of transition and recovery.

#### **The North: A chronic humanitarian situation**

Arturia has been entrenched in an internal civil war for the past two decades. Fighting between various rebel militias and government forces continues sporadically in the Northern regions of the country, where nearly one million IDPs live in makeshift camps. Several times a year, rebel militias and splinter elements of the military attack IDP camps for supplies, especially medicines and food rations. These attacks are extremely violent, with militias often targeting persons living in the relatively less protected outskirts of the camps. Militias are known to often commit acts of sexual violence during these incursions.

Reproductive health services, like medical services in general, are extremely limited in the camps. There are a handful of health clinics that are open two or three days per week offering very basic primary care. Reproductive health supplies including contraception and condoms are in high demand. Most people living in the camps depend on government hospitals in neighbouring districts for severe health problems or emergencies, but years of sustained conflict and recent periodic attacks have left health infrastructure badly damaged throughout the North. Access to better-equipped hospitals and facilities is further limited for people living in the camps because of lack of transport and curfews restricting freedom of movement.

Local NGOs' annual reports reveal that violence, particularly gender-based violence (GBV), remains a major problem in the camps, and is likely to be underreported because of cultural taboos restricting discussion of violence with those outside of one's family. However, detailed data are limited and not always reliable. While a number of relief organizations have been forced to shut down because of poor security, UNFPA, along with UNHCR, UNIFEM, and several local NGOs continue their activities in the Northern camps.

#### **The South: Post-conflict transition and recovery**

The South of Arturia faced heavy fighting in the early stages of the war, but has been stable for the past five years in part due to a peace accord between the various factions. The capital city is located in the heart of this region. While the conflict in this region has subsided, the road to recovery and

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## CASE STUDY (continued)

rehabilitation is a long one. The conflict has left a number of government institutions dysfunctional, and the legal and judicial systems are just beginning to return to normal capacity. The psychosocial impact of the conflict is immeasurable, and many families have been torn apart by violence and forced displacement. Members of the Norto minority group, who have historically resided in the north, have been displaced and are now living in the South, as many were specifically targeted during the war. A significant number of Norto women are still recovering from the long-term impact of sexual violence perpetrated against them.

In the South, health care is nationalized, and basic services are subsidized by the government. Primary care facilities are located in rural, semi-urban and urban areas. These provide very basic services such as diagnosing common infections or prescribing antibiotics and contraceptives. District hospitals and specialized tertiary facilities are located only in urban and semi-urban settings. Reproductive health services are generally available at primary care facilities, especially in the capital. Emergency obstetric care is available mainly in district hospitals, most of which are not open at all hours because of staff shortages due to emigration during the war.

Availability of sexual and reproductive health services is generally more limited for members of the displaced Norto minority living in the South, and for those living in semi-urban or rural areas. Nortos have a long history of being excluded from national institutions, fuelling a distrust of the health system, which continues to be an obstacle to accessing services. The government is working on outreach programmes for Norto groups and others living in non-urban settings, but its financial resources are very limited. In recent years, nearly the entire national budget has been allocated to the reconstruction of physical infrastructure and strengthening Arturia's armed forces. Psychosocial treatment is currently not integrated into the national health system. Most available mental health and psychosocial services are run by international NGOs with limited local involvement. UNFPA continues its work with the Arturia government in this period of transition and recovery.

### Your task:

**You have just formed a human rights protection group** at the UNFPA Arturia office. For the past decade, UNFPA has been promoting a HRBA to the emergency response work that is taking place in both the North and South, but has encountered enormous challenges in doing so sufficiently. Your job is to assess how well a HRBA has been implemented so far in this crisis situation and come up with innovative ways to strengthen it.

As you read through the sections of the case study below, keep in front of you the poster illustrating the diagram of a HRBA and the checklist of questions. Consider how the human rights principles of:

- ▶ universality and inalienability;
- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ equality and non-discrimination;
- ▶ participation and inclusion; and
- ▶ accountability and rule of law; and
- ▶ how the human rights standards embodied in the 3AQ (availability, accessibility, acceptability and quality), were (or were not) applied at each stage of the SRH Programme. Also think about

what you would do to strengthen the implementation of a HRBA, both in this case and if supporting a similar programme.

**Remember that a HRBA is about the process of a programme, not just the outcome. The questions that are raised, therefore, are designed to help you learn this process. Think about the types of questions you should ask, and when they should be asked, in order to help your national partners implement a HRBA in a SRH Programme.**

## A. Implementing a HRBA to population and development efforts in data collection

### CASE STUDY

#### The North of Arturia: Ensuring that data gathering efforts are consistent with the human rights principles of participation and inclusion, equality and non-discrimination, and accountability and rule of law, and with other relevant human rights

UNFPA has helped its partners to develop a system for undertaking rapid population assessments after an acute emergency, such as an incursion or attack by rebel groups on Northern camps. Rapid assessments consist of:

1. Fact finding missions; and
2. Short-term assessment of the immediate impact of the attacks.

These are necessary for several reasons. During the periodic attacks, rebel groups often destroy food and health supplies. Further, the infrastructure for providing clean water to the residents of the camps has been damaged in past attacks, as have health facilities in the camps.

Other aspects of daily life, such as education and recreational activities, are completely disrupted after a rebel attack. Access to education after attacks is disproportionately limited for women and adolescent girls, as social and cultural expectations have led most women and girls to remain in or near their residence to tend to those injured and traumatized.

Women, as well as adolescents and young persons are most vulnerable to the violence, mortality and morbidity caused by these attacks. Sexual violence against women is regularly documented. The vulnerabilities of young persons are also in part a result of young men's involvement in armed resistance committees formed in the camps to fight against the attacking rebels. Given these challenges, UNFPA supports its partners in their attempts to carry out rapid assessments that will accurately reveal the impact of the emergency situation on these marginalized groups—including in particular internally displaced women, adolescents and young people.

UNFPA coordinates its rapid population assessments with other humanitarian agencies and local organizations. Those groups actively participating include:

- ▶ UNFPA, UNICEF, UNIFEM, and OCHA;
- ▶ representatives from national ministries of health, planning, and women's affairs;
- ▶ international and local NGOs and local faith-based groups working on sexual and reproductive health programmes and mobilizing to end GBV; and
- ▶ International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC).

Rapid population assessments are done through **fact-finding missions**, which typically take place in the first week following an attack or incursion by the rebels. A primary component of these missions

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## CASE STUDY (continued)

is a health and mortality analysis, focusing on the emergency's impact on the most excluded groups in the camps—the elderly, women generally, persons with disabilities, and adolescents and young people. This is done to ensure inclusion, so that to the extent possible all marginalized groups are included in the response.

Data are gathered on death and injury, and major health concerns indicative of human rights violations in the area of reproductive health, such as a sudden drop in access to contraception. Availability and accessibility of emergency obstetric care (in keeping with UNFPA's efforts to gather data regarding the 3AQ), pre- and post-natal care, and the situation of pregnant women are additional priority areas for factfinding missions. **Gathering this kind of data is an important part of UNFPA's role in advancing women's reproductive rights, and the rights to health and life.**

A second core focus of the **fact-finding missions** is to support national human rights institutions and non-governmental human rights groups to investigate and document sexual violence resulting from the attacks. This is done by collaborating with local women's groups to conduct interviews with survivors, the families of the deceased and witnesses.

Rapid delivery of the information to government and other stakeholders is one of the most important objectives of the fact-finding missions. Providing factual information to duty-bearers such as the Ministry of Health and NGOs working in the camp creates a platform for UNFPA to help its partners advocate for sexual and reproductive health, reproductive rights and women's rights more generally for those living in the camp. Results of the fact-finding missions are also disseminated to local community groups, which are then able to use the official documentation of violence and rights violations to seek redress through the justice system, and thereby promote government accountability, transparency and rule of law.

Women's groups and local faith-based organizations based in the Northern camps are quite receptive to the recommendations of the fact-finding missions done by the UNCT with the help of UNFPA and other local partners. They are eager to work with UNFPA to help them bring the perpetrators of the violence to justice. They have also urged UNFPA and its partners to assist them in advocating for improved living conditions in the camps, which are primarily the responsibility of the national government. However, the national government has been less open to the results of the fact-finding activities. They have expressed dismay at the attacks and sympathy for those in the camps, but have also stated that because the attacks were carried out by rebels, the government should not be liable for reparations and recovery activities.

The second aspect of the rapid assessments is supporting the monitoring of the situation in camps using a culturally sensitive, gender-responsive, human rights-based approach.

For example, the eldest members of each family have traditionally been responsible for notifying the community or outsiders of any tragic news. Thus, when conducting interviews to ascertain the causes of violence or death, UNFPA and its research partners consulted with the eldest figurehead before speaking with remaining family members. Another example is the translation of interview protocols into multiple local dialects so that they are more acceptable to the different ethnic groups represented in the camps.

UNFPA supported several core areas of the support provided by the UNCT and local organizations. These core areas included:

- ▶ health facilities and sexual and reproductive health services in particular;
- ▶ emergency obstetric care; migration and displacement;
- ▶ gender-based violence in homes and shelters;
- ▶ the health impact of sexual violence committed during the attacks; and
- ▶ the impact of the attacks on living situations in shelters and schools.

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## CASE STUDY (continued)

In addition to the above, UNFPA has supported gender-responsive assessments. A **gender-responsive rapid assessment** means that UNFPA looked at the different situations of women, girls, men and boys in each of the areas listed above. So, for example, in assessing the situation in schools, UNFPA not only supported disaggregating data by sex, but also helped to analyse the findings while keeping in mind gender norms, cultural values, and their intersection. For instance, data on low rates of school attendance for adolescent girls compared to boys after an attack may have been due to differential expectations placed on income gathering. UNFPA also supported looking at differences within excluded groups by working with its partners to assess the educational situation of disabled young persons, whose access to schools was especially limited.



### How has UNFPA been implementing a HRBA?

4. How would you classify the emergency phase described above?
5. Who are the rights-holders? What are their rights? What are their capacities and how were these affected by the violent attacks?
6. Who are the duty-bearers here? How do you respond to the government's claim that it should not be held accountable to those harmed by the recent attack?
7. How are the concepts of availability, accessibility, acceptability and quality integrated into the factfinding missions? How could they contribute to understanding the vulnerabilities of those living in the camps?

### How would you use a HRBA to strengthen the emergency response?

8. How could you work with those living in the camps to help them claim their rights? Who could be held accountable for the violent attacks against female residents of the camps?
9. What lessons can be learned about the links between participation, inclusion, and a culturally sensitive approach?
10. How might you address the negative impact of the attacks on women's education in a culturally sensitive manner?
11. What indicators would you choose if you were applying the 3AQ framework to fact-finding missions? For instance, what would you choose to measure if you wanted to know whether reproductive health services were available, accessible, acceptable and of quality to the excluded groups in the IDP camps?
12. Reliable disaggregated data were difficult to collect in this case study, and in IDP settings in general. How would you work with limited information to provide appropriate relief and recovery to those affected by the incursions?
13. UNFPA is supporting the implementation of an emergency preparedness strategy for the camps in the North of Arturia. What aspects of an emergency preparedness plan would most benefit those living in the Northern camps?
14. Aside from the human rights principles of universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and rule of law what human rights may be relevant to the situation here?

**Remember that there is more than one 'right' answer. The skill in implementing a HRBA comes from knowing which questions to ask, and when. A HRBA does not necessarily lead you to a particular pre-ordained result. It is, instead, a process of asking yourself certain questions at each stage of your programming cycle to ensure the integration of human rights concerns.**

## CASE STUDY

### The South of Arturia: Challenges in integrating human rights principles into data-gathering efforts

Over the years, UNFPA and its partners have identified a few major challenges to the implementation of a HRBA in their data gathering and assessment efforts in Arturia's post-conflict setting. These challenges include:

1. It is well known that high rates of intra-country migration have taken place during the conflict, with significant numbers of internally displaced persons (IDPs). While there have been reports of IDPs having difficulty accessing governmental health services, there are very few data to support this claim. Previous surveys have examined utilization of health services among men and women in different districts and of different social class. There are no national IDP-specific data available, because of damaged national statistical systems and difficulties in conducting largescale studies given Arturia's volatility. This lack of data, and the general difficulties faced in gathering data on IDPs, makes it difficult to assess the **availability, accessibility, acceptability and quality** of services that they receive. Moreover, the constant migration of IDPs also makes it hard to ensure their **inclusion and participation** in data collection efforts.
2. A second major obstacle is that previous population assessments have not analysed in sufficient detail the laws and policies impacting gender dynamics, reproductive health and rights, and other areas directly relevant to UNFPA's mandate. Past population assessments focused on the mere existence of certain laws and policies, for instance, those criminalizing GBV and sexual violence. Although finding out whether certain laws do or do not exist is an essential exercise within a HRBA, it is also important to analyse whether and how these laws and policies have been put into practice, especially during a post-conflict period where judicial systems are transitioning back to normal functioning. Only a proper understanding of the implementation of these laws can reveal the true situation of women in a country and show to what level they are **discriminated** against. Refer to the checklist of questions on your poster and look over the questions that pertain to the legal and policy environment. How are these questions helpful to the emergency situation at hand? In post-conflict settings, rehabilitation of the judicial system is often a joint UN priority, so an understanding of the legal and policy environment is useful, even if the system is still in transition. By contrast, in conflict situations where there is a complete breakdown of law and order, this kind of analysis may be impossible to carry out, forcing you to rely entirely on international humanitarian law.
3. A third major obstacle to implementing a HRBA to population assessments in the South has been the limited ability to disseminate information that could be used by governments, NGOs, and communities of excluded groups or those organizations representing them. Population assessment results have been distributed to government officials and communities in and around the capital, mainly because that is the location of UNFPA headquarters in the South. Despite significant efforts by UNFPA and its partners, those living in semi-urban and rural areas of the South have been much harder to reach. Most do not hear about UNFPA's findings and concerns. In other words, it has been difficult to make the findings available and accessible to the various rightsholders and duty-bearers, as is necessary to promote **accountability** and the **rule of law**. This is due to the fact that Arturia's information management systems were badly damaged during the civil war and are still in need of reconstruction. Radio and television, once the primary sources of public information, were shut down during the war and are now slowly getting back on the air. Coordination between national ministries in charge of social services such as health and law enforcement and their district counterparts was largely disrupted during the conflict. Efforts to improve information sharing are slowly being implemented by the government.

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## CASE STUDY (continued)

### Strengthening population assessments: Implementing a HRBA to the best extent possible in postconflict situations

Remember that the overall purpose of population assessments is to understand the changing dynamics of Arturia's recovery and reintegration of IDPs in a gender-responsive, culturally sensitive, human rights-based manner. They are designed to strengthen the situation analysis phase of UNFPA's country programming. The assessments are guided by a HRBA and focus especially on those factors affecting the sexual and reproductive health of the population.

#### Data collection in post-conflict settings

UNFPA is helping its partners to expand the scope of these assessments to examine the situations of IDPs and other overlooked marginalized groups in this context, including persons with disabilities, ethnic minorities, and the elderly—groups for which little reliable data have previously been available.

Data on migration, sexual and reproductive health services, including emergency obstetric care, and coverage of reproductive health supplies continues to be regularly collected in Arturia. In addition, traditional reproductive health indicators are collected using population assessments or independent surveys conducted by reputable organizations, such as the Demographic and Health Survey (DHS) and UNICEF's Multiple Indicator Cluster Survey (MICS). These include:

- ▶ assessing the prevalence and incidence of teenage pregnancy;
- ▶ early marriage;
- ▶ safe deliveries; and
- ▶ unmet need for contraception.

It is hoped that bringing these data together with other information can be used to advocate for governmental fulfilment of the rights of Nortos and IDPs to adequate living conditions and reintegration. Such efforts reflect UNFPA's commitment to advancing the right to life and the right to health.

Increased focus is also now being placed on reviewing the implementation of laws and policies and the unique challenges faced by a post-conflict government. The expanded participation of rights-holders and duty-bearers will be especially important in future population assessments.

The emphasis on collecting good qualitative data using interviews and focus groups with communities, affected individuals, and government officials has also been strengthened. For example, in order to understand how laws criminalizing GBV were or were not enforced, and how this changed or didn't during the emergency and in the transition afterwards, UNFPA supported its partners in involving and interviewing women's groups working to eliminate GBV, police officers from various districts, judges, and officials from the Ministry of Justice responsible for translating these laws into action. It is hoped that this type of data will provide a clearer picture as to why, at different points in time, so many cases of GBV have gone unreported and/or have not been prosecuted. In this manner, future population assessments could better reveal the capacity gaps faced by rights-holders and duty-bearers, which could then be addressed using evidence-informed interventions.

Population assessments continue to analyse changing gender roles and GBV. Information is regularly collected on women's and men's employment and salaries, through qualitative interviews and focus groups that include information on sociocultural norms and gender roles.

These same qualitative techniques are also used to collect information on discrimination faced by disabled persons, who are often not allowed to work because of discriminatory employment laws. In focus groups, disabled persons pointed out the accessibility barriers they encountered when attempting to use most social services, resulting from the fact that the government did not allocate adequate resources to make all public infrastructure physically accessible. Results of these assessments are disseminated to other UN agencies, to high level officials within national ministries and to large international NGOs with a heavy presence in the country.

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## CASE STUDY (continued)

### Capacity development in post-conflict settings

A second major area of UNFPA support is **information systems capacity building**. Arturia had not conducted a census in 30 years. Working with the government to strengthen its capacity to conduct a national census has been a primary goal of UNFPA's country strategy. (For more information on UNFPA's census-related activities, refer to Module 3.)

Developing the capacity of a government to conduct a national census requires a number of activities, including the rehabilitation of the statistical system. Specific emphasis has been placed by UNFPA on strengthening vital and birth registration systems. Improving the information systems' capacity during this post-conflict period has been a major part of transitioning UNFPA's post-conflict population and development activities into regular planning procedures such as the CCA and UNDAF. Throughout the process, a key strategy for rebuilding information systems in the South has been to include hard-to-reach groups and district officials representing the information and health ministries. In this way, UNFPA hopes to improve its understanding of what it could do as an organization to help the government return the information management system to a functioning State. The **participation of these stakeholders** is also intended to help expedite the sharing of results after future population assessments.



15. Who are the rights-holders and duty-bearers noted here? Are there any other rights-holders or duty-bearers not mentioned in this case? If so, how would you ensure their participation in future population assessments?
16. You are involved in planning the next annual UNFPA-supported population assessment using a HRBA. What other areas of reproductive health would you look into? [Hint: Think about the 3AQ.] What data sources would you use? What indicators would you be interested in, and what would be your strategy for data disaggregation?
17. The emphasis on rebuilding the information systems is to improve the government's capacity (as primary duty-bearer) to collect information on the population. How would you include rights-holders in this process? What does a human rights-based capacity analysis add to UNFPA efforts in this area?
18. What does this case reveal about the relationship between participation and accountability for information gathering? If you were implementing a HRBA in this situation, who else would you ensure received the results of population assessments?

## B. Implementing a HRBA to reproductive health programming in emergency situations

### CASE STUDY

#### The North of Arturia: Reproductive health challenges in a chronic humanitarian situation

UNFPA-supported rapid assessments have highlighted several persistent sexual and reproductive health problems in the Northern IDP camps. The two biggest obstacles are:

1. The limited availability of basic sexual and reproductive health services in the camps themselves.
2. The lack of coordination of these sexual and reproductive health services for IDP populations with the national and district levels.

The reproductive rights of IDPs in the camps are a low priority for Arturia's government. In fact, sexual and reproductive health services in the camps have become the domain of local NGOs, UNFPA and several other international humanitarian organizations since the early stages of the conflict.

Emergency obstetric care in the camps' clinics is limited. The small health clinics in the camps are staffed mainly by volunteers, while health workers with any sort of obstetric training are only available three days a week. Women experiencing delivery complications have to find transportation to a district hospital, which is located at least one hour outside the camps by vehicle.

Stocks of health supplies are depleted after rebel raids because of theft and looting. The smuggling of drugs by some health workers to areas of the country where they can be sold for profits has also contributed to low supplies. The most commonly stolen or smuggled supplies are oral contraceptives, painkillers, antibiotics and syringes.

#### Promoting and protecting reproductive rights

UNFPA and its UN partners (OCHA and UNIFEM) have undertaken a number of activities in response to the obstacles preventing the fulfilment of reproductive rights and health of persons living in the Northern camps. UNFPA staff often refer to the IAWG Inter-Agency Field Manual on Reproductive Health in Refugee Situations<sup>30</sup> to guide their work in forced displacement situations.

Using its working relationship with the government, UNFPA has begun to provide financial support to the MOH to coordinate ambulance services with the district hospital outside the camps. This has required building relationships and working closely with members of the MOH, the WHO country office, district officials and humanitarian NGOs. After going over the findings of the rapid assessments with these stakeholders, district hospital officials better understood the problems of accessing EmOC and agreed to extend ambulance services to the camps. However, even after this decision, the ambulance service was still deemed unreliable by most in the camps because of badly damaged roads and transportation infrastructure.

Working with the above stakeholders as well as local community organizations, UNFPA also proposed that humanitarian NGOs budget for and put in place mobile telephones for each clinic or facility in the camp in order to ensure reliable contact with ambulances, taxis, and friends or relatives with vehicles outside the camps. This led to a discussion where local community leaders also mentioned the problems of access within the camps. Getting from one's residence to a health clinic inside the camp was especially difficult for pregnant women, disabled persons, the elderly, and in situations where someone was unable to walk (this was not evident from the quantitative population assessments). The groups of stakeholders concluded that stretchers should be distributed strategically throughout the camp in order to transport individuals from their home to the clinic during medical emergencies.

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<sup>30</sup> Available at: [http://www.iawg.net/resources/field\\_manual.html](http://www.iawg.net/resources/field_manual.html)

## CASE STUDY (continued)

NGOs running sexual and reproductive health programmes in the camps have been absorbing the financial costs of rebel and health worker drug thefts after the attacks. In the past, they reported such incidents to the district police and the national government, but to no avail. In a meeting of organizations working in the camps including UNFPA, closer monitoring of health workers for theft was a major item on the agenda. Incentives such as increasing the pay rates for locals were considered, as was holding those caught accountable to national theft laws. UNFPA offered to work as a liaison between organizations in the field and judicial authorities. However, the issue of thefts during rebel incursions, despite being a major concern to those living in the camps, remains unresolved.



### **How has UNFPA been supporting the implementation of a HRBA in Arturia with respect to sexual and reproductive health activities in the North?**

19. How did UNFPA support the integration of the human rights principles of participation and inclusion, equality and non-discrimination, and accountability and rule of law into the efforts to improve the sexual and reproductive health of IDPs in North Arturia?
20. What are the unique difficulties in implementing sexual and reproductive health activities in a chronic emergency setting such as this one?
21. Who are the rights-holders?
22. What are the most relevant reproductive rights of women living in the North?
23. Which rights-holders and duty-bearers were meaningfully involved in the UNFPA response? Who was left out and at what stages?
24. Which duty-bearers can be held accountable for the loss of reproductive health supplies in the camps?
25. Whose responsibility is it to maintain adequate transportation systems? How can their capacity to do so be strengthened?
26. Are the 3AQ elements adequately addressed in the response to improve the sexual and reproductive health of IDPs? Why or why not?

### **How would you use a HRBA to strengthen the emergency response?**

27. How can you ensure that the opinions of excluded women, adolescents and youth, community representatives, and traditional leaders are taken into account in the sexual and reproductive health response?
28. How can UNFPA better support the communication of the decisions made by stakeholders to the affected population at large? And to key national government offices (e.g. judicial authorities) in order to promote accountability and transparency?
29. Can you think of other strategies for improving the ability of camp residents to seek judicial recourse for crimes committed during the rebel attacks?
30. What else can UNFPA do to advocate for improved access to district facilities and better security in the camps? Who should be involved in this process to ensure that it is participatory? How should they be involved?
31. How would you help your partners prioritize which actions to take first?
32. What are the broader human rights that are relevant to this situation?

## CASE STUDY

### The South of Arturia: Reproductive health challenges in a post-conflict setting

The availability and utilization of sexual and reproductive health services in the South has been improving in the last few years. However, many of the Norto IDPs in the South have little access to health services, including sexual and reproductive health care, for a number of reasons. Situation analyses have shown that the IDP population has largely been relying on small health initiatives run by international relief organizations. Most are not integrated into the national health system and have little information about how to access State-run services. There has been very limited availability of psychosocial counselling for anyone living in the South.

Given the history of conflict in Arturia, tensions between different ethnic groups in the country are far from gone. These hostilities are evident in the health system, where UNFPA-led studies have revealed widespread discrimination against Norto IDPs who use governmental health facilities. Most health workers in the South are not of Norto origin, but identify themselves as ethnic Jetso, the majority group in this region of Arturia. Relations between Jetso and Norto communities are still heated. Because accessing governmental services requires identification of birthplace, health workers can quickly identify an individual's ethnic origin. Nortos have reported waiting unreasonable hours before being seen, and being asked to pay additional under-the-table fees for services that are supposed to be subsidized—a problem that ostensibly does not happen to Jetsos.

For all ethnic groups, there is significant stigma associated with accessing family planning services in the South. Previous focus groups supported by UNFPA have revealed that there is a lack of privacy and confidentiality in the provision of family planning counselling and services. Women who were seen in the clinic by neighbours or relatives said that they faced rumours about themselves and that their husbands often found out. Many of the family planning services in the South are provided separately in small facilities that are well known to the community. In clinics that provide a wider range of health services, space and resource constraints lead to overcrowding. Patients are seen in open spaces, and discussions between health workers and women are easily heard by others in the clinic.

The UNFPA-supported response: Addressing stigma and discrimination Responding to these obstacles to reproductive health and rights, UNFPA has worked with its partners and the government to set up an oversight committee to monitor the quality of reproductive health service provision and to identify sources of discrimination. The oversight committee is run by the Ministry of Health, with seats reserved for Norto civil society groups, UN agencies, women's groups, government officials, and organizations of health workers. No representatives or spokespersons from IDP advocacy groups or the Jetso community have been given a seat on the committee. Health worker training on confidentiality and patient rights was one of the first interventions proposed by the committee. However, this has yet to be translated into action.

The committee has also focused on the issue of stigma in relation to access to family planning. Women's organizations called for integration of family planning services into primary health clinics and village health units so that women could access these services more confidentially. They have also instituted regular opinion polling of women to identify changing trends in family planning concerns, as well as emerging issues regarding reproductive health services.

Working with the committee, UNFPA has advocated for the reintegration of IDPs into the national health system, leading to the launching of a national health information campaign by the government. The campaign consisted of radio and print media messages informing IDPs that they are entitled to use government health facilities and services. The campaign is being conducted in the language of the Norto people. This information campaign is a long-term strategy; its impact will be evaluated in the future by the government and its international partners.

To address the more immediate gap in sexual and reproductive health services for Norto people, the

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## CASE STUDY (continued)

working committee members decided to contact the Office for the Coordination of Humanitarian Affairs (OCHA) to learn more about ongoing demobilization programmes. For the past five years, OCHA has been supporting a UNDP programme aimed at helping former soldiers transition back into society. A great majority of the participants are Norto men under the age of 30. This programme includes basic primary health care for all those who commit to working with them. UNFPA and other members of the committee are working to integrate reproductive health care and counselling into the existing health component of the demobilization programme. **The committee was excited about this opportunity to reach some of those marginalized Nortos, and to involve men in reproductive health choices and responsibilities.**

Mental health problems, particularly stress and trauma, are known to have an adverse impact on sexual and reproductive health. So the near non-existence of mental health or psychosocial counselling services in the South has shocked many at the UNFPA country office. Situation analyses have revealed that the very few existing services were run by foreign NGOs. The national government had not allocated any money for psychosocial care into the annual health or reconstruction budgets. Government officials interviewed during the situation analyses repeatedly expressed the official position that psychosocial care was “not critical at a time where hospitals and homes are still made of rubble, where innocent citizens can be robbed or killed at any moment.” However, the government position contradicted the opinion of 80 percent of people in the South, who, in surveys and focus groups, expressed the importance they placed on counselling.

Noting this contradiction and that **mental health has been clearly interpreted as part of the right to the highest attainable standard of health**, UNFPA began communicating with local NGOs to help them mobilize an advocacy campaign for specific budgetary allocations for psychosocial care. The NGOs and UNFPA agreed that the indicators they would use to measure the impact of their efforts would be:

1. Number of national government meetings held to discuss psychosocial care per year, and
  2. Percentage of the national health and reconstruction budget allocated for psychosocial services.
- UNFPA agreed to promote the inclusion of these indicators in future situation analyses.



### How has UNFPA been supporting the implementation of a HRBA in Arturia with respect to sexual and reproductive health activities in the South?

33. How has UNFPA promoted the integration of the human rights principles of participation and inclusion, equality and non-discrimination, and accountability and rule of law in the efforts to address discrimination and reproductive health problems in the South?
34. In terms of the work of the oversight committee, who are the relevant rights-holders? How can their active and meaningful participation be ensured?
35. Who are the duty-bearers in the South when it comes to ensuring reproductive health? How can their capacity to address discrimination against Norto IDPs be improved?
36. How does the oversight committee impact the capacities of the rights-holders and dutybearers in this case?
37. What are the 3AQ issues raised in the context of these reproductive health challenges? How can the 3AQ guide the response of the oversight committee and duty-bearers?

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### How would you use a HRBA to strengthen the emergency response?

38. Who else do you think should be surveyed in the opinion polls on family planning?
39. How can laws and policies regarding requiring identification for health care be reformed to address discrimination against Nortos and to improve their access to sexual and reproductive health services?
40. Do you think the indicators used to monitor the government's commitment to psychosocial care are human rights-based? How would you advise changing them to make them more sensitive to rights issues? What process indicators might be important here?
41. How would you use international human rights commitments to advocate for improved psychosocial services at governmental facilities?
42. What other human rights are relevant to this situation?

## C. Implementing a HRBA to gender equality and women's empowerment programmes in emergency situations

### CASE STUDY

#### The North of Arturia: Gender-based violence in a chronic humanitarian emergency

The last two decades of conflict in the North of Arturia have been further marred by gender-based violence against women living in the camps. In the past few years, UNFPA has helped conduct surveys and focus groups on violence in the camps. Two categories of GBV were identified:

- ▶ First, more than half of women living in the camps reported violent acts directed against them by their intimate partners. These rates were much higher than the rest of the country. Local cultural taboos make it difficult for women to discuss GBV with their communities and even more difficult to report perpetrators to the authorities (in this case, the district police).
- ▶ Second, GBV also occurs during the rebel attacks on the camps. Reported incidence of rape and violence are significantly greater on the outskirts of the camps than near the central areas. A major underlying cause of this violence may be that water, fuel sources and plots of land where food is grown, are concentrated around the edges of the camp for practical reasons. Gathering food is a sociocultural expectation and a source of income for many women in the camps. Clearly, the lack of safe access to these areas or alternative sources of income significantly contributes to the vulnerability of women and girls. To make matters worse, the perpetrators of these crimes are not being sought by district or national law enforcement for security reasons: the government says it is unsafe for law enforcement to pursue the rebels. Over the years, counselling and health services for survivors of rape and other GBV have been integrated into the camps' health clinics. Utilization of these services, however, remains low because of cultural taboos against openly discussing GBV and fear of being identified at the clinics by neighbours or community members.

The UNFPA-supported response: Gender and rights in an IDP setting In response to the GBV reported in the camps, UNFPA has worked with its partners and the government to strengthen the capacities of the primary rights-holders (in this case, women living in the camps) to claim their rights, and duty-bearers (in this case, the government and law enforcement officials) to fulfil their obligations.

UNFPA identified community-based and women's groups within the camps and supported them in

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## CASE STUDY (continued)

holding information sessions on GBV. These sessions were held in private women's centres, which helped reduce some of the cultural taboos against discussing GBV. The sessions provided information about how to file police reports and how to deal with issues of confidentiality and retaliation, while also serving as an opportunity for women to form informal social support groups.

In order to reduce women's vulnerability to violence, UNFPA, along with local NGOs, advocated for the Ministry of Reconstruction to restructure the layout of the camps. Water and fuel supplies were relocated to those central areas of the camp that were less accessible by the rebels. Because fertile plots of land could not be relocated, many local women's groups called for new sources of income to be made available to them by the government and the international presence in the camps. In collaboration with the women's groups, UNFPA and OHCHR have been supporting the central government's funding of microfinancing programmes for female residents of the camps and for elderly women in particular, as they often faced disproportionately greater discrimination when seeking employment.

These plans to reduce vulnerability to GBV were complemented by efforts to sustain the integrated approach to violence prevention and care in the camp clinics. UNFPA continues to support local NGOs who conduct health worker trainings on the clinical management and counselling of rape survivors.

**Because of the chronic humanitarian situation in the camps, working to strengthen the government's capacity to bring perpetrators of GBV to justice has been a much more formidable task.**

The government claimed that the camps were outside of its jurisdiction for security reasons. Bringing justice to the survivors of GBV perpetrated by intimate partners was complicated by sexual violence committed during the rebel attacks. The government failed or did not want to distinguish between these two types of violence, blaming everything on the rebels.

Despite these challenges, UNFPA continues its efforts to advocate for access to the justice system for those living in the camps. Again, UNFPA staff often use the IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings,<sup>31</sup> as well as the resource tools for implementing the guidelines, to help them in their gender-responsive work in emergency settings such as this one.



### How has UNFPA been supporting the implementation of a HRBA with respect to gender efforts in North Arturia?

43. How has UNFPA promoted the integration of the human rights principles of participation and inclusion, equality and non-discrimination, and accountability and rule of law in the response to GBV against women in the North?
44. How does the emergency situation affect the ability of the government to fulfil its human rights obligations? Who are the other duty-bearers in this case?
45. Did the UNFPA-supported response meet the 3AQ criteria? How would you improve this effort?
46. How did UNFPA support the dissemination of data on GBV duty-bearers and rightsholders? How can this be done in a culturally sensitive manner?
47. What was the added value of involving women's groups in the response?
48. Who was involved in the attempts to strengthen the government's ability to bring perpetrators of violence to justice? Who was left out? In what ways could the participation of other stakeholders help convince the government of its responsibilities to the women living in the camps?

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<sup>30</sup> Available at: [http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf\\_gender-gbv](http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf_gender-gbv)



### **How would you use a HRBA to strengthen the emergency response?**

49. How can men be involved? How can their participation improve the acceptability of efforts to provide new sources of income generation?
50. How should UNFPA's partners measure the success of their response to GBV in the camps?
51. How can UNFPA's partners monitor and evaluate the changes in capacities of duty-bearers and rights-holders to combat GBV against women? What are some of the indicators that could be used to do this?
52. What are some other human rights relevant to this situation?

## **CASE STUDY**

### **The South of Arturia:**

#### **The long-term impact of gender-based violence against women**

Still on the road to recovery, the South of Arturia continues to rebuild its health system and other social services. In the area of violence against women specifically, situation analyses and independent research show that GBV against women is reported in about one third of households, although the exact figures are likely to be higher. Adequate disaggregated data for IDPs and other at-risk women are not available. Analyses also show that there are low rates of prosecution and conviction for GBV cases, and a general underreporting of GBV. This is true despite the existence of harsh laws criminalizing intimate partner and sexual violence.

In addition to GBV, many survivors of sexual violence during the conflict are now living in or around the capital Megalopolis. Although surveys have attempted to quantify the number of survivors, many of them are unaccounted for, even as a surprising number continue to seek support from NGO and governmental clinics despite being regularly confronted with a lack of appropriate recovery services.

A few national health facilities have staff trained in how to treat GBV against women. But most health workers know very little about how to treat or where to refer survivors of GBV. The fact that most health workers have never been exposed to trainings on clinical management of violence is certainly a barrier to their ability to treat and help prevent GBV. GBV counselling and psychosocial services are non-existent in the national health system. Women who can access these services rely on NGO programmes for comprehensive care: treatment, counselling and information on prevention and seeking redress.

Knowledge about the law and redress mechanisms for survivors of GBV is low, especially among Norte women and those living in semi-urban and rural areas. Those who know how to report violence often do not do so out of fear, apathy and distrust for the existing system. The links between the justice system and the health system in the South are very weak. During the civil war, many ministries worked alone in their struggles to secure finances and continue functioning. It was even more difficult to collaborate with other parts of the government during the two decades of fighting. Consequently, there was no system for health workers to report crimes to law enforcement. Like the national health system, NGO programmes also did not have contact with the justice system. They did, however, provide information on how survivors could independently file reports with the police.

#### **UNFPA-supported response: Supporting gender-responsive activities by focusing on GBV against women**

In response to the widespread gender-based violence against women, UNFPA decided to support a more comprehensive collection of information on GBV during situation analysis and assessment in South Arturia. Previous situation analyses and studies had made it very clear that quantifying the

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## CASE STUDY (continued)

numbers of survivors of sexual violence provided limited data and an incomplete picture. In order to conduct a successful causal analysis, UNFPA supported its partners in collecting qualitative information by conducting confidential individual interviews and focus groups with women on their experiences of all types of GBV. The goal was to get a gender-responsive understanding of the underlying structural causes of GBV in the South, such as economic and income inequalities, sociocultural expectations particular to women and men, etc. **The shift to a qualitative focus was designed to provide a clearer picture of the different issues faced by vulnerable sub-groups of women, including Norto women and IDPs.**

UNFPA also decided to support the Ministry of Health, health worker organizations, and women's groups in implementing health worker trainings on the clinical management of GBV. Planning for these trainings was done by collaborating with international NGOs, who had the technical expertise and on-the-ground experience doing GBV prevention and care in Arturia. Clinical management of GBV was integrated into existing health worker certification programmes as part of the reproductive health curriculum. NGOs and the Ministry of Health also agreed that NGOs would offer GBV counseling and psychosocial service training to already-certified health workers during their work shifts. The MOH agreed to make postemergency prophylaxis (PEP) kits a part of the essential supplies list for all primary care facilities and hospitals.

In addition, UNFPA collaborated with its partners in an advocacy strategy to strengthen the ability of the government to bring perpetrators of sexual violence to justice.

- ▶ The first step was to encourage ratification of CEDAW, which had only been signed by the government. Full ratification had not been possible during the war. This would place further impetus and international legal obligations on the government to respect, protect and fulfil women's human rights.
- ▶ The second step was to encourage **implementation of existing national laws prohibiting sexual violence** by advocating for budgetary allocation for law enforcement and independent tribunals to investigate sexual violence and war crimes committed during the civil war. Working with women's groups, local faith-based organizations, and NGOs, the UNFPA country office decided to support a programme where female volunteers would accompany survivors to the police, clinics and counselling services. The goal was to increase trust in social services as well as improve knowledge and access to the justice and health systems on an individual level. Several geographic areas for implementing the programme were identified as high priority, mainly increasing access to the justice system for semi-urban and rural survivors of GBV. These areas were selected for immediate programme implementation based on the low levels of knowledge about GBV services and judicial redress.



### How has UNFPA supported the implementation of a HRBA with respect to GBV activities in South Arturia?

53. How has UNFPA promoted the integration of the human rights principles of participation and inclusion, equality and non-discrimination, and accountability and rule of law in the response to GBV against women in the South?
54. Who are the rights-holders in this setting? Who are the corresponding duty-bearers, and what are their obligations? Who was left out, and how could you ensure their inclusion in the future?

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55. How does the post-conflict situation affect the capacity of the government to fulfil its obligations to combat GBV?
56. How were semi-urban and rural areas selected as priority areas for implementing the volunteer programme? What other types of information would you advise your partners to collect in situation assessments if they were to make this decision again?

#### **How would you use a HRBA to strengthen the emergency response?**

57. Who would you include in the collection of qualitative data on violence, and how? What is the added value of their inclusion?
58. How would you use a capacity gap analysis to help your partners identify areas of intervention to combat GBV? What would you do differently in this situation to promote the realization of rights?
59. How would you monitor the outcome and impact of government's commitment to include PEP kits as essential supplies? What indicators would you use?
60. How would you ensure that rights-holders can demand accountability from UNFPA for its support of qualitative analyses, GBV training and volunteer programmes?
61. Clearly, GBV is only one of the many issues that must be addressed using genderresponsive programming in post-conflict situations. What are some of the other genderrelated challenges that you foresee arising in this case? What are some ways in which you could address these challenges using a human rights-based and gender-responsive approach?

You have reached the end of this Module. Well done! The goal of this Module was to demonstrate how human rights principles can reinforce UNFPA-supported programmes in emergency and post-emergency situations.

## **D. Key take-home messages for implementing a HRBA in emergencies**

By now we hope you realize that applying a HRBA during emergency response does not require you to take on an entirely new approach to your work, but only to build upon what you are already doing by systematically bringing in human rights principles at each step of your work. Doing so will help contribute to stronger policies and programmes that meet UNFPA's strategic objectives. Remember the following take-home lessons from this Module and case study:

- ▶ In promoting the implementation of a HRBA to humanitarian response work, UNFPA recognizes and accounts for the different emergency phases and types of emergencies at hand.
- ▶ UNFPA supports the government's efforts to promote **accountability** and transparency by working with its partners to quickly disseminate the findings of rapid health and mortality assessments and fact-finding missions to the government and local organizations. This helps ensure that duty-bearers know what is happening on the ground, so they can begin to address the rights and needs of those living in the crisis, such as safe access to emergency obstetric care.
- ▶ Ensuring the meaningful **participation** and inclusion of local groups in the design of factfinding missions helps to promote a more culturally sensitive response by providing important insight about the value systems and social hierarchies of those communities living in humanitarian crises.
- ▶ In order to ensure **equality** and **non-discrimination**, UNFPA assists its partners in taking steps to recognize and combat social stigmas and other forms of inequality faced by marginalized

groups, which are often exacerbated in emergency situations. For example, UNFPA works with its partners to address the social stigma confronting those who choose to use family planning services by integrating these services into primary health facilities and village health units. In this manner, individuals utilizing family planning services are less likely to be distinguished from those using other services and less easily identified by neighbours or community members.

- ▶ UNFPA collaborates with a large number of NGOs/CSOs, UN agencies, government offices, and international humanitarian groups when responding to emergencies. This diverse, multi-sectoral collaboration is necessary to holistically attend to the multiple human rights violations that occur in emergency situations.
- ▶ The limited capacity and unwillingness of government to commit resources to reproductive health and other related services are some of the biggest challenges faced by UNFPA and its partners in responding to humanitarian emergencies. Advocating for a political commitment to increasing budgets for excluded groups, and working to translate this commitment into **available, accessible, acceptable and high quality services** are important long-term components of a HRBA to humanitarian response.
- ▶ While there are many unique challenges in both emergency and post-emergency settings, careful application of the key human rights principles can facilitate and strengthen UNFPA's humanitarian response work.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## CONCLUSION

# CONCLUSION

Congratulations! You have successfully completed the Manual. You should now have a good grasp of UNFPA's culturally sensitive, gender-responsive, human rights-based approach. You may still have many outstanding questions about how to implement a HRBA specifically in relation to your work. That is to be expected. **Remember, while a HRBA offers you a process and guides you towards which questions to ask (see the checklist of questions on your poster), it does not provide easy answers.** As in your other efforts, much of what you discover about how best to implement a HRBA in your work will be done through trial and error.

In **Module 1**, we introduced you to the basics of human rights and explained the linkages between culture, gender and human rights. Do not forget that advancing gender equality and being sensitive to the cultural context of your work are both essential and inherent to a HRBA. Make sure also to familiarize yourself with the key human rights treaties and to know which treaties the governments you are working with have obligated themselves to uphold. And always remember that since a main aspect of a HRBA is ultimately to realize human rights, it will be good for you to determine in each context which rights from these treaties are most relevant to your area of work.

In **Module 2**, we explained how each of the core human rights principles of a HRBA (especially the principles of participation and inclusion, equality and non-discrimination, and accountability and Rule of Law) can be programmatically applied to your work. We also introduced you to the 3AQ (availability, accessibility, acceptability and quality)—all elements of the right to health, and which are of general importance to UNFPA when supporting the implementation of a HRBA. Finally, we provided guidance on what issues to consider with respect to operationalizing a HRBA at each stage of a typical programming cycle. Key to take away from this Module is a general understanding of how to operationalize the human rights principles of a HRBA in your work with your partners and governments—and the utility of the checklist of questions on your poster. Remember that you can modify the questions in the checklist to adapt to various types of programmes or programming stages, and that additional human rights, such as the right to health, will always be relevant to your efforts. A HRBA is not a rigid plan! It is an extremely flexible approach that consists of asking key questions, applying key human rights principles to your processes and outcomes, and framing the project/programme you are supporting around the realization of human rights that governments are legally obliged to protect.

In **Modules 3-6**, we took you through different case studies where a HRBA was implemented. Although we separated UNFPA's work among its three core areas, you of course noticed the overlap between these core areas and what it means to apply a HRBA in relation to each of

these areas of work. When supporting the implementation of national programmes, it is quite possible that you will be dealing with issues (e.g. gender-based violence, HIV prevention, etc.) that blend together gender, reproductive health, and population and development concerns. Our focus in these Modules was not to show you the similarities or differences between these core areas of work, but to give you the opportunity to practice applying a HRBA to different types of programmes. Of course, depending on your specific focus, additional human rights, such as the right to health, will be relevant to your efforts. Remember even as the range of human rights you apply may be different, the *processes* are always the same. When you are doing programming, you might have different or additional challenges in an emergency situation than in peace time, but it is still the **same process**.

In conclusion, at the end of the Manual we provide you with a poster featuring the diagram of a HRBA, a checklist of questions and a number of useful 'Information Cards'. These tools aim to help you in your efforts to promote and support the implementation of a HRBA. We hope that you will learn to use the checklist of questions on your poster routinely in your programming efforts. In addition, remember to refer to the Information Card on Adolescents and Young People when supporting programmes or policies that have an impact on youth (which will, in UNFPA's case, be almost all the activities you engage in). Finally, as a UNFPA staff member, you are bound to come across situations where it will be challenging to implement a HRBA, so keep in mind the tips and strategies we provide in the Information Card on Advocating for a HRBA in Challenging Contexts.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## GLOSSARY OF TERMS

# GLOSSARY OF TERMS

## **3AQ - availability, accessibility, acceptability and quality**

As stated by the Committee on Economic, Social and Cultural Rights in General Comment No. 14 on the right to the highest attainable standard of health, the right to health in all its forms and at all levels contains the following interrelated and essential elements, the precise application of which will depend on the conditions prevailing in a particular State party:

**Availability:** Functioning public health and health care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's developmental level. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs, as defined by the WHO Action Programme on Essential Drugs.

**Accessibility:** Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

- ▶ **Non-discrimination:** health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
- ▶ **Physical accessibility:** health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.
- ▶ **Economic accessibility (affordability):** health facilities, goods and services must be affordable for all. Payment for health care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
- ▶ **Information accessibility:** accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.

**Acceptability:** All health facilities, goods and services must be respectful of medical ethics and must be culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life cycle requirements, and must be

designed to respect confidentiality and improve the health status of those concerned.

**Quality:** As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.

### **Accountability and Rule of Law**

*Accountability and Rule of Law* are core human rights principles. States and other dutybearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

### **Accession**

*Accession* is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force.

### **Action 2**

*Action 2* stems from the second report on UN reform (2002) called, "Strengthening the United Nations: An Agenda for Further Change." It is a global programme designed to strengthen the capacity of UN country teams to support the efforts of Member States in reinforcing their national human rights promotion and protection systems. The ultimate aim of the Action 2 programme is to ensure that the rights of individuals are respected and protected through these systems by enhancing the capacity of its country teams with practical tools, training, advice, knowledge sharing, and seed funding for capacity-building and pilot programming.

### **Action 2 Common Learning Package**

*The Action 2 Common Learning Package* was developed by the Working Group on Training of the Action 2 Interagency Task Force to respond to the need to develop the basic capacities of UN country teams on the human rights-based approach. UNFPA was part of that working group. It is a detailed guide that explains the basic concepts of human rights and the steps that UNCTs should take in order to implement a human rights-based approach to programming.

### **Clusters**

A *cluster* is a group comprising organizations and other stakeholders, with a designated lead, working in an area of humanitarian response in which gaps in response have been identified. These areas include some traditional relief and assistance sectors (water and sanitation, nutrition, health, emergency shelter); service provision (emergency telecommunications, logistics) and cross-cutting issues (camp coordination, early recovery and protection). Clusters are organized at both field and global level.

### **COMMON COUNTRY ASSESSMENT (CCA)**

The *Common Country Assessment (CCA)* is a country-based process for reviewing and analysing the national development situation and identifying key issues as a basis for advocacy, policy dialogue and preparation of the UNDAF. The objective of the CCA is to

attain deeper knowledge of key development challenges, based on a common analysis and understanding of the development situation. The CCA should address national needs and priorities and the status of follow-ups to United Nations conferences, conventions and declarations. The CCA Indicative Framework is a useful tool for helping countries select relevant indicators relating to the global conferences and for capturing the extent of progress in the many dimensions of poverty. Expected results are an operational document, a common information base and improved United Nations collaboration.

### **Concluding Observations**

The observations and recommendations issued by a treaty body (Committee such as CEDAW or the Committee on Economic, Social and Cultural Rights) after consideration of a State party's report. *Concluding observations* refer both to positive aspects of a State's implementation of the treaty and areas where the treaty body recommends that further action needs to be taken by the State. The treaty bodies are committed to issuing concluding observations that are concrete, focused and implementable and are paying increasing attention to measures to ensure effective follow-up to their concluding observations.

### **Concluding Comment**

Another name for *concluding observation*. See '*concluding observation*'.

### **Consent to be bound**

In order to become a party to a multilateral treaty, a State must demonstrate, through a concrete act, its willingness to undertake the legal rights and obligations contained in the treaty. In other words, it must express its *consent to be bound* by the treaty. A State can express its consent to be bound in several ways, in accordance with the final clauses of the relevant treaty. The most common ways are: definitive signature; ratification; acceptance or approval; and accession.

The act by which a State expresses its consent to be bound by a treaty is distinct from the treaty's entry into force. Consent to be bound is the act whereby a State demonstrates its willingness to undertake the legal rights and obligations under a treaty through definitive signature or the deposit of an instrument of ratification, acceptance, approval or accession. Entry into force of a treaty with regard to a State is the moment the treaty becomes legally binding for the State that is party to the treaty. Each treaty contains provisions dealing with both aspects.

### **Core Human Rights Principles**

See separate definitions for *universality; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and Rule of Law*.

### **Culture Lens**

The *culture lens* is an analytical and programming tool that helps policy makers and development practitioners to analyse, understand and utilize positive cultural values, assets and structures in their planning and programming processes, so as to reduce resistance to the ICPD Programme of Action, strengthen programming effectiveness and create conditions for ownership and sustainability of UNFPA programmes, especially in the areas of women's empowerment and promotion of reproductive health and rights. The culture lens is an approach promoted by UNFPA that can advance the goals of programming effectively and

efficiently with strong community acceptance and ownership.

A *culture lens* clarifies:

- ▶ The realities and sociocultural assets of societies in which programmes are delivered
- ▶ The influential local power structures and pressure groups that can be potential allies or adversaries to development programming
- ▶ The internal cultural tensions and aspirations of the various subcultures.

## **Culture**

*Culture* refers to beliefs, attitudes, values, behaviours and traditions that are learned and shared by virtue of membership and socialization in groups.

A *culturally sensitive* approach includes:

- ▶ Cultivating an understanding of the cultural context in which projects are implemented
- ▶ Creating a positive negotiating environment with partners and stakeholders
- ▶ Being patient
- ▶ Respecting the cultures of others
- ▶ Honouring commitments
- ▶ Promoting universally recognized human rights in ways that enable communities to own these rights.

## **Data dissemination**

*Data dissemination* refers to the sharing of data and making them widely available to the public.

## **Data tabulation and analysis**

*Data tabulation and analysis* refers to organizing and coding data within agreed-upon categories and tables, and then analysing the data to help understand the census findings and results.

## **Data utilization**

*Data utilization* refers to the manner in which census findings are used to shape policies and programmes.

## **Declaration**

The term *declaration* refers to various international instruments. However, *declarations* are not always legally binding. The term is often deliberately chosen to indicate that the parties do not intend to create binding obligations but merely want to declare certain aspirations. An example is the 1992 Rio Declaration. Declarations, however, can also be treaties in the generic sense of being intended to be binding at international law. It is therefore necessary to establish in each individual case whether the parties intended to create binding obligations.

The term declaration may also refer to *Interpretative declarations*. A State may make an interpretative declaration about its understanding of a matter contained in the interpretation of a particular provision of a treaty. Interpretative declarations of this kind, unlike reservations, do not purport to exclude or modify the legal effects of a treaty. The purpose of

an interpretative declaration is to clarify the meaning of certain provisions or of the entire treaty. There are also *Optional and mandatory declarations*. Treaties may provide for States to make optional and/or mandatory declarations. These declarations are legally binding on the declarants.

### **Duty-bearers**

*Duty-bearers* are those actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty-bearers. An obvious example is private armed forces or rebel groups, which under international law have a negative obligation to refrain from human rights violations. Depending on the context, individuals (e.g. parents), local organizations, private companies, aid donors and international institutions can also be duty-bearers.

### **Equality and non-discrimination**

All individuals are *equal* as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights *without discrimination* of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.

### **Gender**

*Gender* refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ timespecific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader sociocultural context. Other important criteria for sociocultural analysis include class, race, poverty level, ethnic group and age.

### **Gender equality**

*Gender equality* means equality of treatment under the law and equality of opportunity for women and men. Gender inequality is generated both by society's written and unwritten norms, rules and shared understandings. It is pervasive across societies and is one of the most prevalent forms of social inequality. It cuts across other forms of inequality such as class, caste, race and ethnicity. The rationale for addressing gender inequality is not only that it exists in all societies, but that it exists at all levels.

### **Gender mainstreaming**

*Gender mainstreaming* is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

### **Gender-based violence**

In 1993, the UN Declaration on the Elimination of Violence against Women offered the first official definition of *gender-based violence*:

Article 1: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.

Article 2 of the Declaration states that the definition should encompass, but not be limited to, acts of physical, sexual and psychological violence wherever it occurs—in the family, the community or perpetrated or condoned by the State. These acts include: spousal battery; sexual abuse, including of female children; dowry-related violence; rape, including marital rape; female genital mutilation/cutting and other traditional practices harmful to women; nonspousal violence; sexual violence related to exploitation; sexual harassment and intimidation at work, in school and elsewhere; trafficking in women; and forced prostitution. The 1995 Beijing Platform for Action expanded on this definition, specifying that it includes: violations of the rights of women in situations of armed conflict, including systematic rape, sexual slavery and forced pregnancy; forced sterilization, forced abortion, coerced or forced use of contraceptives; prenatal sex selection and female infanticide. It further recognized the particular vulnerabilities of women belonging to minorities: the elderly and the displaced; indigenous, refugee and migrant communities; women living in impoverished rural or remote areas, or in detention.

### **Gender relations**

*Gender relations* refer to the ways in which a culture or society defines rights, responsibilities, and identities of men and women in relation to one another.

### **Gender-responsive budgeting**

*Gender-responsive budgeting* is another innovative approach designed to influence policy and improve government accountability towards gender equality goals. Gender-responsive budgeting aims to help governments fulfil their obligations by promoting economic efficiency, equality, accountability and transparency.

### **Gender-responsive programming**

*Gender-responsive programming* is the analysis, design, implementation, monitoring, managing and evaluation of population and development programmes that focus on poverty reduction and development promotion from a gender perspective. Gender concerns are mainstreamed into all programming processes. Gender-responsive programming intentionally allows gender to affect and guide services, creating an environment through site selection, staff selection, program development, content and material that reflects an understanding of the realities of women's lives, and is responsive to the issues and needs of the women and girls being served.

### **General Comment**

A treaty body's interpretation of the content of human rights provisions, on thematic issues or its methods of work. *General Comments* often seek to clarify the reporting duties of State parties with respect to certain provisions and suggest approaches to implementing treaty provisions. Also called *General Recommendation*.

### **General Recommendation**

The term used by CERD and CEDAW to refer to general comments.

## **Human Rights**

*Human rights* are intrinsic values that give all human beings dignity. Human rights are legally guaranteed by human rights law. They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity. Human rights impose obligations on governments. Governments are obliged to respect, protect and fulfil human rights.

## **Human rights-based approach (HRBA)**

A *human rights-based approach* entails consciously and systematically paying attention to human rights in all aspects of programme development.

A HRBA is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

## **ICPD Programme of Action**

At the 1994 International Conference on Population and Development (ICPD) in Cairo, 179 countries agreed that population and development are inextricably linked, and that empowering women and meeting people's needs for education and health, including reproductive health, are necessary for both individual advancement and balanced development. The conference adopted a 20-year Programme of Action, which focused on individuals' needs and rights, rather than on achieving demographic targets. Concrete goals of the *ICPD Programme of Action* centred on providing universal education; reducing infant, child and maternal mortality; and ensuring universal access by 2015 to reproductive health care, including family planning, assisted childbirth and prevention of sexually transmitted infections including HIV/AIDS.

## **Inalienability**

See *universality and inalienability*.

## **Indivisibility**

Human rights are *indivisible*. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, *a priori*, in a hierarchical order.

## **Inclusion**

See *participation and inclusion*.

## **Interdependence and interrelatedness**

Human rights are *interdependent and interrelated*. The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.

## **International human rights treaties**

The term *treaty* can be used as a common generic term or as a particular term that indicates an instrument with certain characteristics.

a) Treaty as a generic term: The term treaty has regularly been used as a generic term embracing all instruments that are binding at international law and are concluded between international entities, regardless of their formal designation. Both the 1969 Vienna

Convention and the 1986 Vienna Convention confirm this generic use of the term treaty. The 1969 Vienna Convention defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.” The 1986 Vienna Convention extends the definition of treaties to include international agreements involving international organizations as parties. In order to speak of a treaty in the generic sense, an instrument has to meet various criteria. First, it has to be a binding instrument, which means that the contracting parties intended to create legal rights and duties. Secondly, the instrument must be concluded by States or international organizations with treaty-making power. Thirdly, it has to be governed by international law. Finally the engagement has to be in writing. Even before the 1969 Vienna Convention on the Law of Treaties, the word treaty in its generic sense had been generally reserved for engagements concluded in written form.

b) Treaty as a specific term: There are no consistent rules when state practice employs the terms treaty as a title for an international instrument. Usually the term treaty is reserved for matters of some gravity that require more solemn agreements. Their signatures are usually sealed, and they normally require ratification. Typical examples of international instruments designated as treaties are *Peace Treaties, Border Treaties, Delimitation Treaties, Extradition Treaties and Treaties of Friendship, Commerce and Cooperation*. The use of the term treaty for international instruments has considerably declined in the last decades in favour of other terms.

### **Millennium Development Goals (MDGs)**

*The Millennium Development Goals (MDGs)* are a set of quantified and time-bound goals for dramatically improving the human condition by the year 2015. Limited in number, they allow developing countries to focus and mobilize action in seven key priority areas:

- ▶ Goal 1: Eradicate extreme poverty and hunger
- ▶ Goal 2: Achieve universal primary education
- ▶ Goal 3: Promote gender equality and empower women
- ▶ Goal 4: Reduce child mortality
- ▶ Goal 5: Improve maternal health
- ▶ Goal 6: Combat HIV/AIDS, malaria and other diseases
- ▶ Goal 7: Ensure environmental sustainability
- ▶ Goal 8: Develop a global partnership for development

### **Minimum Initial Services Package (MISP)**

*The Minimum Initial Services Package (MISP)* is a cluster of reproductive health services to meet the minimum requirements in an emergency situation, with the expectation that comprehensive services will be provided as soon as the situation permits. MISP was developed by the Inter-agency Working Group (IAWG) on Reproductive Health in Refugee Situations.

### **National human rights protection systems (NHRPS)**

A national protection system consists mainly of legal frameworks, institutions, procedures and actors designed to ensure that international human rights norms and standards are promoted, respected, protected and fulfilled. The objective of a NHRPS is to ensure sustainable and effective respect for human rights in a country. It aims to strengthen

national capacities at all stages of a country's development, including in the context of a humanitarian crisis, in order to create a foundation to build on during the transition and development phases.

### **Non-discrimination**

See *equality* and *non-discrimination*.

### **Ombudsperson (ombudsman or ombudswoman)**

1. A person who investigates complaints and mediates fair settlements, especially between aggrieved parties such as consumers or students and an institution or organization.
2. A state official, especially in Scandinavian countries, who investigates citizens' complaints against the government or its functionaries.

### **Participation and inclusion**

Every person and all peoples are entitled to active, free and meaningful *participation and inclusion in*, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.

### **Poverty reduction strategy (PRS)**

A *poverty reduction strategy* (PRS) is a document that sets out a framework for domestic policies and programmes to reduce poverty in low-income countries. The underlying principle of the PRS process is that countries should direct their own development agenda, as policy reforms and programmes are unlikely to be sustainable without full country ownership. The process for preparing a PRS is intended to be inclusive and participatory, taking into account the perspectives of a range of stakeholders in its design and implementation, including civil society organizations, representatives of the poor and women, the private sector, trade unions, donors and UN system partners, in addition to government.

### **Progressive realization**

Article 2 of the ICESCR allows States to achieve "progressively the full realization of the rights recognized in the Covenant," "to the maximum of its available resources," and "by all appropriate means, including particularly the adoption of legislative measures." According to the Committee on Economic, Social and Cultural Rights:

"The concept of *progressive realization* constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. . . . It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights.

"At the same time, a scarcity of resources does not relieve the responsibility of the State to meet certain minimum obligations."

### **Ratification**

*Ratification* defines the international act whereby a State indicates its consent to be bound by a treaty that it has previously signed. Most multilateral treaties expressly provide for States to express their consent to be bound by signature subject to ratification, acceptance or approval.

Providing for signature subject to ratification allows States time to seek approval for the treaty at the domestic level and to enact any legislation necessary to implement the treaty

domestically, prior to undertaking the legal obligations under the treaty at the international level. Once a State has ratified a treaty at the international level, it must give effect to the treaty domestically. This is the responsibility of the State. Generally, there is no time limit within which a State is requested to ratify a treaty that it has signed. Upon ratification, the State becomes legally bound under the treaty.

Ratification at the international level, which indicates to the international community a State's commitment to undertake the obligations under a treaty, should not be confused with ratification at the national level, which a State may be required to undertake in accordance with its own constitutional provisions before it expresses consent to be bound internationally. Ratification at the national level is inadequate to establish a State's intention to be legally bound at the international level. The required actions at the international level shall also be undertaken.

### **Reproductive health**

*Reproductive health* incorporates the protection and promotion of reproductive rights for individuals and couples through access to comprehensive health services and information to meet sexual and reproductive needs, relating to both physical and mental health, throughout the life cycle.

### **Reproductive rights**

*Reproductive rights* embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individual to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community.

### **Reservations**

A *reservation* is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in application to that State. A reservation enables a State to accept a multilateral treaty as a whole by giving it the possibility not to apply certain provisions with which it does not want to comply. Reservations can be made when the treaty is signed, ratified, accepted, approved or acceded to. Reservations must not be incompatible with the object and the purpose of the treaty. Furthermore, a treaty might prohibit reservations or only allow for certain reservations to be made.

### **Respect, protect, fulfil**

Governments have three levels of obligation: to respect, protect and fulfil every right.

To *respect* a right means refraining from interfering with the enjoyment of the right.

To *protect* the right means enacting laws that create mechanisms to prevent violation of the right by State authorities or by non-State actors, and providing affordable and accessible redress. This protection is to be granted equally to all.

To *fulfil* the right means to take active steps to put in place institutions and procedures, including the allocation of resources to enable people to enjoy the right. The key is to create an enabling environment through all appropriate means, particularly through resource allocation.

## **Results-based management (RBM)**

*Results-based management (RBM)* is an approach to improve programme and management effectiveness and accountability and is oriented towards achieving results. It uses results as a basis for planning, management and reporting, and aims to improve performance by comparing and analyzing actual results against planned results through regular monitoring, evaluation, reporting, feedback and adjustments.

## **Rights-holders**

*Rights-holders* are individuals or social groups that have particular entitlements in relation to specific duty-bearers. In general terms, all human beings are rights-holders under the Universal Declaration of Human Rights. In particular contexts, there are often specific social groups whose human rights are not fully realized, respected or protected. More often than not, these groups tend to include women/girls, ethnic minorities, indigenous peoples, migrants and youth, for example. A human rights-based approach does not only recognize that the entitlements of rights-holders need to be respected, protected and fulfilled, it also considers rights-holders as active agents in the realization of human rights and development—both directly and through organizations representing their interests.

## **Sector-wide approaches (SWAp)**

Integrated development programmes call for new types of partnerships among governments, donors, development banks, the private sector and the wider civil society. The *SWAp* is designed to bring about a more coordinated approach to sector financing than was previously employed in project-based development.

## **Signature**

Multilateral treaties usually provide for *signature* subject to ratification, acceptance or approval—also called *simple signature*. In such cases, a signing State does not undertake positive legal obligations under the treaty upon signature. However, signature does indicate the State's intention to take steps to express its consent to be bound by the treaty at a later date. In other words, signature is a preparatory step on the way to ratification of the treaty by the State.

Signature also creates an obligation, in the period between signature and ratification, acceptance or approval, to refrain in good faith from acts that would defeat the object and purpose of the treaty (see article 18 of the Vienna Convention 1969).

## **Sphere Humanitarian Charter**

*Sphere* is based on two core beliefs: first, that all possible steps should be taken to alleviate human suffering arising out of calamity and conflict; and second, that those affected by disaster have a right to life with dignity and therefore a right to assistance. *Sphere* is three things: a handbook; a broad process of collaboration; and an expression of commitment to quality and accountability.

*The Sphere Humanitarian Charter* is based on the principles and provisions of international humanitarian law, international human rights law, refugee law and the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief. The Charter describes the core principles that govern humanitarian action and reaffirms the right of populations affected by disaster, whether natural or man-made, to protection and assistance. It also reasserts the right of disaster-affected populations to life with dignity. The Charter also points out the legal responsibilities of States to guarantee the right to protection and assistance.

## **Treaty body**

A committee of independent experts appointed to monitor the implementation by States parties of the core international human rights treaties. They are called *treaty bodies*, because each is created in accordance with the provisions of the treaty that it oversees. In many important respects, they are independent of the United Nations system, although they receive support from the United Nations Secretariat and report of the General Assembly. Also referred to as the committee or treaty-monitoring body.

## **Treaty body recommendation**

Another name for *concluding observation*.

## **Universality and inalienability**

Human rights are *universal and inalienable*. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the UDHR, "All human beings are born free and equal in dignity and rights."

## **UN Common Understanding**

The *UN Common Understanding* was adopted in 2003 to ensure that UN agencies funds and programmes consistently apply a human rights-based approach to common programming processes at global and regional levels, and especially at the country level in relation to the CCA and UNDAF.

### ***UN Statement of Common Understanding of the Human Rights-Based Approach to Development***

1. All programmes of development cooperation, policies and technical assistance should *further the realization of human rights* as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. *Human rights standards contained in, and principles derived from the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation* and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the *development of the capacities of 'dutybearers' to meet their obligations and/or of 'rights-holders' to claim their rights*.

## **United Nations Development Assistance Framework (UNDAF)**

*UNDAF* is the planning framework for the development operations of the United Nations system at country level. The Framework consists of common objectives and strategies of cooperation, a programme resources framework and proposals for follow-up, monitoring and evaluation. It is developed with the full participation of United Nations organizations and agencies, the government and development partners and lays the foundation for cooperation among these parties throughout the preparation of a complementary set of programmes and projects.

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## DIAGRAM OF A HRBA

# DIAGRAM OF A HRBA



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## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

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### INFORMATION CARD 1

History and Definitions of the 'Human Rights-Based Approach'

## History and Definitions of the 'Human Rights-Based Approach'

The incorporation of human rights into health and development work has a long history, going back decades. In more recent times, the term 'HRBA' has entered the development lexicon. In 1997, Kofi Annan, then Secretary-General of the UN, brought HRBAs into the mainstream when he called for their adoption by the entire UN system.

There is general agreement that HRBAs have now been explicitly referred to and used in fields as diverse as security, water and pastoral development. Within the past several years, HRBAs have also been a focus of work for actors in the fields of public health and development, and they have been articulated and adopted in policies by a number of bilateral and international development agencies, international NGOs and UN agencies.

A HRBA, as the name implies, constitutes the adoption of an approach to work that is explicitly shaped by human rights and human rights principles. It is not only about the outcome of work supporting human rights; it is also about the processes of work and how human rights principles are embodied in their operation—and also about how these processes will ultimately strengthen the overall rights-related outcomes.

Within this broad understanding of what constitutes a HRBA, however, different organizations have created their 'own' definitions of a HRBA—no 'universally accepted' definition of a HRBA exists. While there are many commonalities, what these differences mean for how organizations do their work are rich and worth exploring.

- ▶ For example, one international development organization defines its human rights-based approach as an approach that "ensures that the rights of poor and excluded people are respected, promoted, protected and fulfilled."
- ▶ Another development organization describes its HRBA as a "deliberate and explicit focus on enabling people to achieve the minimum conditions for living with dignity—in other words, achieving their human rights."

These are simply two examples of the abundant variety of HRBAs. This multiplicity of approaches is bound to cause some confusion!

Within the UN system, UN agencies are mandated to adopt the **Common Understanding** definition of a HRBA. The Common Understanding definition of a HRBA is broad enough to encompass the work of all UN agencies, and each agency adopts the Common Understanding in the way that fits most closely with its mandate and chosen areas of focus.

To date, UNFPA has tailored the Common Understanding to its mandate by stressing the importance of ensuring a **culturally sensitive, gender-responsive HRBA** (see Module 1 for a more detailed explanation of UNFPA's HRBA).

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

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### INFORMATION CARD 2

Added Elements of Programming Required by the HRBA

# INFORMATION CARD

## Added Elements of Programming Required by the HRBA

### NECESSARY AND UNIQUE ELEMENTS OF A HRBA

- ▶ Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers, as well as the immediate, underlying and structural causes where human rights are not fulfilled.
- ▶ Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations. They then develop strategies to build these capacities.
- ▶ Both processes and outcomes of programmes are implemented, monitored, evaluated and guided by human rights standards and principles.
- ▶ Programming is informed by the recommendations of international human rights bodies and mechanisms.

### GOOD PROGRAMMING PRACTICES UNDER A HRBA

- ▶ People are recognized as key actors in their own development, and not as passive recipients of commodities and services.
- ▶ Participation is both a means and a goal.
- ▶ Strategies are empowering, not disempowering.
- ▶ Analysis includes all stakeholders.
- ▶ Programmes focus on marginalized, disadvantaged and excluded groups.
- ▶ The development process is locally owned.
- ▶ Programmes support accountability to all stakeholders.
- ▶ Programmes aim to reduce disparity.
- ▶ Top-down and bottom-up approaches are used in synergy.
- ▶ Situation analysis is used to identify immediate, underlying and basic causes of development problems.
- ▶ Measurable goals and targets are used for programming.
- ▶ Strategic partnerships are developed and sustained.

Source: Adapted from The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies, available at: [www.hreoc.gov.au/social\\_justice/conference/engaging\\_communities/un\\_common\\_understanding\\_rba.pdf](http://www.hreoc.gov.au/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf)

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

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### INFORMATION CARD 3

Applying a HRBA to Your Work with Adolescents and Young People

## Applying a HRBA to Your Work with Adolescents and Young People

### *UNFPA's approach to working with adolescents and young people<sup>1</sup>*

The nearly 1.5 billion people between the ages of 10 and 24 in the world today face a unique set of challenges to their development. Almost half of these adolescents and young people are living on less than US\$2 a day. Many adolescents and young people face social inequality, poor schools, gender discrimination, unemployment and inadequate health systems. As they enter puberty, bias against girls puts them at higher risk than boys for dropping out of school and being subjected to sexual violence or child marriage. And every day, 6,000 young persons, mostly young women and girls, contract HIV.

Adolescents and young people are often not a primary concern when it comes to public programmes, investments and policy-making. Adolescent girls face an especially high risk of being left out. These are just some of the struggles of living as a young person in the world today. The goal of this training is to promote understanding and implementation of a human rights-based approach (HRBA) in the work of UNFPA. Over the course of this training, UNFPA country staff, regional training center staff, and UNFPA implementing partners will become familiar with this Manual, and gain knowledge on how to apply a HRBA in their work. While the Manual itself is a self-standing 'how-to' guide, the training materials are to help participants read, understand, train and apply the contents of a HRBA.

“A world fit for adolescents and youth is one in which their rights are promoted and protected. It is a world in which girls and boys have optimal opportunities to develop their full potential, to freely express themselves and have their views respected, and to live free of poverty, discrimination and violence.”

*UNFPA Framework for Action on Adolescents and Youth - Opening Doors with Young People: 4 Keys, Executive Summary, September 2006*

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<sup>1</sup> The terms young people, young persons, youth, and adolescents, are often inconsistently used to refer to different age groups. We will use these terms interchangeably to refer to persons aged 10-24.

Recognizing young people's human rights as well as their particular needs, UNFPA's Framework for Action on Adolescents and Youth aims to contribute to comprehensively advancing young people's development by realizing their human rights. This means not only addressing sexual and reproductive health, but also working to achieve the MDGs on education, poverty reduction and gender equality by focusing on young people.

The Framework for Action seeks to:

- ▶ empower adolescents and youth, girls and boys, with skills to achieve their dreams, think critically, negotiate risky situations and express themselves freely;
- ▶ provide access to health, including sexual and reproductive health information, education, commodities and services;
- ▶ connect young people to livelihood and employment programmes;
- ▶ uphold the rights of young people, especially girls and marginalized groups, to grow up healthy and safe;
- ▶ encourage young people to participate fully in development plans; and
- ▶ recognize the rights of young people to a fair share of education, skills and services, with a special focus on economically disadvantaged, socially marginalized and vulnerable groups.<sup>2</sup>

You may be telling yourself that this framework sounds a lot like a HRBA. To some extent, this is true. The framework contains a few of the principles of a HRBA in the form of strategies for working with youth. For instance, take a look at the emphasis on active participation and the attention given to ensuring the inclusion of marginalized groups of youth.

Fully operationalizing a HRBA in your work with young people, however, requires considering and applying the key human rights principles (universality and inalienability, indivisibility, interdependence and interrelatedness, participation and inclusion, equality and non-discrimination, and accountability and Rule of Law) to each step of the programming cycle. You should also ensure availability, accessibility, acceptability and quality, if providing goods, services or information to adolescents and young people.

The Convention on the Rights of the Child (CRC)<sup>3</sup> may be a useful document for you to use in your work with young people.

In order to achieve the above objectives of the Framework for Action, UNFPA has identified 'Four Keys' as the major areas of work where it can make the biggest difference in young people's lives:

- ▶ Key 1: Supportive policy environment by applying the lens of population structure and poverty dynamics analyses.
- ▶ Key 2: Life skills-based-education, including comprehensive sexuality and relationships education
- ▶ Key 3: Sexual and reproductive health services
- ▶ Key 4: Young people's leadership and participation<sup>4</sup>

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<sup>2</sup> UNFPA Framework for Action on Adolescents and Youth - Opening Doors with Young People: 4 Keys, Executive Summary, September 2006.

<sup>3</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989. United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b38fo>.

<sup>4</sup> Op. cit., UNFPA Framework for Action on Adolescents and Youth.

Keeping these keys in mind, you can use a HRBA to help in translating the Framework for Action on Adolescents and Youth into effective programmes and interventions.

## **What is different about using a HRBA when working with adolescents and young people?**

Applying a HRBA when working with adolescents and young people can seem challenging at first glance. Adolescence is a time of increasing responsibilities, and adults are often quick to judge the behaviour of adolescents. There is also often difficulty in balancing young people's rights to act autonomously with their rights to adequate protection. For example, you may have been confronted with needing to consider the extent to which parents and providers should be involved in adolescents' health-seeking decisions.

First and foremost, when applying a HRBA to your work with young people, use the same principles and tools as you would for human rights-based work in any other area. In addition, however, you will need to recognize and keep in mind any tensions that may arise between the responsibilities of caretakers and the increasing autonomy of young people:

- ▶ Young people have the right to participation and inclusion, including the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life; and
- ▶ Young people have a continuously evolving capacity to make competent decisions and informed choices about their lives.

It is useful to note that all of the human rights principles we went over in Module 2 apply to your work with young people. For instance, let us assume you are supporting a government in instituting a youth-friendly sexual education programme in public schools in one district of your country (work that would fall under Key 2 above). In implementing a HRBA, you would want to:

- ▶ Promote accountability by identifying duty-bearers and rights-holders, and their capacities and capacity gaps. Ultimately, your efforts should improve their abilities to fulfil their obligations or claim their rights.
- ▶ Actively and meaningfully include all stakeholders, and marginalized youth populations in particular, in each of your programming steps. Such marginalized populations can include married girls, indigenous adolescents and young people, young people living with disabilities, and so forth.
- ▶ Apply the principle of non-discrimination, which requires paying attention to excluded groups, and make certain that your programme does not contribute to any existing discrimination. (Please refer to the checklist of questions on your poster for a comprehensive list of what to ask at each programming step.)

The rights enshrined in the major international human rights treaties introduced in Module 1 apply to all adults, adolescents, and children, and additionally rights contained in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) as well as the CRC may be of particular use to your efforts.

The CRC contains articles and principles with specificity for young people under the age of 18, and is therefore relevant to your work with adolescents in this age group. There are two concepts, in particular, emerging from the CRC with which you should be familiar. These are the principles of evolving capacity and best interests.

Evolving capacity means that adolescents and young people are continually developing the abil-

ity to take full responsibility for their actions until the point where they become fully responsible. According to the CRC, the guidance and direction that caretakers and other duty-bearers provide adolescents and young people must take these capacities into account.

For example, a young person seeking contraceptives from his/her provider is demonstrating the evolving capacity to take care of his/her sexual and reproductive health and forces attention on legal and provider attitudes concerning whether the adolescent is thought to be capable of making a decision in this regard or whether parental consent is necessary.

### **Hint: The concept of ‘evolving capacity’**

Key to the principle of ‘evolving capacity’ is making sure not to ‘lump’ all young people together. UNFPA’s mandate covers adolescents and young people between the ages of 10 and 24. This is a vast age range, and the capacity of a 10-year-old child is quite different to the capacity of a 20-year-old young person. It is critical to take these age differences into account when supporting programmes, and thus essential to tailor programmes differently depending on the age group targeted.

An HIV prevention campaign for out-of-school youth, for example, may require different messages and strategies for adolescents aged 10-12 years, than for adolescents aged 15-16, or for young people aged 20-24.

Because it is so important to tailor programmes carefully to different age groups and to the different capacities of adolescents and young people, human rights-based programmes encourage the disaggregation of data by age, to the extent possible and useful, at the situation assessment and analysis stage. Age-disaggregated data can be very useful for the design and planning of programmes because they enable the creation of interventions that are more accurately tailored to specific age groups, and thus are more likely to be effective in the long term. UNFPA and its partners are still working on learning how to tailor programmes to adolescents aged 10-15 years so that they are most effective.

Another point to keep in mind with respect to the principle of ‘evolving capacities’ is that programmes tailored towards adolescents and young people must:

- a) Be either flexible enough to change with the adolescents as they grow, and as their capacities evolve; or
- b) Provide referrals for ongoing support for adolescents and young people as they ‘grow out of’ the particular intervention.

Programmes should either provide different levels of learning for different age groups, or should refer adolescents to different programmes as they grow older and as their capacities to understand evolve.

Finally, remember that even adolescents and young people of the same age may have very different capacities. Young people who have been educated, or who have had access to information or other privileges may be much more outspoken and more comfortable participating in meetings or other spaces than other young people who may have never been to school or who have faced other difficulties in their life. And gender differences can be enormous in this age range, at times hampering the involvement of girls even when programmes have been specifically designed for their benefit. Ensuring meaningful participation, therefore, requires developing the capacities of disempowered young people so that they can meaningfully participate in all stages of the programme.

This focus on capacity development extends to parents, leaders, cultural and religious gatekeepers, and even the staff running the programme or intervention. All of these actors should be supported in developing the capacity to treat adolescents and young people as partners in the programme, and not just as volunteers or beneficiaries. Work with young people to find out about their skills, and hire young people to help run the programme, especially marginalized adolescents and young people, including indigenous youth, or adolescents and young people living with disabilities. Shifting one’s perspective to view adolescents and young people as partners in development is an essential aspect of the principle of equality and key to a HRBA.

The principle of best interests is outlined in Article 3 of the CRC. Simply put, the CRC states that the best interests of the child must be a primary concern in any decision that concerns them. Ensuring the best interests of young people means always taking their opinions into account.

### **Tips for human rights-based programming with adolescents and young people**

- 1.** Consider which adolescents and young people benefit: Even though adolescents and youth in and of themselves may constitute an excluded population, keep in mind that there are marginalized subgroups of young people with additional needs and concerns. These include adolescent mothers, migrant youth, married adolescents, young people living with disabilities, and adolescents and youth without parents or family support. It is a good idea to be familiar with these populations in your efforts to ensure non-discrimination in your work.

When supporting youth-based programmes, consider which adolescents and young people are actually benefiting from the programme. For example, if an intervention includes setting up youth clubs that provide HIV prevention education, and many young people start attending the youth clubs, does it necessarily mean that the programme is a success? Often the adolescents and young people who attend youth clubs are those who already have the most access to information. You might want to know, for example:

- ▶ Are indigenous young people and/or young people of ethnic minorities attending the youth club?
- ▶ Are girls?
- ▶ What age groups of adolescents and young people are attending? Is a youth club an accessible service for a married 12-year-old girl?
- ▶ How about for out-of-school adolescents and youth?

Because a HRBA requires focusing on the most marginalized and excluded groups, it is essential that this focus extends to programmes that target adolescents and young people.

- 2.** Consider how youth-related policies and laws are being implemented: Many countries around the world have excellent youth policies on paper. However, implementation can be weak. Remember the legal and policy analysis we discuss in Module 2 at the situation assessment and analysis stage of a HRBA? Well, make sure to consider laws and policies that affect adolescents and young people in your assessment and analysis, and check for action plans, budgets, and monitoring and evaluation plans to see if anything you find is actually being implemented.
- 3.** Consider responsibilities as well as rights: UNFPA's Framework for Action on Adolescents and Youth emphasizes that young people have civic responsibilities as well as rights, and that human rights-based programmes should take this into account. When developing the capacities of adolescents and young people, often the focus is primarily on empowering them to articulate and claim their rights. It is equally important to develop their capacities to become 'good citizens', which includes knowing and accepting their responsibilities—such as not violating the human rights of others, or participating in civic life (e.g. voting).

*(continued on following page)*

### **One example of a project working to adopt a HRBA to young people**

UNFPA's project 'Stronger Voices for Reproductive Health' in a country in Latin America is an initiative that worked with young people's organizations to conduct participatory learning sessions to increase awareness about young people's reproductive rights. The initiative also built ties with health providers to identify issues in the quality of services for adolescents and young people, especially girls. This has led to the development of standards for youth-friendly health services based on what young people themselves value. These standards have been disseminated and hang on signs in community clinics.

Despite some success, however, the most marginalized groups of adolescents and young people were not fully involved. These groups included indigenous youth (who lived in hard-to-reach areas), as well as internally displaced youth. Additionally, the standards for youth-friendly health services were only posted in a small number of community clinics (most rural clinics were not included), and only in the country's main language. Adoption of the components of a HRBA noted above could be of help in strengthening this project going forward.

### **Conclusion**

Essentially, supporting the application of a HRBA to work with young people is little different from supporting a HRBA in work with any other population. The CRC in particular constitutes a useful additional resource to draw on in framing human rights-based work with young people. It also provides guidance on ensuring the best interests of the child and their evolving capacities remain a paramount concern in all youth-related policies and programmes.

For further details, the Modules within this Manual provide more detailed information on applying a HRBA throughout policy and programming work, and all of these are relevant to UNFPA's work with adolescents and young people.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### INFORMATION CARD 4

Advocating for a HRBA in Challenging Contexts -  
Convincing a Resistant Government of the Value of a HRBA

## Advocating for a HRBA in Challenging Contexts – Convincing a Resistant Government of the Value of a HRBA<sup>1</sup>

Throughout this Manual, there has been a repeated emphasis on the need for the participation of rights-holders and duty-bearers, with an emphasis on the role of the government, at every stage of a programme, and the importance of making processes transparent and responsibilities clear in order to ensure accountability. In addition, there has been a consistent emphasis on cultural sensitivity and gender-responsiveness, both crucial issues for UNFPA, and essential to the implementation of a HRBA.

Difficulties can arise, however, when a government lacks the will, or the capacity to engage and is uncomfortable with the participation of all or some rights-holders in programme efforts. Problems can also arise in contexts where there is strong cultural or religious resistance to UNFPA's mandate, where cultural practices may harm human rights, and where the subordination of women is so deeply entrenched that gender equality and women's empowerment are highly controversial.

What should be done when working in challenging contexts and where there is a serious lack of accountability?

Challenging contexts for UNFPA staff include places where there is:

- ▶ A lack of political will to deal with issues seen as especially sensitive or controversial—such as family planning, contraception, gender equality, gender-based violence, child marriage, killings in the name of honour, etc. These issues are all directly relevant to UNFPA.
- ▶ Overt resistance to the concepts and methods of human rights (including for ostensible cultural, religious or other reasons), especially with respect to the 'sensitive' topics dealt with under UNFPA's mandate.
- ▶ Open political resistance to human rights, for example in the context of sharp ethnic divisions where providing education in minority languages is not considered politically acceptable.
- ▶ A lack of political commitment and/or weak capacity to develop and implement a human rights-based approach.

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<sup>1</sup> Much of this information is adapted from OECD, *The Development Dimension: Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges*, 2006. pp. 69-86; and OHCHR, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, New York and Geneva, 2006.

- ▶ Resistance to acknowledging certain populations, and therefore resistance to ensuring the human rights of those populations such as drug users, sex workers, indigenous peoples and refugees—again, all populations that fall under UNFPA’s mandate.
- ▶ Cultural or religiously sanctioned subordination of women, and where negative attitudes towards women and stereotypes are deeply entrenched. This can include cultural practices that are harmful to women’s human rights, but that have broad support among the population.
- ▶ A government that operates in a highly centralized manner, with limited public accountability. Where there is little public accountability, there is often little public participation in the development of policies/programmes/interventions, as well as broad inequalities within the population.
- ▶ Violent conflict, widespread poverty or extremely weak capacity, where basic survival or institution building is seen as a priority.
- ▶ Generally weak governance or other significant structural and political barriers.

Awareness of acute human rights violations and the fear of even unintentionally being complicit with human rights-abuses committed by your government partners are some of the factors that could impede your development work in these challenging contexts. It may seem that genuine human rights-based programming, especially with respect to sensitive interventions such as the provision of contraceptives or comprehensive sex education for adolescents, is simply too difficult for myriad reasons, including conflicts with local culture or religion or certain political situations. Additionally, in weak or fragile States, State capacity may be so limited that holding States accountable for meeting even the most basic obligations, such as maintaining security or providing immediate access to health or other social services for all parts of the country, may in the end not be realistic.

### Cultural challenges faced by UNFPA staff

UNFPA staff in the field face a number of challenges in their work. Their sensitive mandate requires working on issues that might already be controversial or difficult in certain settings. Add to that the need to promote a HRBA, and even bigger obstacles can exist!

Resistance to implementing human rights goes beyond overt violations by governments and can include social norms and values, such as opposition to child and adolescent participation, and a preference for seeing aid as charity.<sup>2</sup> As mentioned above, cultural or religious traditions and practices can also appear to be in opposition to UNFPA’s efforts. Cultural practices can be harmful to human rights, but may be deeply entrenched within a society and have powerful support in the country. Working to change behaviours and attitudes that view human rights negatively (or that especially view the human rights of women in a negative light) can be extremely time-consuming with limited immediate obvious impact.

Incremental changes are possible, however, and may be more enduring in the long run. This is the reason why UNFPA promotes a **culturally sensitive HRBA**. Because culture and religion are of such importance, it is essential to design and implement programmes that work from **within** a culture. Identifying those power structures that perpetuate the status quo and those that support change can be used strategically to advance a HRBA. Furthermore, support for change can be built up through sociocultural research, including gender analysis.<sup>3</sup>

<sup>2</sup> Op. cit., OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

<sup>3</sup> UNFPA, Culturally Sensitive Approaches: Lessons from the Field. Available at: [http://www.unfpa.org/culture/case\\_studies/yemen.htm](http://www.unfpa.org/culture/case_studies/yemen.htm).

Weak capacity to realize human rights can result from a range of factors, including limited resources to meet minimum standards and even, simply, lack of knowledge about human rights duties and claims. Working with governments on human rights issues can also be difficult, because these issues reveal the political dimensions of engaging in poverty reduction efforts. Consider what was said in Module 2 regarding the importance of including marginalized groups in decision-making at all stages of a programme. Clearly, this is difficult to achieve without addressing the power imbalances that prejudice particular groups of people and without opening up space for public dialogue.

## What are some ways to promote a HRBA in such challenging contexts?

### 1. Work with culture, not against it:

When applying a HRBA in contexts where local culture has seemed to be in conflict with human rights, UNFPA has been able to successfully work with traditional and religious leaders to use human rights as a tool to influence harmful and discriminatory practices that might otherwise have remained unchallenged.

- ▶ For example, in the area of health and reproductive rights, UNFPA has been able to identify culturally sensitive ways of promoting human rights—by drawing on Islamic sources in Muslim countries or by explaining that culture is also includes positive elements that can help prevent harmful practices that violate women's rights.

### Supporting legal change in a complex environment<sup>4</sup>

In one country in Latin America, the passage of a groundbreaking new law that promotes better health for women and their families was the product of a year and a half of negotiations and consensus-building among a wide range of stakeholders. This effort was facilitated by UNFPA.

Although this country has one of the highest maternal mortality ratios in Latin America—270 deaths per 100,000 live births—the country lacked broad political support for reproductive health programmes. That all changed in 2001 when the Social Development Law was enacted, promoting specific policies in the areas of population, reproductive health, family planning and sexual education.

Ten years earlier, Congress had passed a similar law, but it was vetoed by the President following intense lobbying from groups opposing the law. This time around, however, the government and a number of stakeholders developed an elaborate advocacy strategy for ratification of the law well in advance. The strategy involved not only traditional allies, but also groups such as the Catholic and Evangelical churches and business leaders. Potential allies within these groups were identified and advocacy efforts carefully steered in their direction. Throughout the process, UNFPA maintained a facilitating role, supporting government institutions and civil society organizations, which assumed authorship and accountability for the new law.

Identifying points of common interest with the Catholic Church helped neutralize longstanding areas of disagreement and was an important starting point for negotiations. For instance, there was broad consensus on the need to reduce maternal and infant mortality, which became the centrepiece of the new law.

Though the entire process was laborious, it proved successful in the end. In the words of the UNFPA representative: “Patience, perseverance and the willingness to start a dialogue are ‘tools’ for behaviour change in sensitive environments. It took us nearly 15 months of hard work and negotiation to dispel suspicions, build consensus and create the capacity necessary to prepare the ground for enactment of the law.”

<sup>4</sup> Additional information is available at: [http://www.unfpa.org/culture/case\\_studies/guatemala\\_study.htm](http://www.unfpa.org/culture/case_studies/guatemala_study.htm).

## What works when implementing a culturally sensitive HRBA?

- ▶ Knowing the opposition and understanding its views can be key to successful negotiations. Analyse the rationale on which it bases its arguments and develop a logical response. This can be done by encouraging participation.
- ▶ Developing a different advocacy strategy for each stakeholder is often the most effective way to achieve consensus.
- ▶ Mistrust can often be dispelled through a transparent process of consultation and negotiation in which all parties have full access to information. This promotes the human rights principle of accountability, which is essential for a HRBA.
- ▶ Confidence can be promoted by following through on every commitment.
- ▶ In culturally complex environments, evidence-based data on issues of common concern can help to bring stakeholders together. Follow up with advocacy on these issues.
- ▶ Ownership of programme objectives can be achieved by involving as many actors as possible in the process. This requires attention to the human rights principles of participation and inclusion, most particularly the inclusion of marginalized groups. *sociocultural research, including gender analysis.*<sup>3</sup>

## 2. Emphasize that a HRBA is synonymous with national ownership:

It is vital to understand and address the links between government action and human rights promotion and protection. One way this can be done is by reconciling human rights with the national ownership and leadership of strategies upon which development programming is based. UNFPA is committed to promoting and ensuring national ownership in all country programmes. The focus on national ownership is a key aspect of UNFPA's Strategic Plan 2008-2011.

- ▶ National ownership is essential to a HRBA—this is why the human rights principles of participation and inclusion are so vital.
- ▶ One approach that has been successful in engaging reluctant governments has been by stressing that it is their development goals that you are aiming to help them realize.
- ▶ It can be useful to show governments that a HRBA aims to support them in exercising effective leadership over their own development policies and strategies, and to help them coordinate development actions that further their own goals.
- ▶ Reminding governments that the fundamental human rights objectives expressed in the Charter of the United Nations—the foundation for all United Nations-supported development activities—are consistent with and grounded within the principle of national ownership can also be useful.<sup>5</sup>
- ▶ In order to further promote the inclusion of human rights as part of nationally owned strategies, promotion of wider consultative processes has proved useful. The inclusion of parliamentarians, national human rights institutions, national civil society organizations, cultural and religious leaders, and international NGOs can be helpful. This helps governments to build wider support and ownership around their efforts and to draw on considerable country-based experiences in shaping their programmes.

<sup>5</sup> Charter of the United Nations, 1945. Available at: <http://www.un.org/aboutun/charter/>.

### **3. Show that human rights are not a foreign concept:**

Sometimes a human rights-based approach is viewed with suspicion as an external conditionality or the latest development fad or donor import. These concerns are often voiced in good faith, although sometimes they may also mask a desire to avoid human rights obligations.

- ▶ Remind governments that States parties to the international human rights treaties are required to harmonize their national legislation with international standards.
- ▶ Suggest examination of their domestic legislation to determine the extent to which human rights norms and standards are already incorporated in their efforts.
- ▶ Hint: Remember the legal and policy analysis we talked about in Module 2? Carrying out such an analysis can help you and your government partners become familiar with the laws and policies of the country in which you are working, and can thus show to what extent international human rights standards have already been integrated into domestic legislation.
- ▶ Make sure to refer to nationally entrenched rights in constitutions and domestic legal standards, as well as the (freely entered into) international human rights obligations when in conversation with reluctant partners.
- ▶ Raise the promises that were made at ICPD. Reassurance to governments that you can help them meet these commitments, through capacity development and support among other means, can be considered a positive contribution even by the most recalcitrant governments.
- ▶ Finally, remind governments that Member States made a commitment, at the UN 2005 World Summit, to integrate the promotion and protection of human rights into national policies.

All these suggestions provide entry points to strengthen national ownership of human rights concepts in the context of development partnerships, and this works particularly well around poverty reduction strategies.

### **4. Prove that you know the value of a HRBA:**

Sometimes a human rights-based approach is viewed with suspicion as an external conditionality or the latest development fad or donor import. These concerns are often voiced in good faith, although sometimes they may also mask a desire to avoid human rights obligations.

- ▶ Clear communication is needed on the distinctive meaning, value and requirements of a human rights-based approach, within the framework of a genuine development partnership.
- ▶ It is critical that the United Nations and all those involved in implementing a human rights-based approach walk the talk in order to have credibility in policy dialogues on these issues. Hence, capacity development of your own staff—with use of a training manual such as this one—can go to great lengths towards providing reassurance to governments that you understand and can explain the value of a human rights-based approach to programming for national development, and that you see a HRBA as central to the achievement of your goals and objectives as well.

### **5. Emphasize capacity development:**

- ▶ Resistance to human rights can sometimes be lessened if you emphasize the key role given to capacity development of not only rights-holders but also duty-bearers in a HRBA.

- ▶ Because a HRBA offers the opportunity to develop the capacity of duty-bearers to fulfil their obligations in a manner that is sustainable, governments may be more receptive when they understand that what is being offered to them is technical assistance to meet their development goals.
- ▶ UNFPA is committed to the capacity development of both rights-holders and duty-bearers in all of the programmes it supports.

### **What type of capacity development works? UNFPA's lessons from Africa<sup>6</sup>**

- ▶ Building capacity of duty-bearers can help ensure sustainability. This includes training for health service providers and peer educators. A HRBA focuses on developing the capacities of duty-bearers to fulfil their obligations and the capacities of rights-holders to claim their rights.
- ▶ Capacity development of faith-based organizations (FBOs) should include dialogue, sensitization and joint programming, and should be a long-term endeavour, carried out beyond a single programming cycle. This allows the partnership to mature and trust to fully develop, multiplying the chances for positive results.
- ▶ Capacity development of civil society organizations (CSOs) and FBOs should be carried out in a way that is proportional to their size and coverage. Many leaders of CSOs or members of the clergy are well-educated, well-organized and capable of carrying out tasks to international standards.
- ▶ Supporting and strengthening the project management skills of partner organizations will help them to attract financing from a variety of sources and become self-reliant. This is one of the goals of a HRBA—that the government and CSOs will become self-reliant in the long term, thereby assuring sustainability of the programme.

## **6. Do the best you can in the situation you are in:**

It is vital to understand and address the links between government action and human rights promotion and protection. One way this can be done is by reconciling human rights with the national ownership and leadership of strategies upon which development programming is based. UNFPA is committed to promoting and ensuring national ownership in all country programmes. The focus on national ownership is a key aspect of UNFPA's Strategic Plan 2008-2011.

- ▶ Some country contexts present great challenges, such as in the midst of a war. In these situations, it may of course be impossible to fully engage the participation of the government in this effort.
- ▶ This does not mean that it is impossible to apply a HRBA in emergency situations (see Module 6). It just means you have to be aware of any limitations that may hinder your ability to support full implementation of a HRBA.
- ▶ Even if international humanitarian law is in operation, do the best you can to provide help to the most marginalized and excluded groups, ensure the programmes you support do not discriminate, and engage the participation of your targeted groups and other stakeholders to the extent possible.
- ▶ It may be difficult to ensure accountability during such situations, but you can at least ensure internal accountability for your own efforts by being transparent, disseminating

<sup>6</sup> Additional information is available at: [http://www.unfpa.org/culture/case\\_studies/ghana.htm](http://www.unfpa.org/culture/case_studies/ghana.htm).

results and sharing decision-making processes with the public in any manner possible.

- ▶ Turn to the case study in Module 6 to see how UNFPA tries to ensure accountability in emergency response.

## **7. Be patient and work progressively towards change:**

- ▶ In many cases, convincing a government of the utility of a HRBA requires patience and commitment.
- ▶ Progressively engage the government, and other actors (civil society organizations, human rights commissions, NGOs), in dialogue about development goals.
- ▶ Do not use 'rights' language if it is not appropriate. Instead, begin by focusing on discussing the data behind the main development challenges, such as maternal mortality ratios, levels of unmet need, HIV prevalence, and so forth. In one African country, UNFPA staff found that demonstrating sensitivity in the choice of language and topics for discussion, especially in the early stages of programme formulation, helped to get a joint initiative off to a good start. The concept of family planning, for instance, may have negative associations. Instead, frame the issues in the larger—and more positive—context of reproductive health and healthier families.<sup>7</sup>
- ▶ Discuss the linkages between population dynamics, gender equality, reproductive health and poverty reduction efforts. If State fragility is more clearly linked to a lack of will than capacity, human rights can be an important tool to analyse power relations and can provide an entry point for dialogue.

### **What works? UNFPA's lessons from Africa and South America<sup>8</sup>**

- ▶ Patience and perseverance eventually pay off. A great deal of dialogue and sensitization may be required to break new ground on issues that are deeply rooted. This kind of dialogue can easily be fostered if the human rights principles of participation, inclusion and accountability are promoted.
- ▶ Even within seemingly monolithic institutions, there are different schools of thought. Recognizing this can provide openings for work with non-traditional partners. A HRBA, in fact, encourages the creation of multisectoral partnerships, especially with non-traditional partners. The human rights principles of indivisibility and interdependence are relevant here, because they emphasize the holistic approach that is necessary to fulfil human rights—for instance, that duty-bearers from many sectors of society (even non-traditional sectors) have a role to play.
- ▶ It is essential to understand the thinking of both your allies and adversaries. Be ready to engage in an ongoing and constructive dialogue with those who oppose your views. Again, this can be fostered through adherence to the principles of participation and inclusion at each stage of a programme.
- ▶ Behaviour change can be slow in some societies. Incremental changes are possible, however, and may be more enduring in the long run. A HRBA is an approach that aims for long-term sustainability.

<sup>7</sup> UNFPA, Lessons from the Field: Uganda. Available at: [http://www.unfpa.org/culture/case\\_studies/uganda.htm](http://www.unfpa.org/culture/case_studies/uganda.htm).

<sup>8</sup> UNFPA, Lessons from the Field: Brazil and Lessons from the Field: Uganda. Available at: [http://www.unfpa.org/culture/case\\_studies/brazil.htm](http://www.unfpa.org/culture/case_studies/brazil.htm) and [http://www.unfpa.org/culture/case\\_studies/uganda.htm](http://www.unfpa.org/culture/case_studies/uganda.htm).

Overall, it is clear that integrating human rights into development assistance is not simply a technical matter resolved by adequate training or better tools and procedures. In addition to knowledge of what a HRBA means in practice, it requires negotiation with governments, consensus-building, adapting to potentially difficult and unfriendly contexts and working from within a culture.

Cultural sensitivity is thus extremely important to the successful implementation of a HRBA. (Turn to Module 1 to review the intersections between culture, gender and human rights). Because much of the resistance UNFPA staff will face is likely to be based upon cultural beliefs or practices, including the meaningful participation of cultural and religious leaders is more important than ever when implementing a HRBA. Acquiring a deep understanding of community values and needs is the basis for an effective programme strategy.

### **Implementing a culturally sensitive, gender-responsive, human rights-based approach in a challenging context <sup>9</sup>**

In one country in Africa, discussing human rights-based training is very sensitive. In this very traditional society, roles are clearly divided between men and women, as they have been for hundreds of years. Women are often as uncomfortable with the idea of change as the men are.

Concerns about gender dynamics in this country are seen as political, or as 'Western ideas' forced on the local culture by international NGOs. So it was not surprising that there were concerns raised by the local administration when an international NGO suggested holding a gender training in one region of the country.

The training was intended to teach the local partners how to incorporate gender issues into programme planning. Unfortunately, the government stopped the training with partners, claiming that the content was not appropriate for the local society. Even the international NGO's own field staff were hesitant about human rights-based programming. Consequently, the international NGO decided to start the process by training its own staff.

The training began with a discussion of the different roles of women and men in society, an exploration of who enjoyed performing which tasks, and if there were any tasks normally assigned to the other gender that men or women would like to try out. In this way, participants in the training began to understand that human rights-based programming is not about inserting women into predetermined roles, but rather, building a programme around the strengths and interests of the people involved. The staff of the international NGO came away from the training with a new perspective, and became strong advocates for the new approach with the government.

After two months of careful negotiations, the country's government agreed to a training in one city. In addition to local NGOs, members of the government were invited, thereby showing that this was an open and transparent process. Representatives from the regional government, the local government, the regional administration, the director of the Department of Environment, and the director of the Department of Agriculture attended.

The training was an overwhelming success in changing perspectives and attitudes. In fact, the government has now decided to use this approach to human rights-based training as the model for future gender trainings. They stated that this approach "respects the culture and considered gender within the country context."

Acceptance of the concept of human rights-based programming is a significant step forward in a place as traditional as this country, and the new understanding and interest shown by the government has opened a new door for all national stakeholders.

<sup>9</sup> More information is available at: [http://www.usaid.gov/regions/afr/success\\_stories/somalia.html](http://www.usaid.gov/regions/afr/success_stories/somalia.html)



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## Part 3: Training Materials

### Facilitator Manual:

Introduction  
Session 1: *Introduction to the Manual*  
Session 2: *Basics of Human Rights*  
Session 3: *Key Elements of a HRBA*  
Session 4: *Sexual and Reproductive Health*  
Session 5: *Gender*  
Session 6: *Emergency Response*  
Session 7: *Population and Development*  
Session 8: *Advocacy and HRBA & Conclusion*  
Handouts

### Powerpoints:

Session 1.1: *Welcome and Introduction*  
Session 1.2: *Overview: UNFPA and Human Rights*  
Session 1.3: *Introduction to Training and Manual*  
Session 2: *Basics of Human Rights*  
Session 3.1: *Key Elements of a HRBA*  
Session 3.2: *Applying a HRBA to Monitoring and Evaluation*  
Session 4: *Reproductive Health*  
Session 5: *Gender*  
Session 6: *Emergency Response*  
Session 7: *Population and Development*  
Session 8: *Advocating for a HRBA: Challenges and Opportunities for UNFPA*

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Introduction

# INTRODUCTION

## **Purpose of training materials**

The goal of this training is to promote understanding and implementation of a human rights-based approach (HRBA) in the work of UNFPA. Over the course of this training, UNFPA country staff, regional training center staff, and UNFPA implementing partners will become familiar with this Manual, and gain knowledge on how to apply a HRBA in their work. While the Manual itself is a self-standing 'how-to' guide, the training materials are to help participants read, understand, train and apply the contents of a HRBA.

## **Facilitator Manual and handouts**

The Facilitator Manual is accompanied by a set of handouts. The Facilitator Manual contains content and instructions that are relevant to delivering an effective training, such as preparing for activities, and tips on how to run sessions. In addition, all necessary handouts for participants can be found in the section at the end of the Facilitator Manual. These handouts contain relevant information for carrying out each of the activities. It is recommended that facilitators become familiar with the Manual and handouts before starting the training. Note that the document entitled 'Participant Handouts' is a collection of all the necessary information for participants to carry out each activity.

## **Suggested training format**

The training is designed to take place over a three-day period. On the next page is an overview of this proposed training, followed by a more detailed agenda. Keep in mind that this three-day structure is a recommendation. The training templates are designed to be flexible, and you are encouraged to adjust sessions, materials, and activities according to the needs of your target audience and specific context.

Although most of the sessions in this three-day training are based specifically on the Modules within this implementation Manual, we have inserted suggestions for additional, optional sessions that can be led by invited guest speakers. For example, it might be interesting for participants to hear from UNFPA field staff about their on-the-ground attempts to implement a human rights-based approach to their work, and what successes and challenges they have faced. Participants might also be interested in hearing from members of national human rights commissions in the country or region in which the training is taking place, ombudspersons, or even government authorities who are committed to human rights and wish to share their work and views. All of

these perspectives can present a new angle for training participants from which to understand human rights and can make the overall training more interesting.

However, although we recommend that such guest speakers be included in the three-day training, it is also important to ensure that their presentations do not detract from the primary purpose of this training, which is to present step-by-step guidance on how to implement a HRBA to UNFPA programmes. As a result, if you do plan to have one or more guest speakers, we recommend that their presentations be held 'outside' of the main training sessions—i.e. their presentations should take place either first thing in the morning, prior to the start of the day's training (e.g. from 8:30-9:00 a.m.), or after the day's training has been completed (e.g. from 5:30-6:30 p.m.). This ensures that guest speakers are provided with a platform to share their experiences, but without confusing their personal presentations with the actual HRBA training sessions.

## Pre-training guidance

When planning the HRBA training, we strongly recommend that you send copies of the full implementation Manual (either digital copies or hard copies) to all the participants at least two weeks prior to the training. This provides participants with time to read the Manual and become familiar with its contents before the training begins.

In addition, we also recommend that a pre-training **'human rights knowledge assessment/quiz'** take place. This can be done in the following manner:

- ▶ Participants can be sent this quiz by email one week prior to the training and asked to respond with their answers within a couple of days; or
- ▶ The quiz can be posted online, and participants can be asked to complete the quiz online prior to the training.

If it is not possible to have participants complete the assessment/quiz and send their answers back to you prior to the training, the third option is to ask participants to complete the quiz during the 'Registration' period on the morning of Day 1 of the training (before any of the training sessions begin). See the agenda for Day 1 and the facilitator instructions for Day 1 for more information.

The purpose of the pre-training human rights knowledge assessment/quiz is to help you, as a facilitator, become familiar with the level of human rights knowledge among the participants, and be aware of their hopes and expectations with respect to the training. This will help you tailor your training to fit their needs. Of course, it is possible that participants will have widely varying levels of knowledge of human rights, in which case you will have to use your judgement to ensure that everyone is provided with the information they need and that those with less human rights knowledge do not feel lost or confused.

A sample 'human rights knowledge assessment/quiz' can be found in the 'Handouts' section of this training Manual.

# SUGGESTED OUTLINE OF TRAINING AGENDA

	DAY ONE	DAY TWO	DAY THREE
9:00-10:30am	<ul style="list-style-type: none"> <li>▶ Welcome</li> <li>▶ Session 1: Introduction to Training and Manual</li> </ul>	<ul style="list-style-type: none"> <li>▶ Welcome</li> <li>▶ Session 4: Sexual and Reproductive Health</li> </ul>	<ul style="list-style-type: none"> <li>▶ Welcome</li> <li>▶ Session 6: (continued)</li> <li>▶ Session 7: Population and Development</li> </ul>
10:30-10:45		BREAK: 15 MINUTES	
10:45-1:00	<ul style="list-style-type: none"> <li>▶ Session 2: Basics of Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 4: (continued)</li> <li>▶ Session 5: Gender</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 7: (continued)</li> </ul>
1:00-2:00		LUNCH: ONE HOUR	
2:00-3:00	<ul style="list-style-type: none"> <li>▶ Session 3: Key Elements of a Human Rights-Based Approach</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 5: (continued)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 8: Advocacy and HRBA</li> </ul>
3:00pm-3:45		BREAK: 15 MINUTES	
3:45-5:30pm	<ul style="list-style-type: none"> <li>▶ Question and Answer Session</li> <li>▶ Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 6: Emergency Response</li> <li>▶ Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>▶ Session 8: (continued)</li> <li>▶ Conclusion</li> <li>▶ Evaluation</li> <li>▶ Closing</li> </ul>

# DAY 1 – AGENDA

TIME	ACTIVITY
<b>SESSION 1: INTRODUCTION TO THE MANUAL</b>	
8:30-9:00am	Registration Pre-training human rights knowledge assessment/quiz (Optional)
9:00-9:15	Welcome <i>Presentation 1: Welcome</i>
9:15-9:30	Icebreaker: Human Rights Squares
9:30-9:45	Potential Guest Speaker: Brief welcome and setting the context of UNFPA's human rights work in the region. (Optional) If no guest speaker, provide a quick overview of UNFPA's commitment to human rights using the following presentation: <i>Presentation 2: Overview – UNFPA and Human Rights</i>
9:45-10:30	<i>Presentation 3: Introduction to Training and Manual</i>
10:30-10:45	<b>BREAK</b>
<b>SESSION 2: BASICS OF HUMAN RIGHTS</b>	
10:45-11:15	Power Walk
11:15-1:00	<i>Presentation 4: Basics of Human Rights</i>
1:00-2:00	<b>LUNCH</b>
<b>SESSION 3: KEY ELEMENTS OF A HRBA</b>	
2:00-3:30	<i>Presentation 5: Key Elements of a HRBA</i>
3:30-3:50	<b>BREAK</b>
3:45-3:50	Energizer
3:50-4:30	<i>Presentation 6: Applying a HRBA to Monitoring and Evaluation</i>
4:30-5:00	Question & Answer Session: What does a HRBA Mean in my Work?
5:00-5:30	Evaluation, Homework and Wrap-up
5:30-6:30pm	Potential Guest Speaker: Attempts at Implementing a HRBA in the Field (Optional)

# DAY 2 - AGENDA

TIME	ACTIVITY
<b>SESSION 4: SEXUAL AND REPRODUCTIVE HEALTH</b>	
8:30-9:00am	Potential Guest Speaker: Reproductive Health and Human Rights in the Field/ Gender and Human Rights in the Field (Optional)
9:00-9:10	Welcome
9:10-9:30	<i>Presentation 7: Reproductive Health</i>
9:30-10:30	Activity: Reproductive Health - Case Study
10:30-10:45	<b>BREAK</b>
10:45-11:30	Activity: Reproductive Health - Case Study (continued)
<b>SESSION 5: GENDER</b>	
11:30-12:00	<i>Presentation 8: Module 5 - HRBA and Gender</i>
12:00-1:00	Activity: Gender Case Study - HRBA and Jalampore
1:00-2:00	<b>LUNCH</b>
2:00-2:30	Activity: Gender Case Study (continued)
<b>SESSION 6: EMERGENCY RESPONSE</b>	
2:30-3:00	<i>Presentation 9: HRBA and Emergency Response</i>
3:00-3:30	Presentation 9: HRBA and Emergency Response
3:30-3:45	<b>BREAK</b>
3:45-3:50	Energizer
3:50-5:00	Activity: Emergency Response Role Play (continued)
5:00-5:30	Evaluation, Homework and Wrap-up
5:30-6:30pm	Potential Guest Speaker: Emergency Response and Human Rights in the Field (Optional)

# DAY 3 – AGENDA

TIME	ACTIVITY
<b>SESSION 7: POPULATION AND DEVELOPMENT</b>	
8:30-9:00am	Potential Guest Speaker: Population and Development and Human Rights in the Field/Advocacy and Human Rights in the Field (Optional)
9:00-9:10	Welcome
9:10-9:30	<i>Presentation 10: HRBA and Population and Development</i>
9:30-10:30	Activity: Rallandua Census Exercise
10:30-10:45	<b>BREAK</b>
10:45-12:00	Activity: Rallandua Census Exercise (continued)
12:00-1:00	<b>LUNCH</b>
<b>SESSION 8: ADVOCACY AND HRBA &amp; CONCLUSION</b>	
1:00-1:30	<i>Presentation 11: Advocacy and HRBA: Challenges and Opportunities for UNFPA</i>
1:30-3:30	Activity: Advocacy Role Play
3:30-4:00	Training Conclusion
4:00-4:30	Evaluation and Focus Groups
4:30-5:00pm	Closing

# FORMAT OF THE MANUAL

The following information is presented at the start of each session:

- ▶ Lead responsibility: Description of the skill set suggested for facilitator or resource person responsible for this session.
- ▶ Purpose: General objective of session.
- ▶ Objectives: Specific objectives to guide participants in their learning.
- ▶ Total time: Total time for session.
- ▶ Session plan: Outline of activities and their duration.
- ▶ Facilitator notes: Tips for the facilitator on how to run this session and things to keep in mind.
- ▶ Key messages: Important points that facilitators should emphasize throughout, and at the conclusion, of each session.
- ▶ Materials: Checklist of materials needed to run session such as handouts, overheads, etc.
- ▶ Suggested reading: Recommended references to help the facilitator and participants prepare for the session.
- ▶ Step-by-step guidance: step-by-step suggestions for how to lead the session.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 1: Introduction to the Manual

# DAY 1 - AGENDA

TIME	ACTIVITY
<b>SESSION 1: INTRODUCTION TO THE MANUAL</b>	
8:30-9:00am	Registration Pre-training human rights knowledge assessment/quiz (Optional)
9:00-9:15	Welcome <i>Presentation 1: Welcome</i>
9:15-9:30	Icebreaker: Human Rights Squares
9:30-9:45	Potential Guest Speaker: Brief welcome and setting the context of UNFPA's human rights work in the region. (Optional) If no guest speaker, provide a quick overview of UNFPA's commitment to human rights using the following presentation: <i>Presentation 2: Overview - UNFPA and Human Rights</i>
9:45-10:30	<i>Presentation 3: Introduction to Training and Manual</i>
10:30-10:45	<b>BREAK</b>
<b>SESSION 2: BASICS OF HUMAN RIGHTS</b>	
10:45-11:15	Power Walk
11:15-1:00	<i>Presentation 4: Basics of Human Rights</i>
1:00-2:00	<b>LUNCH</b>
<b>SESSION 3: KEY ELEMENTS OF A HRBA</b>	
2:00-3:30	<i>Presentation 5: Key Elements of a HRBA</i>
3:30-3:50	<b>BREAK</b>
3:45-3:50	Energizer
3:50-4:30	<i>Presentation 6: Applying a HRBA to Monitoring and Evaluation</i>
4:30-5:00	Question & Answer Session: What does a HRBA Mean in my Work?
5:00-5:30	Evaluation, Homework and Wrap-up
5:30-6:30pm	Potential Guest Speaker: Attempts at Implementing a HRBA in the Field (Optional)



# SESSION

Introduction to the Manual:  
Purpose of the Training and Introduction to Agenda



# DAY 1 – SESSION 1

**LEAD RESPONSIBILITY** Experienced trainer who is familiar with a HRBA and the entire content of the Manual.

**PURPOSE** To welcome participants to the training, clarify what the training will look like and why this training is so important.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Define the purpose of the Manual and give an example of how it can be used.
2. Explain how the training is structured.
3. Describe the five thematic areas addressed during the training.

**TOTAL TIME** 2 hours

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	Registration	30 minutes
	Pre-training human rights knowledge assessment/ quiz (Optional)	
	Welcome	15 minutes
	<i>Presentation 1: Welcome</i>	
	Icebreaker: Human Rights Squares	15 minutes
	Potential Guest Speaker: Brief welcome and setting the context of UNFPA's human rights work in the region (Optional)	15 minutes
	If no guest speaker, provide a quick overview of UNFPA's commitment to human rights using the following presentation: <i>Presentation 2: Overview – UNFPA and Human Rights</i>	
	<i>Presentation 3: Introduction to Training and Manual</i>	45 minutes

**FACILITATOR NOTES**

1. The 'Human Rights Squares' icebreaker reveals what participants already know about human rights and the issues that concern them. It also acts as a way to get to know others in the group, starts off the training with a human rights focus, and gets people moving.
2. In this first session, you may wish to spark the interest of participants by referring to current human rights issues in the development field that might be of importance in the country/region to which participants belong, or in which the training is taking place. Refer to local/regional examples that the participants may be familiar with.

# DAY 1 – SESSION 1

## FACILITATOR NOTES

3. It is also a good idea to invite a local government official or human rights commissioner to address participants, welcome them to the training, and to have them highlight the importance of a human rights-based approach to health and development. (Their presentation would take place in the 'Brief welcome and setting the context' session). Remind them to keep their presentations short!
4. Be enthusiastic and aim to get participants excited about the next three days.

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## KEY MESSAGES

1. This Manual is designed primarily for use by UNFPA country staff. It will also be useful to UNFPA implementing partners and others working in the fields of population and development, sexual and reproductive health, and gender, who are interested in learning how to adapt and apply a culturally sensitive, gender-responsive, human rights-based approach to their work.
2. This Manual is designed to be a 'how to' guide, and a reference manual on the human rights-based approach (HRBA).
3. Throughout this training, we will be asking many questions, and it is important to recognize there is often more than one 'right' answer when it comes to human rights. This is because a human rights-based approach is an approach that prompts people to think differently and to ask different questions. A HRBA does not always give a specific answer or a pre-ordained 'result'.
4. The primary skills you will come away with upon completing this training are the ability to know what questions to ask in order to ensure a more human rights-based programme, and knowledge of how to craft human rights-based outputs, outcomes and indicators.
5. Key benefits to implementing a human rights-based approach:
  - ▶ promotes realization of human rights and helps government partners to achieve their human rights commitments;
  - ▶ increases and strengthens the participation of the local community;
  - ▶ improves transparency;
  - ▶ promotes results (and aligns with results based management);
  - ▶ increases accountability;
  - ▶ reduces vulnerabilities by focusing on the most marginalized and excluded in society; and
  - ▶ more likely to lead to sustained change as human rights-based programmes have greater impact on norms and values, structures, policy and practice.
6. There are three main rationales for a HRBA: (a) intrinsic; (b) instrumental; and (c) institutional.
7. Within UNFPA, there has been a growing appreciation for and understanding of the necessity of building a human rights

# DAY 1 – SESSION 1

## KEY MESSAGES

perspective into the programming process. This Manual responds to this emerging organizational need.

**8.** A HRBA is integral to the UN, and should be regarded as an essential tool for achieving sustainable development outcomes.

**9.** Over the last decade human rights have gained prominence as a universal set of norms and standards that are increasingly shaping the programmes and activities of the United Nations. It is widely recognized that respecting and promoting human rights is crucial for achieving peace, sustainable human development, democracy and security, and that these human aspirations and common goals, which are the pillars of the United Nations, are inextricably linked and interdependent.

**10.** The promotion and protection of human rights are therefore fundamental to the work of UNFPA. UNFPA has been committed to the advancement of human rights in the world since its origins.

**11.** UNFPA's Strategic Plan, 2008-2011 continues to highlight the importance of the promotion of human rights in order to achieve the Millennium Development Goals and advance the ICPD agenda.

**12.** Understanding that human rights can only truly have an impact if implemented in a culturally sensitive, and gender-responsive way, UNFPA believes that a culturally sensitive, gender-responsive human rights-based approach is simply a practical application of its

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## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, and screen [Note: If you do not have access to a computer and projector, you can print out the slides and notes and lead the session by referring to the hard copies of the slides for each session. These hard copies of the slides and notes can be found in the 'Slides and Notes' participants.]	<input type="checkbox"/>
Copies of 'pre-training human rights knowledge assessment/quiz' handouts for each participant (if necessary)	<input type="checkbox"/>
Copies of 'Human Rights Squares' handouts for each participant	<input type="checkbox"/>
Small gift for 'winner' of icebreaker, e.g., candy, chocolate	<input type="checkbox"/>
Handout 1 activity sheet for day one for each participant (found in the 'Handouts' section)	<input type="checkbox"/>

# DAY 1 – SESSION 1

SESSION PLAN	Items	Ready
	'Answer' cards for participants on which they will write their answer to the question: "Do you think you are already applying a HRBA in your work"?	<input type="checkbox"/>
	Sheets of colored paper and sticky tape for participants to post lingering questions in the 'Parking Lot'	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading the '**Introduction**' to the Manual (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during, or after, the training:

- ▶ UNFPA's Strategic Plan 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/

# DAY 1 – SESSION 1

## STEP-BY-STEP GUIDELINES

### Registration

Pre-training human rights knowledge assessment/quiz (Optional) (30 minutes)

1. Allow participants to register and pick up their copies of the manual and their name tags.
2. Participants should have completed the 'pre-training human rights knowledge assessment/quiz' prior to the training. However, if this was not possible, provide a handout of the quiz to each participant as they register, and ask them to complete the quiz and hand it back in to you before the training begins.

### Welcome (15 minutes)

Presentation 1: Welcome

1. Introduce yourself to everyone and introduce any guest speakers/officials in the room.
2. Make a few introductory remarks and welcome everyone to the training.
3. Cue PowerPoint slideshow on laptop computer (Session1\_Presentation1\_Welcome.ppt).
4. Review each slide with participants, referring to the presentation notes for further instructions.
5. Prepare a section on the wall where the 'Parking Lot' will be. This area is where participants will post lingering questions. Questions in this area will be reviewed by the facilitator and resource persons, and be addressed the following day.
6. Instruct participants to use the appropriate activity sheet to mark down any questions they have in preparation for the Question and Answer session at the end of the day.

### Icebreaker: Human Rights Squares (15 minutes)

1. Explain that participants will be working closely with one another over the next three days, so it is important that they get to know one another. This icebreaker will help them get acquainted using a human rights perspective.
2. Distribute a copy of the Human Rights Squares handout to each participant (Refer to the "Handouts" section).
3. Review the instructions with participants.

# DAY 1 – SESSION 1

## Icebreaker: Human Rights Squares (15 minutes)

4. When everyone understands the instructions, indicate that they have five minutes to complete as many squares as possible.
5. Tell them to leave their seats and start the icebreaker.
6. When five minutes have elapsed, instruct participants to stop.
7. Ask participants to name how many squares they completed.
8. Ask the person who completed the most squares to share her/his responses with the group. If any of the responses are unclear, you may ask for clarification.
9. If possible, present a prize to the person who marked down the most responses, e.g., candy, chocolate.
10. Ask participants to return to their seats at the conclusion of the icebreaker.
11. Once participants are seated, ask everyone to go around the room and briefly introduce themselves.

## Potential Guest Speaker: Brief welcome and setting the context of UNFPA's human rights work in the region. (Optional) (15 minutes)

1. This 15-minute presentation is optional.
2. This session provides some time for a potential guest speaker (such as the UNFPA country representative, local dignitary, member of a national human rights commission, etc.) to welcome participants to the training, and give a short speech on any current key human rights issues in the country—preferably issues that are related to UNFPA's mandate. This presentation aims to motivate and inspire participants by showing local/national commitment to human rights and providing a glimpse into the country context. This presentation is meant to be brief. Time is provided for a longer presentation (also optional) at the end of Day One. This person will also play a role in the Question and Answer session at the end of the day.
3. Instruct participants to write down any questions they have in preparation for the Question and Answer session at the end of the day. to leave their seats and start the icebreaker.

(continued on following page)

# DAY 1 – SESSION 1

## Presentation 2: Overview – UNFPA and Human Rights (15 minutes)

If there is no guest speaker, this is a good opportunity to introduce participants to UNFPA's commitment to human rights.

1. Cue PowerPoint slideshow on laptop computer (Session1\_Presentation2\_Overview\_UNFPA&Human\_Rights.ppt)
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Participants should have received a copy of the Manual at least two weeks prior to the training. However, if this is the first time some of the participants are seeing the Manual, you may ask them to flip through the different sections of it as you introduce it—just to make them more aware of everything the Manual contains.
4. At the conclusion of this presentation, instruct participants to write down any questions they have in preparation for the Question and Answer session at the end of the day. However, if there is time during the session, feel free to answer any immediately relevant questions that come up.
5. Instruct participants that they can use the appropriate activity sheet to take notes.
6. Announce the end of the session and the beginning of the break.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 2: Basics of Human Rights

# SESSION

Basics of Human Rights



# DAY 1 – SESSION 2

**LEAD RESPONSIBILITY** Trainer with expertise in human rights and familiarity with UNFPA and its culturally sensitive approach, as well as its gender mainstreaming approach.

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**PURPOSE** To provide participants with a solid grounding in the basics of human rights.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Describe and explain the links between culture, gender and human rights.
2. Explain what is meant by UNFPA's 'culturally sensitive, gender-responsive, human rights-based approach'.
3. List the challenges, as well as the myths and misconceptions of a HRBA.
4. Define 'human rights' and provide at least five examples of human rights-based actions carried out by UNFPA.
5. Explain what is meant by a State's obligations to respect, protect and fulfil human rights..
6. Name some of the key international human rights treaties important to UNFPA.
7. Explain the difference between binding and non-binding international instruments.
8. Explain the significance of the ICPD to UNFPA's work.
9. Explain the accountability of governments under international human rights law.

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**TOTAL TIME** 2 hours, 15 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	Exercise: Power Walk	30 minutes
	Presentation: Basics of Human Rights	1 hour, 45 minutes

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**FACILITATOR NOTES** **1.** The Power Walk identities were developed based on the country profile of Tanzania and aim to provide a more or less accurate portrayal of the proportions of the different population groups and the problems they face. It is important to know this as sometimes participants are skeptical when they witness the final results of the Power Walk. They think that it has been 'designed' to reveal a particular disparity. It is therefore important to explain to participants that the final results of the Power Walk actually depict more or less realistically the disparities that exist in Tanzania.

# DAY 1 – SESSION 2

## FACILITATOR NOTES

2. People attending the session may be at completely different levels of familiarity with human rights. Before this session, look over the answers to the ‘human rights knowledge pre-assessment/quiz’. This will reveal how familiar participants are with human rights, and you can adjust your teaching accordingly.
3. It is worth spending time to ensure that participants understand all of the concepts in this module as they form the foundation of the rest of the Manual.
4. Be prepared to respond to questions about the legitimacy, validity and/or universality of human rights.
5. This is a long lecture session—so be creative in making it interesting and interactive. For example, use the Worksheets in Module 1 for group exercises; ask participants to provide their own examples of times when they have integrated a culturally sensitive approach, a gender-responsive approach, and a human rights-based approach in their own work; etc.
6. Note that there is a lot of difficult material in this session and the following session, so if, as suggested, you run them both on the same day, it will be useful to have a few ‘energizer’ exercises on hand in case at various points you feel that the group needs to be re-energized to continue engaging productively.

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## KEY MESSAGES

1. The three core factors of: i) cultural sensitivity, ii) gender-responsiveness, and iii) human rights lie at the foundation of all UNFPA programmes and policies. They are intricately linked and directly reinforce one another. Attention to each and every factor is required if UNFPA’s core mission of furthering sexual and reproductive health for all is to be attained.
2. **Because a human rights-based approach aims to promote and protect rights, reduce inequality, and harness the substantive participation of those who are most affected, it is by definition sensitive to issues of culture and gender.**
3. ‘Cultural sensitivity’ cannot be interpreted in such a way as to justify the denial or violation of human rights.
4. Whenever we refer to a human rights-based approach (HRBA) in this Manual, what we in fact mean is a **‘culturally sensitive, gender-responsive, human rights-based approach’**.
5. Human rights are basic values that are essential to human dignity. Human rights are legally guaranteed by human rights law. They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity. Human rights impose obligations on governments (primarily) and other non-State actors.
6. Governments are obliged to **respect, protect and fulfill human rights**.

# DAY 1 – SESSION 2

## KEY MESSAGES

7. The Universal Declaration of Human Rights (UDHR) serves as the foundation upon which all subsequent human rights instruments were defined, and has been endorsed by virtually all States.
8. Two key international human rights treaties, the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966) and the International Covenant on Civil and Political Rights (ICCPR 1966), further elaborate the content of the rights set out in the UDHR and contain legally binding obligations for the governments that ratify them. Together with the UDHR and the UN Charter, these documents are often called the 'International Bill of Human Rights'. Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is particularly relevant to UNFPA's work.
9. In addition to international human rights treaties, there are also **regional human rights treaties**, which give further elaboration to some rights but are applicable to the region. These are only open for signature by States in the relevant region.
10. There are also numerous international **declarations, resolutions and recommendations** which, although not strictly binding in the legal sense, express the political commitment of governments to promote and protect human rights.
11. One of the 'non-binding' documents most important to UNFPA is the International Conference on Population and Development (ICPD) Programme of Action. The ICPD Programme of Action reaffirmed the application of universally recognized human rights standards to all aspects of population and development programmes. This vision guides the work of UNFPA.
12. International human rights law explicitly allows for progressive realization of rights. While the idea of progressive achievement is common to all approaches to policy-making, the distinctiveness of a human rights-based approach is that it imposes certain conditions on the behaviour of the State and ensures that it cannot use progressive realization as an excuse for deferring or relaxing its efforts.
13. Countries that have ratified human rights treaties are required to report regularly on actions they have undertaken to ensure the exercise and enjoyment of the specified rights. **Treaty bodies** monitor the implementation of human rights instruments.
14. At the international level, UNFPA's main efforts in the area of accountability are targeted towards providing support to reinforce national accountability mechanisms at the request of governments.
15. Understanding human rights law and the UN human rights system is essential to the implementation of a HRBA, because a HRBA is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

# DAY 1 – SESSION 2

MATERIALS	Items	Ready
	Computer, LCD projector, screen, hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
	Flip charts and markers	<input type="checkbox"/>
	Copies of one identity per participant for the Power Walk activity	<input type="checkbox"/>
	One piece of string/ribbon, at least 20 feet long for the Power Walk exercise	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading **Module 1** of the Manual (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ Glossary of Terms (at back of Manual).
- ▶ Any examples of CCAs and UNDAFs (think of recommending to the participants any recent CCAs or UNDAFs done in their region).
- ▶ A regionally-relevant article on introducing human rights with a focus on reproductive rights and gender.
- ▶ 25 Human Rights Documents—a booklet containing the primary 25 human rights treaties; or provide the participants with the following website on which they can access all the human rights treaties online: <http://www2.ohchr.org/english/law/>.
- ▶ State of the World Population Report 2008: Reaching Common Ground: Culture, Gender and Human Rights, UNFPA, 2008.
- ▶ UNFPA materials on cultural sensitivity (see Module 1).
- ▶ A relevant extract from a report by the Special Rapporteur on the Right to Health.
- ▶ Other 'in-country' materials. Suggest any other human rights-related materials relevant to the training, which you think might be of interest to participants. Module 1).

# DAY 1 – SESSION 2

## STEP-BY-STEP GUIDELINES

### Exercise: Power Walk (30 minutes)

1. Prepare a space in the room that is large enough for all participants to move around comfortably for this exercise.
2. Make copies of one identity card per participant (refer to the 'Handouts' section'), i.e., each participant should get one identity.
3. Represent a line on the floor with a length of string or ribbon.
4. Explain that this is the starting line and ask everyone to face the same direction and put his or her toes on the line.
5. Explain that all the participants are babies born on the same day and that according to the UDHR they are "born free and equal in dignity and rights." Then explain that, unfortunately, some members of the community are not really "equal in rights and dignity."
6. Hand out one identity card to each participant and instruct participants to read it without showing it to anyone else.
7. Instruct participants that they are not to speak or ask any questions until the completion of the exercise!
8. Give participants 1-2 minutes to familiarize themselves with their new 'identity'.
9. Instruct participants that you will read out a statement. If their answer to the statement is 'YES', they must take one step forward. If their answer is 'NO', they must take a step back. If they do not know what their answer is, or if the statement is not relevant to their identity, they must not move.
10. Read the following statement as an example: "I wear glasses." Everyone wearing glasses should take a small step forward, and everyone not wearing glasses should take a small step backward. Once everyone understands the rules, start the exercise by reading out the following statements.
11. Read out the following statements:
  - ▶ I am able to read a newspaper.
  - ▶ I have access to clean water.
  - ▶ I earn more than \$1 a day.
  - ▶ I have access to the Internet.
  - ▶ I have a profession.
  - ▶ I do not have HIV/AIDS.
  - ▶ I am a man in a patriarchal society (this statement will be important to show gender disparity in the proportion of women that are left behind).

# DAY 1 – SESSION 2

## Exercise: Power Walk (30 minutes)

- ▶ I have access to comprehensive reproductive healthcare.
  - ▶ I am a man in a patriarchal society (this statement will be important to show gender disparity in the proportion of women that are left behind).
  - ▶ I have access to comprehensive reproductive healthcare.
- 12.** After reading all statements, there should be a different distribution of participants along the starting line, where a minority are way in front of the others, and some have ended up behind the line, further back than when they started.
- 13.** With all participants standing in their positions, select some of the following questions to generate discussion:
- ▶ Who are those at the front? Why are they at the front?
  - ▶ How did you feel watching others move ahead while you did not?
  - ▶ What do you want to say to those in the other groups?
  - ▶ Refer back to the line (where all are born equal in dignity and rights), and ask the group what to do: Should we work with those that have advanced? With those that have regressed? Both? Should we hold people back? The message should be that we should not hold people back, but we cannot allow people to regress beyond the minimum guarantees that human rights provide. After all, human rights are minimum rules.
  - ▶ Lead a discussion on who the people at the back are. Are they facing multiple levels of discrimination – e.g. poor, woman, illiterate, HIV infected, etc.? How do we help them when so many of their human rights are being violated?
  - ▶ Lead a discussion on how to reach the people at the back. Because communities are very heterogeneous, it is important to make deliberate efforts to reach the poor and the marginalized, especially the young.
  - ▶ The rich and powerful (especially those at the very front of the line) won't have too much interest in helping the ones at the back. How could human rights assist in mitigating the differences?
  - ▶ Ask what the outcome of the power walk tells us about the way in which we should work during the country programme planning, implementation and evaluation process.
- 14.** Emphasize that this exercise points out how cumulative discrimination works to seriously challenge the human rights principle of equality.

# DAY 1 – SESSION 2

## Exercise: Power Walk (30 minutes)

**15.** Explain that:

- ▶ Power-relations have a huge impact on who we are and what we can be.
- ▶ For those who are left behind, it is impossible to catch up without specific targeted assistance.
- ▶ Resources and capacities alone will not do the trick. The enabling environment is a fundamental determinant. What does this mean with regards to laws, policies and interventions?
- ▶ Given the political realities around power, one is in need of an objective and neutral normative standard to guide discussions

## Presentation 4: Basics of Human Rights (One hour, 45 minutes)

- 1.** Cue PowerPoint slideshow on laptop computer (Session2\_Presentation4\_Basicsof\_Human\_Rights.ppt).
- 2.** Thank participants for completing the pre-training human rights knowledge assessment/quiz, and provide a brief summary of the results (without naming anyone, of course!) This allows all participants to be aware of what the level of knowledge is and to understand how the training will proceed.
- 3.** Review each slide with participants, referring to the presentation notes for further instructions. Make the lecture as interactive as possible.
- 4.** At the conclusion of the presentation, gather up all the cards on which participants have written their answer to the question: “Do you think you are already practicing a human rights-based approach to your work”? Keep these cards in a safe place. You will need them again on Day Three of the training.
- 5.** At the conclusion of this presentation, instruct participants to write down any questions they have in preparation for the Question and Answer session at the end of the day.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 3: Key Elements of a HRBA

# 3 SESSION

Key Elements of a Human Rights-Based Approach



# DAY 1 – SESSION 3

**LEAD RESPONSIBILITY** Trainer who is familiar with Action 2, the Stamford Common Understanding, UN programming cycles and UNFPA's work in the three thematic areas.

**PURPOSE** To clarify the meaning of a HRBA, and explain how to operationalize it in programming.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Define a human rights-based approach (HRBA)..
2. Explain the value-added of a HRBA.
3. List the challenges, as well as the myths and misconceptions of a HRBA.
4. Define the key human rights principles that are applied when implementing a HRBA.
5. Provide an example of how each human rights principle can be applied programmatically in UNFPA programmes.
6. Define 'rights-holders' and 'duty-bearers'.
7. Name each stage of a typical programming cycle and explain how a HRBA can be applied to it.
8. Specify the unique aspects of a HRBA that go beyond 'good' programming practices.
9. Provide examples of human rights-based outputs, outcomes and indicators, and list the questions that should be asked when constructing such outputs, outcomes and indicators.

**TOTAL TIME** Up to 4 hours, 10 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	<i>Presentation 5: Key Elements of a HRBA</i>	1 hour, 30 minutes
	Energizer	5 minutes
	<i>Presentation 6: Applying a HRBA to Monitoring and Evaluation</i>	40 minutes
	Question and Answer Session: What Does a HRBA Mean in my Work?	30 minutes
	Evaluation, Homework and Wrap-up	30 minutes
	Potential Guest Speaker: UNFPA's Attempts at Implementing a HRBA in the Field (Optional)	1 hour

# DAY 1 – SESSION 3

## FACILITATOR NOTES

1. It is key that participants not get overwhelmed by the details of Action 2 and the legality of human rights language. It is important to facilitate discussion with that in mind.
2. Do some additional reading on the regional human rights systems that are applicable to the country in which you are running the training, and use these examples as you go through the training.
3. Ask participants to provide examples of where they have practically applied different human rights principles to their own work.
4. Be prepared to openly discuss the challenges and limitations of a HRBA. It is not a panacea, and participants might be hoping to debate its merits. However, be clear in separating its limitations from its myths and misconceptions, and try to ensure that participants understand the value-added of a HRBA..
5. Module 2 is long and can be tedious to explain. Try to make this session as interactive as possible. Use the Worksheets in Module 2 as group exercises to mix things up if necessary.
6. Make sure you spend a few minutes introducing participants to the Checklist of Questions, and refer to it often as you go through the presentation. It is important for participants to become familiar with it, as it is the primary tool they will be using to operationalize a HRBA in their future work.
7. The Question and Answer session at the end of the day provides a dedicated opportunity for participants to ask a technical advisor questions about human rights and HRBA. Participants will be divided into two groups, with each group working with one technical advisor. Assisting participants to clarify any questions and concerns on the first day of the training will facilitate their understanding and participation for the remainder of the training.

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## KEY MESSAGES

1. A HRBA is a way of using human rights in your work. The Common Understanding is the definition of a HRBA that UNFPA uses, and the one that you, as a UNFPA staff member, should become most familiar with.
2. The three elements of the Common Understanding state:
  - a) Primary Goal of Development Programmes is the Further Realization of Rights. This means supporting the design and implementation of country programmes with a view to contribute and advance the realization of human rights at every stage.
  - b) Human Rights Principles and Standards Guide All Programmes. This means that your work must be guided by the human rights standards laid out in international human rights treaties and also by the following principles:
    - ▶ universality and inalienability;

# DAY 1 – SESSION 3

## KEY MESSAGES

- ▶ indivisibility;
- ▶ interdependence and interrelatedness;
- ▶ equality and non-discrimination;
- ▶ participation and inclusion; and
- ▶ accountability and rule of law.

Human rights standards constitute the minimum normative content in terms of entitlements, claims and obligations against which duty-bearers at all levels of society—but especially organs of the State—can be held accountable.

b) A HRBA Focuses on Strengthening the Capacities of Rights-Holders and Duty-Bearers. This means that when you and your partners adopt a HRBA, make sure to identify the rights-holders (and their entitlements) and the corresponding duty-bearers (and their obligations). The country programme must in some way aim to strengthen the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations.

**3.** Who are rights-holders? Given the universal nature of human rights, every individual is a rights-holder and entitled to the same rights without distinction based on sex, age, etc. Rights-holders must have the capacity to exercise rights, formulate claims and seek redress. When thinking about rights-holders, a HRBA requires you to focus on the most marginalized and excluded groups.

**4.** Who are duty-bearers? Primarily State actors and institutions at various levels of government, and certain non-State actors who have responsibilities to carry out in response to other actors exercising their rights.

**5.** Support the government in articulating its programming goals by remembering that the basis is rights, not needs.

**6.** Incorporating human rights into all programming stages requires a focus on processes, not just outcomes. This is one of the key defining aspects of a HRBA: focus on how the project is designed, implemented, monitored and evaluated, as well as what the final outcomes are.

**7.** It is critical to undertake an 'environmental scan' as part of a country's situation assessment and analysis. Make sure you and your partners understand the legal and policy environment, as this will inevitably affect the success or failure of programme activities.

**8.** Results-based programme planning ensures that the sum of interventions is not only necessary, but also sufficient to achieve the expected result. It also demonstrates the causal relationship between the intended results at different levels (inputs, outputs, outcomes and impacts).

# DAY 1 – SESSION 3

## KEY MESSAGES

9. Ensuring a human rights perspective at the implementation stage means paying attention to the outcomes themselves, their impact and how these are achieved.

10. Human rights principles and standards can guide the selection of indicators; this should be carried out during the programme planning and design phase. Both quantitative and qualitative indicators should be set to monitor the realization of human rights through development programmes. Indicator selection and monitoring should be participatory, allowing stakeholders to assess progress.

MATERIALS	Items	Ready
	Computer, LCD projector, screen, hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
	Flip charts and markers	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading **Module 2** of the Manual, the HRBA Diagram/Poster, the Checklist of Questions, and pull-out Information Cards 1, 2 and 3 (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ The Action 2 Learning Draft Resource Guide.
- ▶ Any examples of CCAs and UNDAFs (think of recommending to the participants any recent CCAs or UNDAFs done in their region).
- ▶ OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, 2006.
- ▶ Full document/report of the Stamford Common Understanding.
- ▶ UNFPA booklet on a HRBA: What It Is And How To Do It.
- ▶ UNFPA HRBA case study booklet: UNFPA At Work: Six Human Rights Case Studies.

# DAY 1 – SESSION 3

## STEP-BY-STEP GUIDELINES

### Presentation 5: Key Elements of a Human Rights-Based Approach (1 hour, 30 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session3\_Presentation5\_KeyElements\_HRBA.ppt)
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. At the conclusion of this presentation, instruct participants to write down any questions they have in preparation for the Question and Answer session at the end of the day. However, if possible, do try to answer any immediately relevant questions that may come up during the session.
4. Instruct participants that they can use the appropriate activity sheet to take notes.

### Energizer

Choose an energizer from the list suggested in the 'Energizers' section of the Facilitator's Manual.

### Presentation 6: Applying a HRBA to Monitoring and Evaluation (40 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session3\_Presentation6\_Applying\_HRBA\_to\_M&E.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. At the conclusion of this presentation, instruct participants to write down any questions they have in preparation for the Question and Answer session at the end of the day.
4. Instruct participants that they can use the appropriate activity sheet to take notes.

### Activity: Question and Answer Session – What Does a HRBA Mean in My Work? (30 minutes)

1. Have each participant count off as 1 and 2.
2. Divide participants into two groups based on their number.
3. Each group will move to a different room where participants will

# DAY 1 – SESSION 3

## Activity: Question and Answer Session – What Does a HRBA Mean in My Work? (30 minutes)

have the opportunity to ask any questions they have regarding HRBA to programming.

4. Each group will have a resource person who is knowledgeable and experienced with human rights and HRBA to answer their questions.
5. If participants have no questions, you may choose any of the following questions to start off the discussions:
  - ▶ Was there anything in any of today's sessions that you did not understand? Was there anything you disagreed with?
  - ▶ Why are you here? How do you think this training can help you?
  - ▶ What do you think are the benefits of implementing a HRBA in your work, specifically?
  - ▶ What are some of the challenges that you foresee? What ideas do the others in the group have for how some of these challenges might be overcome?
  - ▶ Do you understand how culture, gender and human rights can combine to create a culturally sensitive, gender-responsive human rights-based approach? Do you understand the linkages between these three approaches?

## Activity: Evaluation, Homework and Wrap-up (30 minutes)

1. Bring the day's session to a close by thanking participants for their hard work. Make some closing remarks by summarizing the main lessons of the day, as well as the key questions that arose. Remind participants that they will have plenty of time over the next two days to put the 'theory' they have just learned into practice, and that this might help to make the HRBA easier to understand.
2. Remind participants to review the necessary documents for the following day (Modules 4, 5, and 6 if following the suggested agenda).
3. If teaching Module 6 on Day Two, you may wish to hand out the different 'roles' to participants for the Emergency Response exercise tonight and ask them to spend the evening getting in touch with their new 'identity'.
4. Remind participants to use the 'Parking Lot' for unanswered questions.
5. Find the appropriate evaluation sheet in the 'Handouts' section and make copies for all participants and distribute.

# DAY 1 – SESSION 3

## Presentation 5: Key Elements of a Human Rights-Based Approach (1 hour, 30 minutes)

6. Explain to participants that their honest feedback is important in helping to improve this training in order to better meet the needs of future participants.
7. Inform participants that facilitators will review feedback and synthesize some of the issues at the start of the following day.
8. Collect each completed sheet as participants leave the room.
9. Review all evaluation sheets, and synthesize some of the more significant issues.
10. Make notes on a flip chart to share with participants in the next day's welcome session.

## Potential Guest Speaker: Attempts at Implementing a HRBA in the Field (Optional) (1 hour)

1. This optional presentation can last up to one hour and can provide an example from the field of a UNFPA (or other) programme that is trying to implement a HRBA. This programme may not be implementing a HRBA perfectly, but the presenter can talk about their efforts, and their successes and challenges. It is preferable that the example be from the country or region in which the training is taking place.
2. This presentation is meant to broaden the perspectives of the participants and can simply talk about attempts to integrate human rights into one's work. The person presenting can be the same guest speaker who welcomed participants at the beginning of the day. If the guest speaker is a member of the national human rights commission, for example, he/she can talk about the efforts to promote accountability in the country and the government's attempts to respect, protect and fulfil human rights. It is preferable if the topic of the presentation is relevant to UNFPA's mandate.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

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## FACILITATOR MANUAL

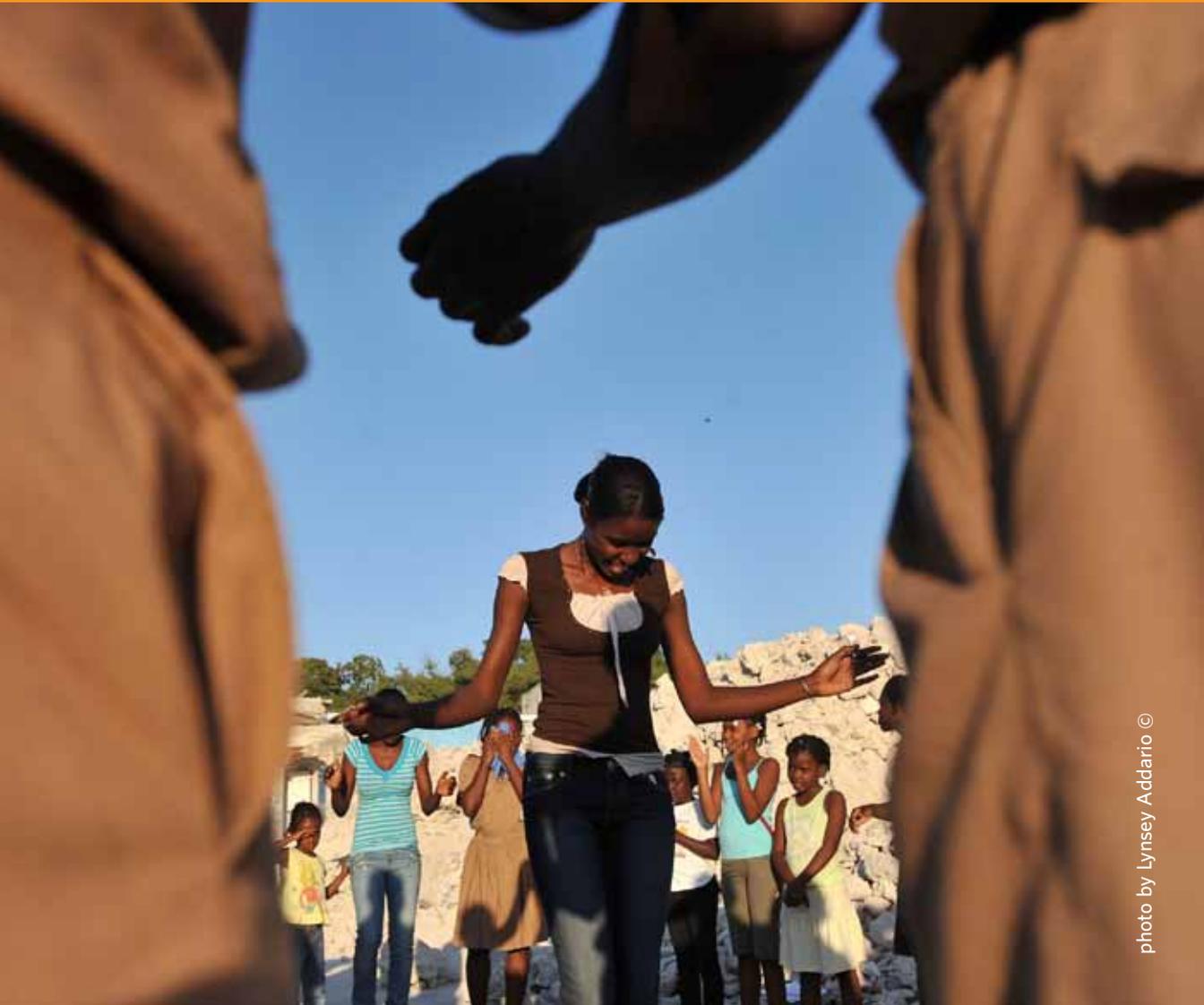
Session 4: Sexual and Reproductive Health

# DAY 2 - AGENDA

TIME	ACTIVITY
<b>SESSION 4: SEXUAL AND REPRODUCTIVE HEALTH</b>	
8:30-9:00am	Potential Guest Speaker: Reproductive Health and Human Rights in the Field/ Gender and Human Rights in the Field (Optional)
9:00-9:10	Welcome
9:10-9:30	<i>Presentation 7: Reproductive Health</i>
9:30-10:30	Activity: Reproductive Health - Case Study
10:30-10:45	<b>BREAK</b>
10:45-11:30	Activity: Reproductive Health - Case Study (continued)
<b>SESSION 5: GENDER</b>	
11:30-12:00	<i>Presentation 8: Module 5 - HRBA and Gender</i>
12:00-1:00	Activity: Gender Case Study - HRBA and Jalampore
1:00-2:00	<b>LUNCH</b>
2:00-2:30	Activity: Gender Case Study (continued)
<b>SESSION 6: EMERGENCY RESPONSE</b>	
2:30-3:00	<i>Presentation 9: HRBA and Emergency Response</i>
3:00-3:30	Presentation 9: HRBA and Emergency Response
3:30-3:45	<b>BREAK</b>
3:45-3:50	Energizer
3:50-5:00	Activity: Emergency Response Role Play (continued)
5:00-5:30	Evaluation, Homework and Wrap-up
5:30-6:30pm	Potential Guest Speaker: Emergency Response and Human Rights in the Field (Optional)

# 4 SESSION

Sexual and Reproductive Health



# DAY 2 – SESSION 4

**LEAD RESPONSIBILITY** Trainer should have expertise in human rights and familiarity with UNFPA's sexual and reproductive health work, including goals and outcomes for this area. A strong knowledge of ICPD will be useful here, as well as a good grasp of reproductive rights issues.

**PURPOSE** To show how a HRBA can be implemented in a typical reproductive health programme.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Describe and provide examples of UNFPA's work in the reproductive health thematic area.
2. List UNFPA's goal and outcomes in reproductive health.
3. Explain the importance of human rights for the advancement of sexual and reproductive health and reproductive rights.
4. List at least three questions that should be asked at each programming stage of a reproductive health programme in order to encourage application of a human rights-based process.
5. Provide at least one example of how the human rights principles of: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination, participation and inclusion, and accountability and the rule of law can be integrated into the process of developing and implementing a reproductive health programme.
6. Provide at least one example of how the human rights standards of the 3AQ (availability, accessibility, acceptability and quality) can be integrated into the process of developing and implementing a reproductive health programme.
7. Create, and provide examples of, human rights-based outputs, outcomes and indicators in a reproductive health programme. constructing such outputs, outcomes and indicators.

**TOTAL TIME** 2 hours, 45 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	<i>Potential Guest Speaker: Reproductive Health and Human Rights in the Field/ Gender and Human Rights in the Field (Optional)</i>	30 minutes
	Welcome	10 minutes
	<i>Presentation 7: Reproductive Health</i>	20 minutes
	Activity: Reproductive Health - Case Study	1 hour, 45 minutes

# DAY 2 – SESSION 4

## SESSION PLAN

### Activities

### Duration

Evaluation, Homework and Wrap-up

30 minutes

Potential Guest Speaker: UNFPA's Attempts at Implementing a HRBA in the Field (Optional)

1 hour

## FACILITATOR NOTES

1. Remember to emphasize how reproductive rights are grounded in international human rights.
2. Reproductive rights are one of the most sensitive topics that UNFPA deals with. It may be necessary to deal with conflict and resistance, and so it would be good to be prepared for this.
3. This session gives you the opportunity to invite another guest speaker—someone who can speak on the topic of reproductive health or gender. This can be a useful way for the participants to hear field experiences of reproductive health or gender programming that will help to provide a broader perspective.
4. The agenda is structured in such a way that the case study exercises can run into the coffee breaks if necessary. It is preferable to be flexible regarding how much time you can set aside for the case study exercises, and keep in mind that the more time you can allocate to the exercises the better.

## KEY MESSAGES

1. Grounding reproductive health programming in a human rights framework clarifies the obligations and responsibilities of duty-bearers (such as the government, religious leaders, parents, etc.).
2. Impressing upon a government the fact that it has **legal obligations to provide access to reproductive health services** is especially important when dealing with the sensitive issues that fall under UNFPA's mandate in this area.
3. By encouraging the **participation** and **inclusion** of marginalized groups throughout the programming process, a HRBA helps to ensure that sexual and reproductive health goods, information and services are tailored to the needs of these groups. This will help to make programmes more effective in the long term.
4. Keeping in mind the human rights principles of **universality** and **inalienability, indivisibility, interdependence** and **interrelatedness** strengthens reproductive health programmes by emphasizing the intersections between reproductive rights and other human rights—such as the rights to education, information, privacy, food, shelter, and so forth. These intersections require that reproductive health programmes be built upon multisectoral partnerships, and that the expertise and resources of diverse groups and ministries be combined to create truly comprehensive national reproductive health strategies and programmes.

# DAY 2 – SESSION 4

## KEY MESSAGES

5. Implementing the principles of **equality** and **non-discrimination** will shed light on groups whose sexual and reproductive health has been particularly neglected. Focusing on the most neglected groups is essential if the global goal of universal access to reproductive health is ever to be attained.

6. A HRBA emphasizes **accountability** and **rule of law**. This includes promoting the creation and implementation of national laws and policies that advance reproductive health and rights; supporting governments in upholding the promises made at ICPD (and grounding these promises in governments' legal obligations under international human rights treaties); and ensuring that sexual and reproductive health programmes are designed, implemented, and monitored and evaluated in a transparent, participatory manner.

7. By adopting a HRBA, the message is conveyed that one has the right not only to sexual and reproductive health services, but to **quality** services, and that these services should not just be made **available**, but should also be **accessible** and **acceptable** to all groups.

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## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, screen, and hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
Flip charts and markers	<input type="checkbox"/>
Break-out rooms for group exercises	<input type="checkbox"/>
All documents relating to reproductive health Case study exercise (in 'Handouts' section)	<input type="checkbox"/>

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## SUGGESTED READINGS

In addition to reading **Module 4** of the Manual and the 'Introduction to the Thematic Modules' (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ UNFPA's Strategic Plan 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.
- ▶ Documents outlining UNFPA's reproductive health strategy.
- ▶ UNFPA State of the World Population Report 1997 on reproductive health and rights.
- ▶ ICPD Programme of Action.
- ▶ Any regional materials on reproductive health and rights that you can recommend.

# DAY 2 – SESSION 4

## STEP-BY-STEP GUIDELINES

### Potential Guest Speaker: Reproductive Health and Human Rights in the Field/ Gender and Human Rights in the Field (Optional) (30 minutes)

1. This optional presentation can last up to 30 minutes and can provide an example from the field of a UNFPA (or other) programme that is trying to integrate human rights into a sexual and reproductive health or gender programme. The guest speaker can talk about his/her efforts, successes and challenges in this area. It is preferable that the example be from the country or region in which the training is taking place.
2. This presentation is meant to broaden the perspectives of the participants and provide them with more examples from the field. The guest speaker can be, for example, a UNFPA staff member from the field who is working in the region.

### Activity: Welcome (10 minutes)

1. Welcome participants to Day Two of the HRBA training.
2. Ask volunteers to share any examples of useful knowledge, skills or attitudes from the previous day.
3. Answer any questions from the 'Parking Lot' that are relevant to the day's session—and that are brief!
4. Briefly lay out the plan and agenda for the day ahead.
5. Review results from the completed evaluation sheets.

### Presentation 7: Reproductive Health (20 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session4\_Presentation7\_ReproductiveHealth.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Stop at the 'Conclusion' slides.

# DAY 2 – SESSION 4

## Activity: Reproductive Health – Case Study (1 hour, 45 minutes)

### Part A – Small group (1 hour)

1. Divide participants into three groups. (If you have more than 12 participants, four groups might be sufficient.)
2. Inform participants that each group will focus on the following questions from the case study:
  - ▶ Group A: Questions 1, 2, and 7.
  - ▶ Group B: Questions 3, 4, and 7.
  - ▶ Group C: Questions 5, 6, and 7.
3. Refer participants to the appropriate activity sheet.
4. Review the instructions as a group and answer any questions that may arise.
5. Allow participants 1 hour to complete this task

### Part B – Large group (45 minutes)

1. Reconvene participants after the allotted time.
2. Invite each rapporteur to share group results with the larger group, keeping in mind that within a 40-minute period, each group should have equal time to present their results.
3. At the conclusion of each group's report, comment on their work, noting any key issues/challenges that were raised.
4. Provide a wrap-up by going over the last few slides of the presentation.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

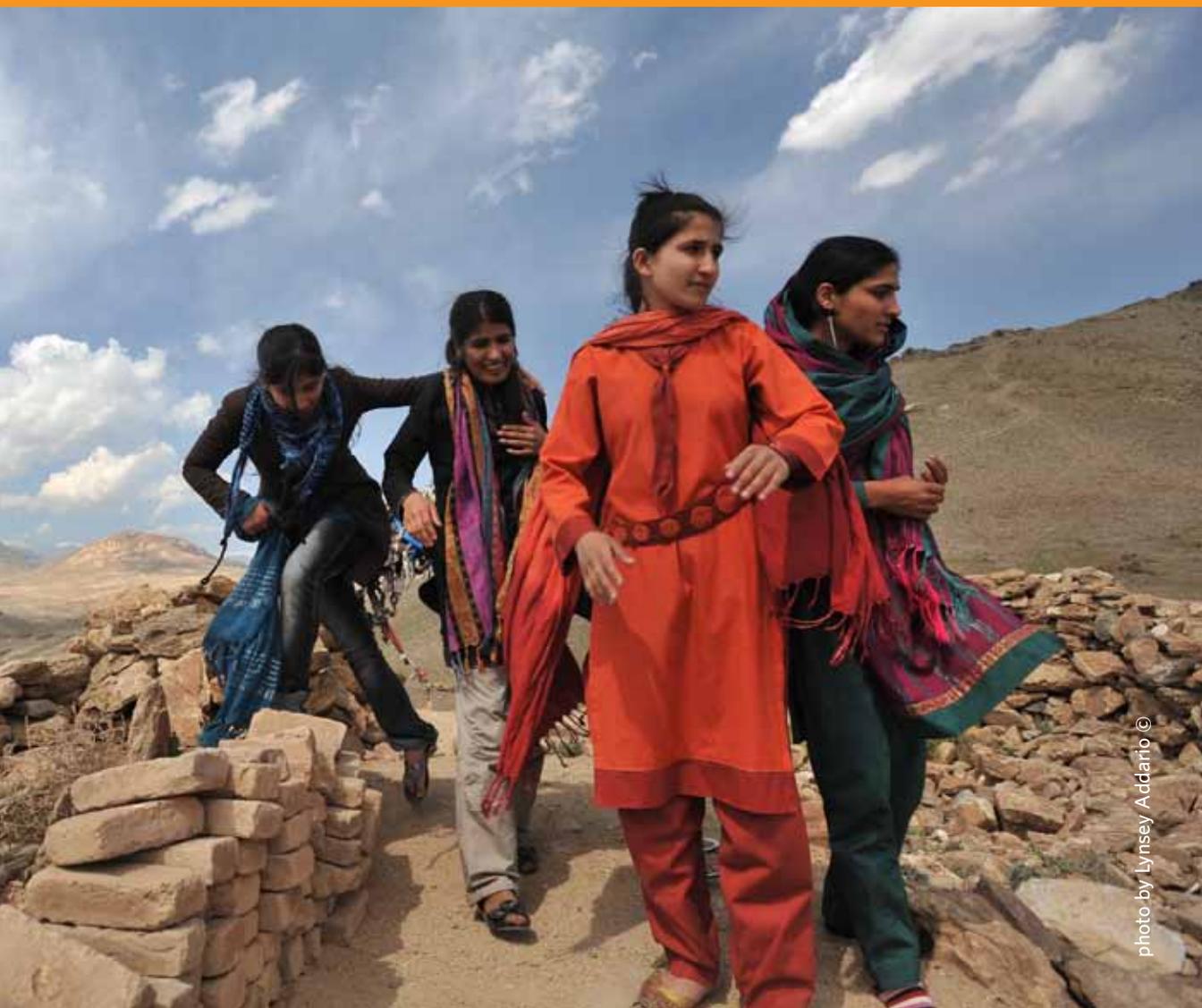
Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 5: Gender

# 5 SESSION

Gender



# DAY 2 – SESSION 5

**LEAD RESPONSIBILITY** Trainer should have expertise in human rights and familiarity with UNFPA's activities in the gender area, including gender goals and outcomes. It will also be useful to have a good understanding of gender equality and women's empowerment issues, especially as they pertain to the region in which the training is taking place.

**PURPOSE** To show how a HRBA can be implemented in a typical gender equality and women's empowerment programme.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Describe and provide examples of UNFPA's work in the gender thematic area.
2. List UNFPA's goals and outcomes in gender.
3. Provide at least one example of how the human rights principles of: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and the rule of law can be integrated into the process of developing a gender equality and women's empowerment programme.
4. Provide at least one example of how the 3AQ elements (availability, accessibility, acceptability and quality of services) can be integrated into the process of developing a gender equality and women's empowerment programme.
5. Create, and give examples of, human rights-based outputs, outcomes and indicators in a gender equality and women's empowerment programme.

**TOTAL TIME** 2 hours

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	Presentation: Gender	30 minutes
	Activity: Gender Case Study – HRBA and Jalampore	1 hour, 30 minutes

**FACILITATOR NOTES**

1. Be knowledgeable about the primary gender norms of the country and how they might impact your work.
2. Be prepared to talk about the links between gender and culture and about what can be done to ensure a culturally sensitive HRBA to a gender programme.
3. As stated before, be flexible regarding how much time you can set aside for the case study exercises, and keep in mind that the more time you can allocate to the exercises the better. If you are short on time, cut down the recommended exercise accordingly.

# DAY 2 – SESSION 5

## FACILITATOR NOTES

**4.** It may be useful to ask participants to provide examples from their work.

**5.** In order to have participants work with different people throughout the workshop, create cards with the letters A, B, C and D on them (depending on how many groups you wish to have). When creating groups, randomly distribute one card to each participant. Everyone who receives the same letter on their card will form a group. Ensure that there will be equal numbers of participants in each group.

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## KEY MESSAGES

**1.** Gender equality and women's empowerment programmes that integrate the principles of participation and inclusion often bring together State actors with local and national women's groups and gender experts. Bringing these groups together in the same room fosters a sense of collective ownership of the programme and can motivate government agencies, particularly at the local level, to contribute additional resources to promoting women's rights.

**2.** Bringing different groups together also fosters a common dialogue on issues of importance to women's human rights. Communication of this sort is useful for reaching solutions on obstacles to implementation of gender equality laws and policies.

**3.** A HRBA to a gender equality or women's empowerment programme requires you to cultivate a synergistic relationship among different stakeholders. Collaborating with both rights-holders and duty-bearers is critical for sustainable accomplishments in women's human rights. Working only with rights-holders to empower them to claim their right to be protected from gender-based violence will not be effective if similar efforts are not made among the police and judiciary to ensure that the right services are in place to respond to women survivors of gender-based violence.

**4.** As this case study revealed, applying a human rights-based approach to a gender equality and women's empowerment programme has the powerful effect of mobilizing the efforts of parties who have key roles in ensuring that women's human rights are respected, protected and fulfilled to the fullest extent possible. Actors from all levels (community, local, national) and with all ranges of expertise are brought together to advance women's human rights.

**5.** A HRBA can invigorate women's NGOs and human rights NGOs by helping them recognize their roles as duty-bearers as opposed to charitable institutions. In addition, learning about their human rights can empower women rights-holders. As a result, both NGOs and women rights-holders have an increased ability to take an active role in articulating the community's needs and assessing the effectiveness of institutional responses.

# DAY 2 – SESSION 5

## KEY MESSAGES

6. Finally, a HRBA ensures that government parties become more aware of their legal obligations and duties to women. This awareness, coupled with specific capacity-development activities advances the government's ability to progressively work towards the realization of women's human rights.

## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, screen, and hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
Flip charts and markers	<input type="checkbox"/>
Break-out rooms for group exercises	<input type="checkbox"/>
All documents for the Gender Exercise (in 'Handouts' section)	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading **Module 5** of the Manual and the 'Introduction to the Thematic Modules' (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ UNFPA's Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.
- ▶ UNFPA, Delivering on the Promise of Equality: UNFPA's Strategic Framework on Gender Mainstreaming & Women's Empowerment 2008-2011.
- ▶ Other UNFPA key documents on gender, e.g. UNFPA and UNIFEM, Gender Responsive Budgeting and Women's Reproductive Rights: A Resource Pack (2006).
- ▶ MDG country report for a country relevant to your training session.
- ▶ CEDAW country report and concluding observations for a country relevant to your training session.
- ▶ Other country-specific readings on the topic of gender and women's empowerment.

# DAY 2 – SESSION 5

## STEP-BY-STEP GUIDELINES

### Presentation 8: Gender (30 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session5\_Presentation8\_Gender.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Stop at the 'Conclusion' slide.

### Activity: Gender Case Study – HRBA and Jalampore (1 hour, 30 minutes)

#### Part A – Small group (1 hour)

1. Randomly distribute cards with the letters A, B, C, and D on them to participants, ensuring that there will be an equal number of participants in each group.
2. Inform participants that each group will focus on the following questions from the case study:
  - ▶ Group A: Focus on the principle of participation.
  - ▶ Group B: Focus on the principle of accountability.
  - ▶ Group C: Focus on the principle of non-discrimination.
  - ▶ Group D: Focus on the 3AQ elements (Optional)
3. Refer participants to the appropriate activity sheet.
4. Review the instructions as a group and answer any questions that may arise.
5. Allow participants 60 minutes to complete this task.

#### Part B – Large group (30 minutes)

1. Reconvene participants after the allotted time.
2. Invite each rapporteur to share group results with the larger group, keeping in mind that within a 30-minute period, each group should have equal time to present their results.
3. At the conclusion of each report, comment on the work of each group, making sure to note any key issues that were raised.
4. In the final five minutes of the session, provide a wrap-up by going over the last few slides of the presentation.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 6: Emergency Response

# 6 SESSION

Emergency Response



# DAY 2 – SESSION 6

- LEAD RESPONSIBILITY**
- ▶ Trainer should have expertise in human rights and familiarity with UNFPA's emergency work and humanitarian response unit.
  - ▶ Trainer should also have some familiarity with international humanitarian law, and preferably good knowledge of at least a few examples of UNFPA's programming in post-conflict and natural disaster areas.

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**PURPOSE** To show how a HRBA can be implemented in emergency and post-emergency situations and its added-value to UNFPA's work in this area.

- OBJECTIVES**
- By the end of the session, participants should be able to:
1. Describe the four phases of emergency response work.
  2. List an example of a UNFPA emergency response activity that applies a HRBA to each of the three thematic areas of work.
  3. Specify UNFPA's role in the cluster approach.
  4. Explain the similarities in applying a HRBA during conflicts and natural disasters.
  5. Describe several unique challenges to consider when implementing a HRBA in conflicts and natural disasters.
  6. Provide at least one example of how the human rights principles (universality and inalienability; indivisibility, interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law), and the 3AQ can be integrated into emergency response programming.

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**TOTAL TIME** Up to 4 hours

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	<i>Presentation 9: HRBA and Emergency Response</i>	30 minutes
	Activity: Emergency Response	1 hour, 40 minutes
	Evaluation, Homework and Wrap-up	30 minutes
	Potential Guest Speaker: Emergency Response and Human Rights in the Field (Optional)	60 minutes

# DAY 2 – SESSION 6

## FACILITATOR NOTES

1. See if it is possible to ask a national expert on emergency response to attend the session and give a short presentation at the end of the day.
2. Be prepared with examples of how different organizations have applied aspects of a human rights-based approach in emergency situations to ground this session in reality and show how feasible it is. The Sphere Minimum Standards, which are described in more detail in the respective Module, are a good starting point for understanding the humanitarian community's commitment to rights.
3. Be prepared to address the question of needs vs. rights as it will probably come up more powerfully in this session.
4. During the group exercise, emphasize the fact that there is more than one answer, and that the skill in implementing a HRBA is in the process of knowing which questions to ask and when.

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## KEY MESSAGES

1. In applying a HRBA to its humanitarian response work, UNFPA recognizes and accounts for the different emergency phases and types of emergencies at hand. At the same time, the fundamental elements of a HRBA apply to the response regardless of the phase or type of crisis or activity.
2. Challenges are raised for programming in emergency/chronic humanitarian situations, BUT a HRBA can still be implemented.
3. UNFPA supports government efforts to promote **accountability** and transparency by working with its partners to quickly disseminate the findings of rapid health and mortality assessments and fact finding missions to the government and local organizations.
4. Ensuring the **inclusion and participation** of local groups in emergency response activities helps UNFPA promote a more culturally sensitive response by providing valuable insight about the value systems and social hierarchies of those communities living in humanitarian crises.
5. UNFPA assists its partners in taking steps to recognize and combat social stigmas and other forms of inequality faced by vulnerable groups that are often exacerbated in emergency situations to ensure **equality and non-discrimination**.
6. The limited capacity or potential unwillingness of the government to commit resources to sexual and reproductive health and other services can be some of the biggest challenges faced by UNFPA in humanitarian emergencies. Advocating for a political commitment to increasing budgets for excluded groups, and working to translate this commitment into **available, accessible, acceptable and high quality services** are important long-term components of a HRBA to humanitarian response.

# DAY 2 – SESSION 6

## KEY MESSAGES

7. UNFPA collaborates with a large number of NGOs/CSOs, UN agencies, government offices, and international humanitarian groups when responding to emergencies. Given the **indivisibility, interdependence** and **interrelatedness** of human rights, a diverse group of actors are required to respond to the different but linked human rights that require protection.

8. While there are many unique challenges in both emergency and post-emergency settings, careful application of the key human rights principles, as well as the 3AQ elements, can facilitate and strengthen UNFPA's humanitarian response work.

## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, screen, and hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
'Identity' name tags for role play exercise as well as an 'identity' handout for each participant containing a paragraph describing their identity, and a few questions to trigger their point of view on the issues	<input type="checkbox"/>
Flip charts and markers	<input type="checkbox"/>
Break-out rooms for group exercises	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading **Module 6** of the Manual and the 'Introduction to the Thematic Modules' (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ UNFPA, Integrating the Programme of Action of the International Conference on Population and Development into emergency preparedness, humanitarian response, and transition and recovery programmes: a strategy to build commitment and capacity.
- ▶ The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response.
- ▶ UNFPA, Policies and Procedures Manual Regarding Emergency Preparedness, Humanitarian Response, and Transition/Recovery.
- ▶ Inter-Agency Standing Committee (IASC), Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters.
- ▶ IASC Taskforce on Gender in Humanitarian Assistance, Guidelines for Gender-based Violence Interventions in Humanitarian Settings.
- ▶ National/regional materials and documents regarding emergency response.

# DAY 2 – SESSION 6

## STEP-BY-STEP GUIDELINES

### Presentation 9: HRBA and Emergency Response (30 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session6\_Presentation9\_EmergencyResponse.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Stop at the first 'Conclusion' slide.

### Activity: Emergency Response Role Play (1 hour, 40 minutes)

#### Part A – Small group (1 hour)

1. Randomly Prepare UN-style name cards with identities from the role play.
2. Place them face down in front of each participant (after randomly splitting participants into four groups), together with the identity descriptions.
3. Ideally, there should be an equal number of people in each group, and each group should have one person representing each different identity. If there are not enough participants, you can split them into three groups instead. If there are too many identities for each group, pick the identities you would like to use. However, each group should have at least one UNFPA Representative, one Ministry of Health Representative and one Ministry of Finance Representative.
4. Refer participants to the appropriate activity sheet.
5. Allow participants 1 hour, 10 minutes to complete this task.

#### Part B – Large group (30 minutes)

1. Reconvene participants after the allotted time.
2. Invite each rapporteur to share group results with the larger group.
3. At the conclusion of all reports, comment on the work of each group, making note of any key issues/themes that were raised.
4. In the final five minutes of the session, provide a wrap-up by going over the last few 'Conclusion' slides of the presentation.

# DAY 2 – SESSION 6

## Activity: Evaluation, Homework and Wrap-up (30 minutes)

1. Bring the day's session to a close by thanking participants for their hard work. Make some closing remarks by summarizing the main lessons of the day, as well as the key questions that arose.
2. Remind participants to review the necessary documents for the following day. (If following suggested agenda, that would be Module 3 and pull-out Information Card 4)
3. Remind participants to use the 'Parking Lot' for unanswered questions.
4. Find the appropriate evaluation sheet in the 'Handouts' section and make copies for all participants and distribute.
5. Explain to participants that their honest feedback is important in helping to improve this training in order to better meet the needs of future participants.
6. Inform participants that facilitators will review feedback and synthesize some of the issues at the start of the following day.
7. Collect each completed sheet as participants leave the room.
8. Review all evaluation sheets, and synthesize some of the more significant issues.
9. Make notes on a flip chart to share with participants in the next day's welcome session.

## Potential Guest Speaker: Emergency Response and Human Rights in the Field (Optional) (1 hour)

1. This optional presentation can last up to 1 hour and can provide an example from the field of UNFPA (or other) work in emergency response. It would be preferable if the presentation focused especially on attempts to integrate human rights into programming in emergency or post-emergency situations. The guest speaker can talk about his/her efforts, successes and challenges in this area. It is preferable that the example be from the country or region in which the training is taking place.
2. This presentation is meant to broaden the perspectives of the participants and provide them with more examples from the field. The guest speaker can be, for example, a UNFPA staff member from the field who is working in the region
3. Instead of a presentation, it may be more interesting to show a video of an example of human rights-based work in emergency settings.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

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## FACILITATOR MANUAL

Session 7: Population and Development

# DAY 3 - AGENDA

TIME	ACTIVITY
<b>SESSION 7 - POPULATION AND DEVELOPMENT</b>	
8:30-9:00am	Potential Guest Speaker: Population and Development and Human Rights in the Field/Advocacy and Human Rights in the Field (Optional)
9:00-9:10	Welcome
9:10-9:30	<i>Presentation 10: HRBA and Population and Development</i>
9:30-10:30	Activity: Rallandua Census Exercise
10:30-10:45	<b>BREAK</b>
10:45-12:00	Activity: Rallandua Census Exercise (continued)
12:00-1:00	<b>LUNCH</b>
<b>SESSION 8 - ADVOCACY AND HRBA &amp; CONCLUSION</b>	
1:00-1:30	<i>Presentation 11: Advocacy and HRBA - Challenges and Opportunities for UNFPA</i>
1:30-3:30	Activity: Advocacy Role Play
3:30-4:00	Training Conclusion
4:00-4:30	Evaluation and Focus Groups
4:30-5:00pm	Closing

# SESSION

Population and Development



# DAY 3 – SESSION 7

**LEAD RESPONSIBILITY** Trainer with expertise in human rights and familiarity with UNFPA's population and development thematic area including the goal and outcomes.

**PURPOSE** To enable participants to explain how to apply a HRBA in the area of population and development work.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Describe the linkages between human rights and population and development, including censuses.
2. Explain the added value of applying a HRBA to census activities.
3. Provide at least one example of how each human rights principle (universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law), and how the 3AQ elements (availability, accessibility, acceptability and quality) can be integrated into the process of planning and carrying out a census.
4. Carry out a critical analysis of who should be involved in census activities in a specific setting, how activities should be carried out and how the results should be used in other population and development activities.
5. Relate the lessons learned on applying a HRBA from the census case study to other areas of population and development work.

**TOTAL TIME** 3 hours, 30 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	Potential Guest Speaker: Population and Development and Human Rights in the Field/Advocacy and Human Rights in the Field (Optional)	30 minutes
	Welcome	10 minutes
	<i>Presentation 10: HRBA and Population and Development</i>	20 minutes
	Activity: Rallandua Census Exercise	2 hours, 15 minutes

# DAY 3 – SESSION 7

## FACILITATOR NOTES

1. Recommend that participants read the case study in Module 3 prior to coming to this session (they can read it the night before).
2. Ask participants if any of them have experience applying a HRBA to population and development activities or censuses specifically. It may help them relate to the case study and the module as a whole if they can see its immediate relevance to their work. Throughout this Module in particular, remember to link the case study to the broader population and development area as a whole. It is important that participants understand that although a census is a unique type of activity, the lessons learned from applying a HRBA to a census can be extrapolated to other areas within population and development.
3. Ensure that you are familiar with current issues surrounding demographic issues in the country/region. For example, are any nearby countries currently engaged in a census process or in creating a new PRS?
4. Refer to the 'Hint' boxes in the Manual throughout the training.
5. As usual, if you do not have enough time to complete the full exercise, adjust the exercise accordingly.

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## KEY MESSAGES

The key take-home messages with regards to a HRBA at the pre-enumeration stage of a census (or at the data gathering/situation assessment stage in population and development work) are:

1. Make sure you and your partners understand the legal basis for the data collection by gathering information on the legal and policy context in order to understand the laws/policies that may either constrain or benefit your efforts.
2. Ensure the inclusion of marginalized groups and the full participation of all stakeholders in order to enhance ownership; build trust between yourself and the populations targeted by the census; improve the likelihood of proposed activities being acceptable to these groups; and, consequently, promote participation of these groups in the census itself.
3. Pay special attention to ensuring the participation of women in order to advance gender equality and women's empowerment.
4. Promote non-discrimination by disaggregating data, including by sex and marginalized/excluded groups, and by complying with the 3AQ of availability, accessibility, acceptability and quality.
5. Promote accountability by conducting programme activities in a transparent, open manner; sharing information about roles and responsibilities with the public; disseminating findings; choosing competent authorities to do the data collection; etc. This will help to ensure legitimacy and trust in the census.

# DAY 3 – SESSION 7

## KEY MESSAGES

6. Make a list of the rights-holders and a list of the corresponding duty-bearers in relation to specific census activities, and compare the relationships.
7. Carry out an analysis of capacities and capacity gaps in order to identify any gaps or priority problems where programme cooperation can produce the greatest results.

The key take-home messages with regards to a HRBA at the census enumeration stage are:

1. Ensure that all processes relating to enumeration are acceptable and of high quality, and that they are designed to elicit good quality information that will be made available to everyone without discrimination.
2. Support the implementation of enumeration activities in a transparent way. Help your partners to ensure that decision-making is open and shared, and that there is a system for complaints and redress if affected communities are unhappy with the way that census activities are carried out.
3. Support your partners in ensuring that the implementation of the census is not discriminatory in any way.
4. Promote participation and inclusion by encouraging your partners to translate the census into different languages and ensure that illiterate individuals can still participate.
5. Remember that statistical authorities are among the duty-bearers responsible for ensuring that every individual is covered by the census.

The key take-home messages with regards to a HRBA at the census post-enumeration stage (and these lessons relate to any kind of data dissemination or analysis efforts) are:

1. Encourage participation of all relevant stakeholders in all post-enumeration activities, including data analysis, dissemination, utilization, and monitoring and evaluation of the census process.
2. Ensure that analysis and presentation of findings includes attention to relevant human rights principles, and that these findings are used to inform legal and policy reform as necessary.
3. Evaluate not only the results of the census, but also the process by which it was implemented.
4. Ensure that the census findings as well as any evaluation of the census process are made public.

# DAY 3 – SESSION 7

## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, screen and hard copies of the slides for this session (see 'Slides and Notes' section of training Manual)	<input type="checkbox"/>
Flip charts and markers	<input type="checkbox"/>
Handout of the Rallandua census questionnaire and any other documents relevant to this exercise (from 'Handouts' section)	<input type="checkbox"/>
Colored paper, tape	<input type="checkbox"/>
Break-out rooms for small groups	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading **Module 3** of the Manual and the 'Introduction to the Thematic Modules' (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ UN Department of Economic and Social Affairs, Statistics Division, Principles and Recommendations for Population and Housing Censuses, Rev.2 2008. Series M No. 67/Rev.2.
- ▶ UNFPA's Strategic Plan, 2008-2011: Accelerating Progress and National Ownership of the ICPD Programme of Action, DP/FPA/2007/17.
- ▶ The PRSP of the country in which participants work.
- ▶ MDG country report—again, preferably of the country in which participants work.
- ▶ Other country-specific readings that relate to population and development topics—such as migration, aging populations, etc.

# DAY 3 – SESSION 7

## STEP-BY-STEP GUIDELINES

### Potential Guest Speaker: Population and Development and Human Rights in the Field/Advocacy and Human Rights in the Field (Optional) (30 minutes)

- ▶ This optional presentation can last up to 30 minutes and can provide an example from the field of a UNFPA (or other) programme that is trying to integrate human rights into population and development work, or is engaged in integrating a human rights-based approach to advocacy work. The guest speaker can talk about his/her efforts, successes and challenges in this area. It is preferable that the example be from the country or region in which the training is taking place.
- ▶ This presentation is meant to broaden the perspectives of the participants and provide them with more examples from the field. The guest speaker can be, for example, a UNFPA staff member from the field who is working in the region.

### Activity: Welcome (10 minutes)

1. Welcome participants to Day Three of the HRBA training.
2. Answer any questions from the 'Parking Lot' that are relevant to the day's session—and that are brief!
3. Briefly lay out the plan and agenda for the day ahead.
4. Ask volunteers to share any examples of useful knowledge, skills or attitudes from the previous day.
5. Review evaluation results from the completed evaluation sheets.

### Presentation 10: HRBA and Population and Development (20 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session7\_Presentation10\_HRBA&PopulationDevelopment.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Stop the presentation at the first 'Conclusion' slide. have the opportunity to ask any questions they have regarding HRBA to programming.

# DAY 3 – SESSION 7

## Activity: Rallandua Census Exercise (2 hours, 15 minutes)

### Part A – Small group (1 hour, 30 minutes)

1. Ensure that the appropriate VIPP materials are available for each group, e.g., multi-colored paper, markers, tape.
2. Randomly distribute cards with the letters A, B, C and D on them to participants, ensuring that there will be an equal number of participants in each group.
3. Refer participants to the appropriate activity sheet.
4. Provide copies of the Rallandua census questionnaire to participants. (Rallanduacensus.pdf).
5. Instruct participants to go to their break-out room to carry out the rest of the exercise.
6. Allow participants 1 hour, 30 minutes to complete this task.

### Part B – Large group (30 minutes)

1. Reconvene participants after the allotted time.
2. Invite each rapporteur to share group results with the larger group.
3. At the conclusion of all reports, comment on the work of each group, making note of key issues that arose.
4. Make sure to 'relate back' the results of the exercise to broader population and development issues, so that participants can see how lessons learned from the example of the census can apply to other work in this area.
5. Wrap-up the session by going over the 'Conclusion' slides of the PowerPoint presentation.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Session 8: Advocacy and HRBA & Conclusion

# 8 SESSION

Advocacy and Applying a HRBA in Challenging Contexts



# DAY 3 – SESSION 8

**LEAD RESPONSIBILITY** Experienced trainer who is familiar with UNFPA's advocacy work and human rights.

**PURPOSE** To inform participants of the obstacles they might face when advocating for a HRBA, and provide tips and strategies on how to overcome them.

**OBJECTIVES** By the end of the session, participants should be able to:

1. Define advocacy.
2. List at least three examples of UNFPA's advocacy work.
3. Explain the value-added of a HRBA to advocacy.
4. Give examples of how to persuade resistant governments to support a HRBA to programming.
5. Provide examples of how to carry out human rights-based programming in difficult contexts.

**TOTAL TIME** 2 hours, 30 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	<i>Presentation 11: Advocacy and HRBA</i>	30 minutes
	Activity: Advocacy Role Play	2 hours

**FACILITATOR NOTES**

1. Refer to local or regional situations in your examples and encourage a lot of discussion.
2. This is an area where participants probably have a lot to say and may have good ideas to share on how they have successfully advocated in the past.
3. Be sensitive to all the issues that are raised, and be aware that even if you are training UNFPA staff, not all staff may share similar views on the more sensitive issues of UNFPA's mandate. Be prepared to foster discussion on these sensitive topics.

**KEY MESSAGES** Go over some ways to advocate for a HRBA in challenging or conservative contexts. Participants should remember to:

1. Work with culture, not against it.
2. Emphasize that a HRBA is synonymous with national ownership.
3. Show that human rights is not a foreign concept.
4. Demonstrate the value added of a HRBA.
5. Emphasize capacity development.
6. Do the best that is possible given the specific situation.
7. Be patient and work progressively towards change.

# DAY 3 – SESSION 8

## MATERIALS

<i>Items</i>	<i>Ready</i>
Computer, LCD projector, screen and hard copies of the slides for this session (see 'Slides and Notes' section of training Manual).	<input type="checkbox"/>
Flip charts and markers	<input type="checkbox"/>
Exercise for this session for each participant (from 'Handouts' section)	<input type="checkbox"/>

## SUGGESTED READINGS

In addition to reading pull-out **Information Card 4** (which participants have hopefully done prior to the training), you can suggest they look at some of the following documents either during or after the training:

- ▶ UNFPA, Advocacy and Resource Mobilization for the 2010 Round of Censuses, 2009.
- ▶ Rights into Action: UNFPA implements Implements Human Rights-Based Approach, 2005.
- ▶ Strategic Options for HIV/AIDS Advocacy in Africa: Report of the Joint UNFPA-UNAIDS HIV/AIDS Advocacy Mission to Africa.
- ▶ UNDP, Population Association, UNFPA, The Dynamics of Honour Killings in Turkey: Prospects for Action, 2007.
- ▶ Any other relevant regional materials.

# DAY 3 – SESSION 8

## Presentation 11: Advocacy and HRBA – Challenges and Opportunities for UNFPA (30 minutes)

1. Cue PowerPoint slideshow on laptop computer (Session8\_Presentation11\_Advocacy&HRBA.ppt).
2. Review each slide with participants, referring to the presentation notes for further instructions.
3. Stop at the first 'Conclusion' slide.

## Activity: Advocacy Role Play (2 hours)

### Part A – Small group (1 hour, 20 minutes)

1. Randomly distribute cards with the letters A, B, C and D on them to participants, ensuring that there will be an equal number of participants in each group.
2. Refer participants to the appropriate activity sheet.
3. Instruct participants to go to their break-out rooms to carry out the rest of the exercise.
4. Encourage participants to draw from their own experiences and be creative!
5. Allow participants 1 hour, 20 minutes to complete this task.

### Part B – Large group (40 minutes)

1. Reconvene participants after the allotted time.
2. Invite each group to perform its skit in front of the larger group.
3. At the conclusion of all reports, comment on the work of each group, making note of the key themes that were raised. Ask participants the following questions:
  - a. What have we learned from this exercise?
  - b. How comfortable do you feel about promoting the ICPD agenda using a human rights-based approach in environments that are not 'rights-friendly'?
  - c. What other advice can you offer the group as a whole when dealing in challenging contexts?
4. Wrap-up the session by turning to the 'Conclusion' slides of the PowerPoint presentation.

# TRAINING CONCLUSION

# DAY 3 – TRAINING CONCLUSION

**LEAD RESPONSIBILITY** Trainer with expertise in training who is familiar with the entire content of the Manual.

**PURPOSE** To conclude the training and deal with any outstanding questions from participants.

**OBJECTIVES** By the end of the session, participants should be able to:

1. List the new skills they have learned from this training.
2. Summarize how to implement a human rights-based approach into UNFPA-supported programmes.
3. Feel confident about their understanding of a HRBA.

**TOTAL TIME** 1 hour, 30 minutes

<b>SESSION PLAN</b>	<i>Activities</i>	<i>Duration</i>
	Activity: Training Conclusion	30 minutes
	Final evaluation and focus groups	30 minutes
	Closing	30 minutes

**FACILITATOR NOTES**

1. Focus on making this interactive. Engage the participants in talking about their plans and how they expect their new knowledge will change the way they do their programming work.
2. Ask participants to voice any fears or doubts about applying the human rights-based approach to their work.
3. Ask the participants how comfortable they feel about using the Checklist in their future work.
4. Make sure to close the training on a positive and enthusiastic note.

# DAY 3 – TRAINING CONCLUSION

## FACILITATOR NOTES

1. Focus on making this interactive. Engage the participants in talking about their plans and how they expect their new knowledge will change the way they do their programming work.
2. Ask participants to voice any fears or doubts about applying the human rights-based approach to their work.
3. Ask the participants how comfortable they feel about using the Checklist in their future work.
4. Make sure to close the training on a positive and enthusiastic note.

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## KEY MESSAGES

Reiterate the key benefits to implementing a HRBA:

1. Promotes realization of human rights and helps government partners to achieve their human rights commitments.
2. Increases and strengthens the participation of the local community.
3. Improves transparency.
4. Promotes results (and aligns with results based management).
5. Increases accountability.
6. Reduces vulnerabilities by focusing on the most marginalized and excluded in society.
7. More likely to lead to sustained change as human rights-based programmes have greater impact on norms and values, structures, policy and practice.

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## MATERIALS

*Items*

*Ready*

Flip charts and markers.

Cards from Day One on which participants had written down their answers to the question: “Do you think you are already applying a human rights-based approach to your work?”

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## SUGGESTED READINGS

Ask participants to go home and skim through the entire Manual to refresh their memories of all of the material covered and to highlight any persisting doubts/confusion they might wish to revisit in this session.

# DAY 3 – TRAINING CONCLUSION

## STEP-BY-STEP GUIDELINES

### ACTIVITY: Training Conclusion (30 minutes)

1. These are the bullet points for discussion (there are no PowerPoint slides for this session):
  - ▶ Ask participants to turn their attention to the poster featuring the diagram of a HRBA and to the Checklist of Questions.
  - ▶ Walk participants through the diagram, pausing to ask them to summarize at each programming stage the steps to be followed and the questions that must be asked to ensure implementation of a HRBA.
2. Review the Checklist of Questions.
3. Ask participants for their views on the utility of the Checklist.
4. Ask participants to provide an example of how/where they will use the Checklist in future.
5. Turn to the cards on which participants had written their responses to the question on Day One: “Do you think you are already applying a human rights-based approach to your work”? Read out some of the answers that are on the cards (anonymously) and ask participants if they agree that the example on the card is indeed a HRBA. In addition, ask for some volunteers to provide the answers they had written and say if they still think they are already applying a HRBA.
6. Go around the room and ask each participant to name one thing they will do differently in their work as a result of this training.
7. Emphasize to participants that it is not the aim of this training to instantly turn them into ‘experts’ on a HRBA. It will take time and more training and support before they feel comfortable and knowledgeable about how to implement a HRBA. Let them know that UNFPA is creating other tools to help them implement a HRBA, and that hopefully they will keep in touch with each other and swap ideas and stories about best practices with respect to their efforts to apply the HRBA to their work.
8. If there is time, deal with any outstanding questions in the ‘Parking Lot’.
9. Ask participants to complete the final evaluations and have them return them to you before leaving for the day.
10. You may choose to collect more feedback from participants using the ‘Probing Questions for Use in Focus Groups’ found in the ‘Hand-outs’ section.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## FACILITATOR MANUAL

Handouts

# HANDOUTS

# Pre-Workshop Human Rights Assessment/Quiz

In order to better understand the needs of participants, please respond to the following items and return the completed sheets to the facilitator prior to the start of the workshop.

1. Have you previously taken a class or training in human rights?

Yes    No

If yes, please indicate the course title:

2. Have you done any work that required knowledge of human rights?

Yes    No

If yes, please provide a specific example:

	Very Familiar	Familiar	Not Familiar	Not At All Familiar
3. Are you familiar with human rights concepts and knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you familiar with international law concepts and knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are you familiar with the human rights ICPD issues? If so, which ones? Can you briefly describe these?				

## Pre-Workshop Human Rights Assessment/Quiz

6. Do you think you understand the links between human rights, population and development, sexual and reproductive health, and gender?

Yes    No

In your opinion, what is the link between human rights and sexual and reproductive health?

7. Is there any specific topic within human rights that you are most interested in?

8. Is there any specific aspect of the link between human rights and: a) sexual and reproductive health, b) population and development, c) gender, and d) emergency response that you are most interested in learning about?

## Pre-Workshop Human Rights Assessment/Quiz

9. Are you familiar with any of the following documents?

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Universal Declaration of Human Rights, 1948
<input type="checkbox"/>	<input type="checkbox"/>	International Covenant on Civil and Political Rights (ICCPR), 1976
<input type="checkbox"/>	<input type="checkbox"/>	International Covenant on Economic, Social and Cultural Rights (ICESCR), 1976
<input type="checkbox"/>	<input type="checkbox"/>	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1981
<input type="checkbox"/>	<input type="checkbox"/>	Convention on the Rights of the Child (CRC), 1990
<input type="checkbox"/>	<input type="checkbox"/>	ICPD Programme of Action, 1994
<input type="checkbox"/>	<input type="checkbox"/>	Declaration on the Elimination of Violence Against Women, 1993
<input type="checkbox"/>	<input type="checkbox"/>	Beijing Platform for Action, 1995
<input type="checkbox"/>	<input type="checkbox"/>	UNGASS Declaration of Commitment on HIV/AIDS, 2001

10. What are your overall expectations of this workshop?

# Activity Sheet – Day One: Question and Answer Session

Take notes in the spaces below in preparation for the Question and Answer session at the end of the day.

Session 1: Introduction to Workshop and Manual

Session 2: Basics of Human Rights

Session 3: Key Elements of a Human Rights-Based Approach

## Activity Sheet: Power Walk Identities

- ▶ Male, 35 years old
- ▶ Location: Rural
- ▶ Education: Functionally literate
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ Access to clean water
- ▶ No access to reproductive health care

- ▶ Female, 23 years old
- ▶ Location: Rural
- ▶ Health: HIV/AIDS positive
- ▶ Education: Illiterate
- ▶ Access to clean water
- ▶ Income: Earn less than \$1 a day
- ▶ No access to reproductive health care

- ▶ Male, 24 years old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water

- ▶ Female, 45 years old
- ▶ Location: Rural
- ▶ Education: Illiterate
- ▶ Income: Earn more than \$1 a day
- ▶ No access to clean water
- ▶ Access to reproductive health care

- ▶ Male, 16 years old
- ▶ Location: Rural
- ▶ Health: HIV/AIDS positive
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Access to reproductive health care

- ▶ Female, 15 years old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Access to reproductive health care

- ▶ Male, 49 years old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ No access to clean water
- ▶ No access to reproductive health care

- ▶ Female, 64 years old
- ▶ Location: Rural
- ▶ Education: Illiterate
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ Access to clean water
- ▶ No access to reproductive health care

- ▶ Male, 30 years old
- ▶ Location: Rural
- ▶ Unemployed
- ▶ Health: Undernourished
- ▶ Education: Illiterate
- ▶ No access to clean water
- ▶ No access to reproductive health care

- ▶ Female, 26 years old
- ▶ Location: Rural
- ▶ Health: HIV/AIDS positive
- ▶ Income: Earn less than \$1 a day
- ▶ Education: Illiterate
- ▶ No access to clean water
- ▶ Baby born underweight
- ▶ No access to reproductive health care

## Activity Sheet: Power Walk Identities

- ▶ Male, 56 year old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ No access to clean water
- ▶ No access to reproductive health care

- ▶ Female, 23 years old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ No access to clean water
- ▶ Access to reproductive health care

- ▶ Male, 35 years old
- ▶ Location: Rural
- ▶ Education: Literate
- ▶ Income: Earn less than \$1 a day
- ▶ No access to clean water
- ▶ No access to reproductive health care

- ▶ Female, 26 years old
- ▶ Location: Urban
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Access to Internet
- ▶ Access to reproductive health care

- ▶ Male, 35 years old
- ▶ Location: Urban
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Profession: Doctor
- ▶ Access to reproductive health care

- ▶ Female, 20 years old
- ▶ Location: Urban
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ Education: Illiterate
- ▶ No access to clean water
- ▶ Baby born underweight
- ▶ No access to reproductive health care

- ▶ Male, 30 years old
- ▶ Location: Urban
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Access to reproductive health care

- ▶ Female, 45 years old
- ▶ Location: Urban
- ▶ Education: Literate
- ▶ Income: Earn more than \$1 a day
- ▶ Access to clean water
- ▶ Profession: Manager
- ▶ Access to reproductive health care

- ▶ Male, 45 years old
- ▶ Location: Urban
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ No access to clean water
- ▶ Education: Illiterate
- ▶ No access to reproductive health care

- ▶ Female, 65 years old
- ▶ Location: Urban
- ▶ Income: Earn less than \$1 a day
- ▶ Health: Undernourished
- ▶ Access to clean water
- ▶ Education: Illiterate
- ▶ No access to reproductive health care

# Activity Sheet: Session 4 — Reproductive Health Case Study

## Instructions

Divide into three or four groups and answer the appropriate questions:

- ▶ Group A: Focus on questions 1, 2, and 7
- ▶ Group B: Focus on questions 3, 4, and 7
- ▶ Group C: Focus on questions 5, 6, and 7
- ▶ Group D: Focus on questions 1, 2 and 7

In your groups, please choose one chair and one rapporteur for the group.

## Part I

Please review the brief introduction to the Reproductive Health Case Study (from Module 4), pasted below for ease of reading:

### ***Mapland: Introduction and Background***

Mapland is a country where cultural attitudes portray women as less than equals. The major religion speaks out against the use of modern contraceptives and preaches for abstinence until marriage. There are generally high levels of violence against women and high rates of teenage pregnancies. The highest rates of teenage pregnancies occur in North Mapland, which is more rural, and where cultural and religious attitudes are particularly strong. North Mapland is where UNFPA has decided to focus its support.

In North Mapland, UNFPA is partnering with a local religious NGO (North Mapland Church Relief), a local women's human rights NGO (North Mapland Women's Rights), local town councils, a local youth peer network (North Mapland Youth) and a number of government ministries (the Ministry of Health, the Ministry of Education, the Ministry of Youth Affairs, the Ministry of Justice, the Ministry of Finance, the National Secretariat for Women, and the Ministry of Cultural Affairs). The primary implementing partner for this programme is the Mapland Ministry of Health (MOH). As such this partner is responsible for reporting to UNFPA on activities and expenditures. Representatives from the MOH sit on all programme committees, which ensures that they are fully aware of programme progress.

The goal of the SRH programme (called '**The North Mapland SRH Programme**') is to improve sexual and reproductive health and reproductive rights and address violence against women within this region using a HRBA. The ultimate aim will be to scale up the programme throughout the entire country.

"Through an intensive process of community consultation that explores the connection between the rights related to one's own body and other civil, political and economic rights, the North Mapland SRH Programme is fostering personal and cultural transformation in an area where strong negative attitudes towards women prevail."

— Quote by a staff member of North Mapland Church Relief

## **Part II: Situation Assessment and Analysis**

Review the situation assessment and analysis carried out by the government of Mapland, paying particular attention to the Legal and Policy Environment section (Module 4).

You will notice that as part of the data gathering efforts, research was carried out to see whether

# Activity Sheet: Session 4 — Reproductive Health Case Study

any Special Rapporteurs had visited Mapland, or if any treaty monitoring bodies had made any relevant recommendations to the Government of Mapland.

- ▶ Question 1: In your view, what is the **added value** of considering these documents (i.e. the Special Rapporteur's report, the CESCR recommendations, etc.) at the situation assessment and analysis stage, in the context of this case study? What is the point? Why should we care what the ICESCR Committee says to the Maplandian government about its obligations?
- ▶ Question 2: What specific information did this research into CESCR recommendations and Special Rapporteur reports provide that might not have otherwise been discovered?
- ▶ Question 3: How do you think UNFPA should use the results of this research (i.e. the ICESCR recommendations and the Special Rapporteur's report) in order to design a better SRH intervention?

## Part III: Monitoring and Evaluation

Review the Monitoring and Evaluation section of the case study (Module 4).

UNFPA tried to implement a HRBA in all stages of its programme in Mapland, but it is especially proud of the way in which it carried out its monitoring and evaluation activities.

- ▶ Question 4: In your view, how well did UNFPA manage to ensure participation and inclusion at the M&E stage? Did the relevant marginalized and excluded groups (e.g. see the list of 'rights-holders' in the 'Situation Assessment' section) really get a chance to 'meaningfully' participate at the M&E stage?
- ▶ Question 5: In your view, how well did UNFPA manage to ensure accountability at the M&E stage? (Turn to your Checklist of Questions for help. Do you think that UNFPA asked itself these questions on the Checklist?)
- ▶ Question 6: What about the principle of non-discrimination? Is there any indication that specific attention was paid at the M&E stage to measure and track discrimination?
- ▶ Question 7:
  - a. Take note of the indicators chosen to monitor and evaluate Mapland's SRH programme. Do you think that the indicators are adequate to measure outcomes and outputs in the exercise? Are these indicators 'human rights-based' in their current state? If so, why? If not, how would you strengthen them to reflect the outcomes and outputs and more human rights principles?
  - b. What kinds of process indicators are being used? Do you think they are effective in showing us whether North Mapland's SRH programme is being implemented in a human rights-based manner?

# Activity Sheet: Session 5 — Gender Case Study

Please read the following summary of the Case Study found in Module 5 of your manual.

In your groups, please choose one chair and one rapporteur for the group.

## ***Jalampore: Introduction and Background***

The gender equality and women's empowerment programme in Jalampore—the Jalampore Gender Programme (the JGP)—aims to strengthen the capacity of the government of Jalampore to implement legislation that promotes and protects gender equality and women's human rights. The JGP also aims to raise awareness of women's human rights among all actors, and empower women to claim their rights.

UNFPA, with its large network of cooperative relationships in the field of gender issues in Jalampore, was the natural choice to manage the planning and implementation of JGP. Under UNFPA's stewardship, JGP has already begun to dramatically transform how key actors understand women's and girls' human rights.

### **Your task:**

You have recently joined UNFPA's Jalampore office. You are part of a human rights unit within the office, and your unit has been approached by the government of Jalampore to examine the JGP. The government wishes to know if the JGP is accurately implementing a HRBA, and if not, where the gaps are. Your job is to assess how well the JGP has implemented a HRBA, and to suggest ways to strengthen this implementation.

- ▶ Group A: Focus on how well the principle of **participation** has been implemented into all stages of the programme. Suggest one way in which participation can be improved at each stage.
- ▶ Group B: Focus on how well the principle of **accountability** has been implemented into all stages of the programme. Suggest one way in which accountability can be improved at each stage.
- ▶ Group C: Focus on how well the principle of **non-discrimination** has been implemented into all stages of the programme. Suggest one way in which accountability can be improved at each stage.
- ▶ Group D: Focus on how well the **3AQ elements** (availability, accessibility, acceptability, quality) have been considered at all stages of the programme. Suggest how each element could be better considered in the programme as a whole. (Optional)

**All Groups:** Turn to your HRBA Checklist for examples of questions that need to be asked at each stage. Is the JGP asking all these questions? Also note that some country programmes spend more time describing how they considered participation at each stage, and less time on other principles, such as accountability. As a result, some groups may have to 'dig deeper' and 'read between the lines' to figure out whether certain human rights principles were considered, if at all.

To answer the above questions, read the excerpts of the case study below.

### SUMMARY OF THE JALAMPORE CASE STUDY

#### *Situation Assessment and Analysis for the UNFPA-supported Jalampore Gender Programme*

Before starting the situation assessment and analysis, the primary stakeholders in the programme were chosen. The Ministry of Interior (MOI) of Jalampore, in partnership with UNFPA, decided upon the following partners:

- ▶ Jalampore Women for Politics—a women’s NGO that supports women’s participation in politics;
- ▶ local governments and municipalities; and
- ▶ some other local women’s NGOs.

The selection of partners was closely associated with **responsibility and participation**. It was believed that the State should participate in the project as it is the main duty-bearer. Accordingly, the MoI and local level governorates and municipalities represented the **State participation** in this project. With respect to **NGO participation**, there was one national-level NGO, and there were also other women’s NGOs at the local level who were partners. It was believed that local level women’s NGOs would be able to adequately represent the views of local women rights-holders.

The initial concept paper for the situation assessment and analysis was drafted by 6-7 female gender experts from the women’s movement and academia. A gender expert, who also knows the national governmental system well, was employed to conduct preparatory work. In addition to the general situation analysis, a review of the **legal and policy** environment was also carried out, including the country’s international human rights obligations and the degree of compliance with them.

Determination of rights-holders and duty-bearers: Given the results of the causality analysis [which is in your Manual, but which has not been included in this summary], the partners noted that all women and girls were rights-holders in the six pilot provinces where the programme was to be implemented. However, there were certain groups of women who were especially excluded in Jalampore’s laws and policies, and especially discriminated against—those who were illiterate (uneducated), lived in rural areas, and those who were extremely poor. It was also these groups who knew the least about their rights.

As for corresponding **duty-bearers**, it was determined that these would be:

- ▶ the Ministry of Justice;
- ▶ the Ministry of Interior; and
- ▶ local government institutions and departments.

#### ***Planning and Design Stage of the JGP***

As was the case with the situation analysis, a wide range of participants were involved in planning the programme, including the UNFPA Representative, the gender experts whose views were sought during the situation analysis, and a large number of the NGO Representatives who also participated in the preparation process.

## Activity Sheet: Session 5 — Gender Case Study

These NGO Representatives were mainly persons who had followed closely the CEDAW, the Beijing Fourth World Conference on Women, the International Conference on Population and Development, and the World Social Summit reporting and meeting processes.

Participation at the planning and design stage was encouraged through stakeholders meetings, trainings, problem-solution analysis, and reporting meetings. The trainings were designed to be bi-directional, and included both the primary rights-holders from the six pilot provinces (illiterate women and girls, rural women and girls, and women and girls living in poverty) and the primary duty-bearers (Ministry of Justice, Ministry of Interior, and local government institutions and departments from the six provinces).

In addition, the JGP team tried to be innovative by creating a website and online chat room for local NGOs. This website was created with the aim of establishing communication among NGOs participating in training on women's rights; ensuring work and discussion on projects; increasing the NGOs' interest in the shaping of local action plans; and sharing experience.

Opinion polls on the programme were also presented for the evaluation of all partners, and provincial level results from the six provinces were presented and discussed at all stakeholder meetings. The results were distributed through printed material prepared subsequently, and put on the Internet page of the programme. Authorities responsible were openly listed.

The steering committee for the JGP, which was responsible for all the main decisions, was a tripartite structure. This was also designed to enhance participation. The steering committee was made up of:

- ▶ the Mol;
- ▶ two representatives from a local women's rights NGO in each of the six pilot provinces; and
- ▶ the relevant UN agencies.

Protocols were agreed upon by the steering committee members, which were based on clearly defined duties and responsibilities.

### **Implementation Stage**

The main strategies of implementation of the JGP were advocacy (awareness raising) and **capacity development**, with active involvement and partnership of government, civil society, private sector and international/bilateral donors/organizations.

Throughout the implementation of this programme, all of JGP's processes were based on social dialogue, participation, and working with local governments and local NGOs. All of the main partners as well as all of the implementation partners at the local level, i.e. municipalities, public institutions, organizations and local NGOs were part of the **local culture**. This was done to ensure that implementation and all other aspects of the programme were **culturally sensitive**. This is also why the programme was implemented not at the national level but at the local level, so that interventions could be more oriented to local communities and cultural practices. Capacity development for local authorities as duty-bearers in the selected six cities was supported for effective gender mainstreaming at the local level.

To enhance participation at the implementation stage, stakeholders meetings were organized in six provinces by the governorates. The JGP was introduced in meetings in which the mayor and

## Activity Sheet: Session 5 — Gender Case Study

NGO officials also participated. In two provinces, second meetings were organized as women's NGO participation had remained insufficient.

With regard to communication, information on developments about implementation related to the JGP was all posted on a public website and three issues of the newsletter 'For a Better Future, Women and Girls First', were published to inform the public of developments.

### ***Monitoring and Evaluation***

Internal M&E occurred through regular field visits and activity and programme reports. The programme was externally evaluated at midterm and at the end of the programme. UNFPA human rights-based gender indicators were used to measure progress specifically in the six programme cities.

The JGP monitoring and evaluation activities were planned to be participatory. For example:

- ▶ As indicated above, the steering committee was a participatory body and it met at short intervals to evaluate developments.
- ▶ The group that oversaw the JGP's activities had the function of monitoring and evaluation and was a widely participatory body.
- ▶ The reports prepared by the JGP local facilitators and their participants were exchanged.

As for who was involved in the M&E itself, a group of widely participatory bodies met every six months to review M&E findings. This group included:

- ▶ the Minister of the Interior;
- ▶ the UN Gender Thematic Group (which includes a wide range of UN agencies, such as UNFPA, WHO, UNHCR, ILO, WFP, UNICEF, UNDP, etc.);
- ▶ members of Parliament from the six pilot provinces;
- ▶ chairpersons and local government officials in fields such as health, family, labour, and population;
- ▶ representatives of local women's NGOs (from the six pilot provinces, but also from a few other provinces in Jalampore);
- ▶ gender experts; and
- ▶ the JGP implementation team.

As part of the monitoring process, local governments, especially municipalities, have developed a registration and evaluation system, starting with basic services and complaint/application procedures that also take women into account. Exit interviews by female government officers are carried out with women as they leave the government department in question. The female government officers have been trained in 'gender sensitivity'. Focus group discussions among women in the six provinces (carried out in a manner that ensures an equal representation of illiterate women, rural women and women living in poverty) have also been carried out to gather women's views on their interaction with government offices and the justice system.

## Activity Sheet: Session 6 — Emergency Response Role Play

**Setting:** Preparation for strategic planning meeting for all stakeholders in the emergency response in Arturia

**Topic of Meeting:** How to continue and better implement SRH programmes in Arturia from a human rights-based approach.

**Exercise:** Each participant will be provided with one of the roles explained below. In each small group, every participant will have a different role. In your groups, you have been brought together to attend a very important 'Strategic Planning Meeting' for all stakeholders involved in the emergency response in the country of Arturia. Do your best to fulfil your role to the best of your abilities. Try to truly behave within your new 'identity' as much as possible. Most importantly—have fun!!

Please read the brief description of the role you have been assigned. Then turn to Module 6 in your Manual. Read the case study (if you have not already!) and think about the stand and the position your character would take on using a human-rights based approach (HRBA) and its various components. The questions below are designed to help you organize your ideas. You do not need to write down the answers to these questions! They are just to help you think about what to say at the strategic planning meeting.

In your groups, please choose one rapporteur for the group. You do not need to choose a chair for the group as that has already been done for you (the 'UNFPA Rep' is, according to the identity he/she has been given, the automatic chair of the group).

### **Facilitator Notes:**

Each participant has been provided with one of the roles below, followed by a few questions to trigger their thoughts. There are eight roles, two of which are 'neutral' (i.e. WHO official and Assistant to the Office of the Resident Humanitarian Coordinator). There should be one person with each identity in each small group.

If there are fewer than eight participants in each group, you (i.e. the resource person)—can be a 'neutral' member of the stakeholder's group. For example, you can be an Assistant to the Office of the Resident Humanitarian Coordinator in Arturia, or the WHO Rep. Your job is to help the chair of the meeting guide the group towards reaching a consensus on whether to continue moving forward in Arturia using a HRBA. If the answer is yes, then see if you can reach consensus on how to strengthen the application of a HRBA in order to improve SRH outcomes in Arturia.

## PARTICIPANT ROLES

### **Role: Sexual and reproductive health programme manager at the Ministry of Health in Arturia**

Your ministry's priority is to provide sexual and reproductive health care to women and adolescent girls. These services have traditionally been provided through the national health care system—village health centers, primary health clinics, first-level hospitals, and more advanced tertiary care centers. Your ministry has been trying to implement a HRBA in the South of the country but has encountered many challenges, especially because of the post-conflict situation in this region. Your ministry has also been frustrated with the health workers in the North, as some have exploited the conflict and smuggled drugs and health supplies for personal gain.

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

1. As a Ministry of Health Representative, think about a couple of rights that you think have been violated or remain unfulfilled in your country. Who are the rights-holders in this case? Think about their capacities. Who are the duty-bearers? Think about their capacities.
2. As a Ministry of Health Representative, what is your position on strengthening the involvement of men in sexual and reproductive health programmes? What about other groups that have been marginalized or overlooked in this area? Do you think a HRBA can help you achieve this? How?
3. As a Ministry of Health Representative, how could you use the principle of accountability to address the challenges facing your country?

### **Role: Sexual and reproductive health programme manager at the UNFPA in Arturia**

UNFPA makes it a priority to support the provision of sexual and reproductive health services using a HRBA. UNFPA has had some success in implementing a HRBA despite the conflict and post-conflict situations in the country. However, UNFPA is dismayed about many groups' continued lack of access to the national health system for more complex health and medical problems. UNFPA remains firmly committed to a culturally sensitive, gender-responsive HRBA regardless of the emergency situation.

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

## Activity Sheet: Session 6 — Emergency Response Role Play

1. As a UNFPA Representative, what are some of the achievements you have made in Arturia from a health programming perspective? How did a HRBA help you with these successes? Think about both process and outcomes, as well as the key principles of a HRBA (participation and inclusion, equality and non-discrimination, accountability and rule of law).
2. As a UNFPA Representative, how do you see the links between a HRBA and a culturally-sensitive approach? Can you think about some examples where these two approaches together helped you implement a better programme?
3. As a UNFPA rep, how would you respond to those that argue against using a HRBA in conflict and post-conflict settings? In other words, what kind of arguments would you use when trying to convince the government and other stakeholders of the added value of a HRBA?

### **Role: Representative of the Ministry of Finance (MoF) in Arturia**

Because of the conflict, the MoF has been working with very limited national resources and has been dependent on outside aid to pay for the costs of ensuring national security and providing social services. The MoF believes a HRBA is not a cost-effective approach during emergencies. The MoF is more concerned with national security and spending on arms to combat militias in the North. The representative argues that the attacks on IDPs by militias are the main cause of health problems.

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

1. As a MoF Representative, what arguments would you make against a HRBA in conflict and post-conflict settings?
2. Can you think about some ways in which a HRBA can actually help you better implement your priorities? Think about the key principles of a HRBA (participation and inclusion, equality and non-discrimination, accountability and rule of law).
3. As a MoF rep, who do you think is accountable for the lack of SRH services? For the lack of transportation systems to health facilities? Think about rights-holders and duty-bearers.

### **Role: Sexual and reproductive health programme manager at a humanitarian NGO working in the North of Arturia**

Your work focuses on providing priority SRH services in the IDP camps in the North. Although you work with displaced persons, your NGO does not implement a HRBA approach. Rather, your organization's stance is that it works with all victims of war and follows international humanitarian law (IHL) only. Your organization does use the language of human rights when convenient, such as in advertisements and fund-raising activities.

## Activity Sheet: Session 6 — Emergency Response Role Play

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

1. How would you frame the differences between a needs-based approach and a rights-based approach?
2. As an employee of this humanitarian NGO, what is your position on participation and inclusion? How can you ensure that the opinions of excluded women, adolescents and youth, community reps, and traditional leaders are taken into account in your SRH programmes?
3. Do you think using human rights arguments to hold duty-bearers accountable for the loss of reproductive health supplies in the camp is a useful strategy? If yes, how would you do so?

### **Role: Member of a Norto community group**

You are very concerned with the well-being of the Norto community—those living as IDPs in the camps in the North, as well as those Nortos in the South who need assistance in accessing government-provided social services. You are in favor of a HRBA as it provides a needed focus on your community and other marginalized groups.

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

1. As a representative of a Norto community group, in what ways do you think your community is entitled to actively participate in SRH decisions? What does this entail?
2. How can laws and policies regarding requiring identification for health care be reformed to address discrimination against your Norto community and improve its access to SRH services?
3. Using a HRBA, in what ways would you collaborate with other stakeholders to improve their knowledge of the SRH situation in your community? Think about the key principles of a HRBA (participation and inclusion, equality and non-discrimination, accountability and rule of law).

# Activity Sheet: Session 6 — Emergency Response Role Play

## **Role: Member of a local health workers coalition in Arturia**

You represent the frontline of those who provide SRH care and services to everyone in the country. With regards to health workers smuggling drugs for money in the North, you feel that it is justified given that they are underpaid, overworked, and that their basic rights are not being fulfilled. You are also well versed in the main biomedical SRH problems facing those living in Arturia. (Pay close attention to the basic SRH challenges in the case. As a health worker, you may be expected to be familiar with these.) Your coalition is generally in favor of a HRBA.

As you know, UNFPA and its partners have been working in both North and South Arturia for several years. You have been invited to a strategic planning meeting where UNFPA and its partners are reviewing progress and challenges to date in their programmes and beginning to plan for future sexual and reproductive health (SRH) programmes. The question of how to continue (and for some participants whether to continue) and better implement a HRBA in SRH programmes is on the table.

Think about the questions below. They are meant to help you articulate your character's position on a HRBA.

- 1.** How does a HRBA shape what you do as a health worker or provider in an emergency setting? Think about both process and outcomes, as well as the key principles of a HRBA (participation and inclusion, equality and non-discrimination, accountability and rule of law).
- 2.** How would you use international human rights commitments to advocate for improved psychosocial services at governmental facilities in the South?
- 3.** How would you use a HRBA to promote better patient privacy and confidentiality in future SRH services and programmes?

## **Role: WHO Representative in Arturia**

You are not an expert in sexual and reproductive health issues, but you are familiar with the key problems in Arturia. You are aware that UNFPA has been the main force behind trying to persuade all the groups responding to SRH issues in the emergency to follow a 'human rights-based approach'. You are not quite sure what WHO's stance is on a HRBA—you know that they mention it in some of their SRH materials, but are generally quite vague about it and unclear on what this means. You think that the UNFPA-led response to the SRH problems in Arturia is quite good, and of course you support human rights in general. You are happy to attend the stakeholders meeting and listen and learn and see if any particularly persuasive reasons for using a HRBA emerge.

## **Role: Assistant to the Office of the Resident Humanitarian Coordinator in Arturia**

You are the assistant to the resident humanitarian coordinator in Arturia. You are a neutral member of the stakeholder group who is interested in reaching agreement on whether and how to apply a HRBA in this conflict. Your job is to help the chair of the meeting guide the group towards reaching a consensus on whether to continue moving forward in Arturia using a HRBA. If the answer is yes, then see if you can help the group reach consensus on how to strengthen the application of a HRBA in order to improve SRH outcomes in Arturia.

# Activity Sheet: Session 7 — Population and Development

## Instructions for ALL Groups:

During this exercise, refer to Module 3 of your Manual. Also take a look at the census questionnaire, as well as the country's statistics sheet (below). Use the information to think about how you may plan, carry out and analyse a census using a HRBA in a country like Rallandua.

In your groups, please choose one chair and one rapporteur for the group.

## Group A: Focus is on 'planning' and preparing for the census

Refer to Module 3 if needed during this exercise.

Question: Briefly outline how you would use a human rights-based approach to plan for Rallandua's census. Think about some of the following issues:

- ▶ What kinds of laws and policies would you wish to consider before carrying out the census?
- ▶ What groups do you think should participate in the census planning stage? (Note the groups that participated in the preparation of Rallandua's census. Would you invite similar groups to participate? Note also the types of questions on the census, and thus the type of information that is being gathered, and whether that should have any influence on which groups should be invited to participate.) How would you reach any marginalized groups that you may want to invite to participate in the census planning? And who would these groups be, do you think?
- ▶ How would you consider equality and non-discrimination at the census planning stage?
- ▶ How would you consider ensuring accountability and transparency at the census planning stage?

## Group B: Focus is on 'carrying out'/implementing the census

Refer to Module 3 if needed during this exercise.

Question: *Briefly* outline how you would use a human rights-based approach to **gather census data**. Think about some of the following issues:

- ▶ How would you actually carry out the data gathering? Remember, you want to gather your data in a way that encourages the participation of everyone; you want to ensure you do not discriminate among individuals or groups; and you want to ensure that your data gathering efforts are done in a competent, trustworthy manner and that there are avenues for holding you (or your data gatherers) accountable.
- ▶ Think about how you would minimize bias in either the way data is collected or in how questions are asked. For example, are there any questions in the census that you think may be sensitive? If so, how should your door-to-door census enumerators (if you're using a door-to-door method) ask those questions in a way that might make them less sensitive?
- ▶ How would you encourage everyone (including illegal immigrants, etc.) to answer the questions on the census?

## Activity Sheet: Session 7 — Population and Development

### **Group C: Focus is on ‘post-enumeration’ activities — analysis and translation of data gathered by the census**

Refer to Module 3 if needed during this exercise.

Question: *Briefly* outline how you would use a human rights-based approach to **analyse the data collected in this census and translate it into good policy**. Think about some of the following issues:

- ▶ Look at the types of questions asked and the type of information that is being gathered. How can such information be used to advance a government’s human rights commitments?
- ▶ Look at the way that data is being disaggregated in the census. Is this disaggregation sufficient?
- ▶ Who should participate in analysing and translating this data?
- ▶ How can you ensure that this data is not analysed or translated in a manner that might discriminate against a certain group?
- ▶ How can you ensure that this data is analysed in a gender-responsive manner?
- ▶ Is there anything in this data that’s relevant to sexual and reproductive health?
- ▶ How could you use this data to inform sexual and reproductive health policies to hold governments accountable for their human rights obligations?

## RALLANDUA COUNTRY INFORMATION

**Population:** 14,241,640

Note: estimates for this country take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected (July 2008 est.)

**Age structure:**

0-14 years: 33.2% (male 2,389,668/female 2,338,838)  
15-64 years: 63.2% (male 4,372,480/female 4,627,895)  
65 years and over: 3.6% (male 193,338/female 319,421) (2008 est.)

**Median age:**

Total: 21.7 years  
Male: 21 years  
Female: 22.5 years (2008 est.)

**Population growth rate:** 1.752% (2008 est.)

**Birth rate:** 25.68 births/1,000 population (2008 est.)

**Death rate:** 8.16 deaths/1,000 population (2008 est.)

**Net migration rate:** NA

**Sex ratio:**

At birth: 1.04 male(s)/female  
Under 15 years: 1.02 male(s)/female  
15-64 years: 0.94 male(s)/female  
65 years and over: 0.6 male(s)/female  
Total population: 0.96 male(s)/female (2008 est.)

**Infant mortality rate:**

Total: 56.59 deaths/1,000 live births  
Male: 63.76 deaths/1,000 live births  
Female: 49.1 deaths/1,000 live births (2008 est.)

**Life expectancy at birth:**

Total population: 61.69 years  
Male: 59.65 years  
Female: 63.83 years (2008 est.)

**Total fertility rate:** 3.08 children born/woman (2008 est.)

**HIV/AIDS - adult prevalence rate:** 15.6% (2003 est.)

**Major infectious diseases:**

Degree of risk: very high  
Food or waterborne diseases: bacterial and protozoal diarrhea, hepatitis A, and typhoid fever  
Vectorborne diseases: dengue fever and malaria  
Note: highly pathogenic H5N1 avian influenza has been identified in this country;

## RALLANDUA COUNTRY INFORMATION (continued)

**Ethnic groups:**

Irumi 35%, Jakani 45%, Other 20%

**Languages:**

Jakani (official) 60%, Irumi, 30%, Other 10%

**Literacy:**

Definition: age 15 and over can read and write

Total population: 73.6%

Male: 84.7%

Female: 64.1% (2004 est.)

**School life expectancy (primary to tertiary education):**

Total: 10 years

Male: 10 years

Female: 9 years (2006)

**Education expenditures:** 1.7% of GDP (2004)

**Legal system:** Primarily a civil law mixture of French-influenced codes from the period of colonization, royal decrees, and acts of the legislature, with influences of customary law and remnants of communist legal theory; increasing influence of common law.

**Judicial branch:** Supreme Council of the Magistracy (provided for in the constitution and formed in December 1997); Supreme Court (and lower courts) exercises judicial authority.

**Economy - overview:** From 2001 to 2004, the economy grew at an average rate of 6.4%, driven largely by an expansion in the garment sector and tourism. The tourism industry continues to grow rapidly, with foreign arrivals reaching 2 million in 2007. In 2007, the government signed a joint venture agreement with two companies to form a new national airline. The long-term development of the economy remains a daunting challenge. The population lacks education and productive skills, particularly in the poverty-ridden countryside, which suffers from an almost total lack of basic infrastructure.

**Unemployment rate:** 20.5% (2000 est.)

**Population below poverty line:** 35% (2004)

**Health (<http://www.unfpa.org>):**

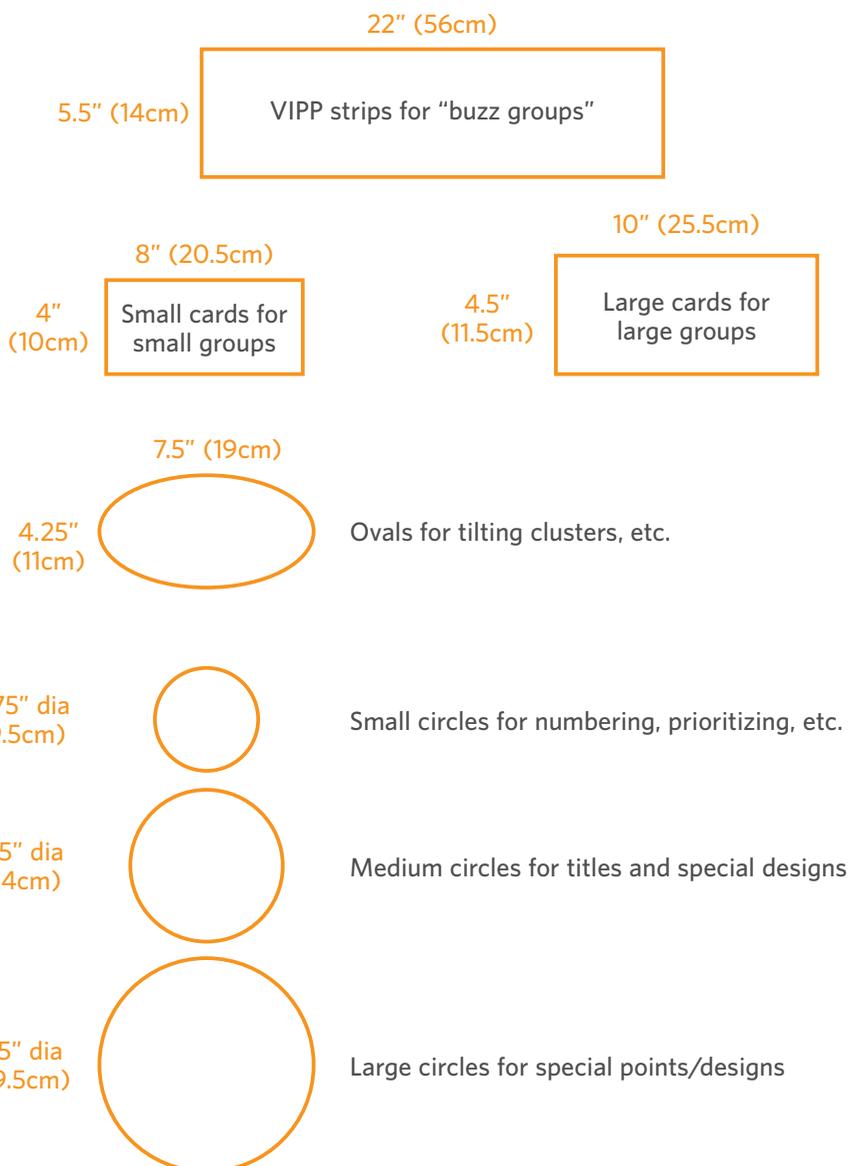
Rallandua, with a population of 14 million, is a developing country. It is struggling with high rates of maternal and infant mortality and faces a large unmet need for family planning. In 2000, the maternal mortality ratio was estimated at 450 deaths per 100,000 live births, while the infant mortality rate is 95 deaths per 1,000 live births. The contraceptive prevalence rate for modern methods among women ages 15-49 years is only 18.5 percent. A full one-third of women of reproductive age want to plan their families but are unable to do so because of an acute lack of information and services.

HIV prevalence among adults is 15.6 percent, Prevention campaigns have brought about a reduction in the rate of new infections. However, widespread poverty and gender inequality are exacerbating the effects of the pandemic.

## BACKGROUND INFORMATION ON VIPPI

### Card Sizes and Shapes

Standard card shapes and sizes are given in the drawing below. The rectangular cards are used for main idea processing, the smaller ones for small group events, and the larger ones for larger group events where the distance between the boards and the plenary increases. The other cards can be used for numbering or titling clusters or for visual emphasis of certain ideas.



<sup>1</sup> This information comes from UNICEF, VIPPI, Visualisation in Participatory Programmes: A manual for facilitators and trainers involved in participatory group events. Dhaka, Bangladesh. 2003.

# Activity Sheet: Session 7 — Population and Development

## Rules for Card Writing

- ▶ Write only one idea per card so that clustering of ideas is possible.
- ▶ Write only three lines on each card and form blocks of words.
- ▶ Use key words instead of full sentences.
- ▶ Write large letters in both upper and lower case, if possible, so that your words can be read from 10 meters.
- ▶ Learn to write legibly and use the broadest side of the marker, not the point.
- ▶ Apply two sizes of script to distinguish main points.
- ▶ Use the different sizes, shapes and colours of cards to creatively structure the results of discussions.
- ▶ Follow the colour code established for different categories of ideas.

## Rules for Involving Participants

- ▶ Every participant is a resource person and every resource person is a participant.
- ▶ Everyone helps everyone. Every idea counts.
- ▶ Conflicts and controversial points of view should be visualized and dealt with at an appropriate time.
- ▶ Uncomfortable feelings must be dealt with promptly.
- ▶ Use VIPP as a learning process for making people more tolerant and receptive to other opinions.

## Rules for Group Work

- ▶ Organize a suitable working place (chairs in circle or semi-circle, and a convenient place for your materials and pin boards).
- ▶ Visualize the task in words and through demonstration with co-facilitators, if necessary, and ask if clarification is needed.
- ▶ Distribute tasks for facilitator and visualizer.
- ▶ Establish the topics and allocate adequate time.
- ▶ Collect ideas on cards (individually without talking).
- ▶ Cluster and discuss cards, label clusters.
- ▶ Review clusters to determine what is missing.
- ▶ Prepare presentation for the plenary, establishing a division of tasks in the group.

## Rules for Presentation of Group Work Results

- ▶ The group should stay in front of the plenary.
- ▶ Maintain eye contact with the plenary.
- ▶ Present as a team.
- ▶ Back up written work with creative presentations such as role plays, whenever possible.
- ▶ Involve the plenary in the presentation through VIPP techniques.
- ▶ All important cards should be read and pointed to while reading.
- ▶ Avoid long comments or repetitive explanations.
- ▶ Record feedback from plenary on cards.

# Activity Sheet: Session 7 — Population and Development

## Basic Rules for Facilitators

- ▶ Consider VIPP techniques in the planning process only if convinced of their utility.
- ▶ If VIPP techniques are applied, be consistent throughout the event.
- ▶ Be well-prepared for each session by meeting with co-facilitators
- ▶ Be conscious of the time factor but not rigid so that each session cannot be satisfactorily concluded. Plan time buffers.
- ▶ Consciously guide the group, stimulating it to advance.
- ▶ Do not dominate the proceedings. The best facilitator makes herself superfluous!
- ▶ Ask precise questions at the right moment.
- ▶ Do not force participants to stay!

## Rules That Reinforce VIPP Philosophy

- ▶ Facilitate the group process without manipulation.
- ▶ Use your knowledge of the subject matter to raise relevant questions but not to teach or give opinion.
- ▶ At the beginning of a session briefly introduce the programme visually.
- ▶ Summarize the discussion:
  - at the beginning of each session;
  - when the discussion gets away from the topic.
- ▶ Explain the tasks and questions clearly, in detail, and visualize them in writing.
- ▶ Do not react to questions/critique by giving long explanations.
- ▶ Turn questions back to the participants to answer.
- ▶ Accept critiques or controversial points of view and visualize them to be dealt with later in the session or event.
- ▶ Do not justify yourself or the methods you are using. You can, however, offer alternatives to the floor.
- ▶ Convince the participants of the method by application, not by preaching.
- ▶ Do not involve more than two facilitators at a time: one who facilitates the process and the other to assist in keeping in touch with the group and distribute materials.

Your primary responsibility as a facilitator and trainer is to clear the way for progress and learning by participants. You can do so in a number of ways:

- ▶ Discover with them and from them what they need.
- ▶ Help them to find resources—partners, materials, activities or information that will increase their confidence and skills.
- ▶ Intervene when progress is slow to suggest alternative ways of moving ahead.
- ▶ Help them relate their experience to the concerns of others.
- ▶ Invent ways for them to test their new skills in real situations.
- ▶ Encourage them to find their own answers, even when it might be easier for you to supply a solution that seems obvious to you.
- ▶ React sincerely to constructive feedback. Become a learner with them by admitting your own inadequacies.

It may appear that VIPP facilitation is a series of rules. In fact, in most sessions participants will only be presented with the rules of writing.

## Activity Sheet: Session 8 — Advocacy

*This is a FUN exercise. Feel free to be as creative and inspired as you wish!*

### **Instructions**

- 1.** In your groups, please choose one chair (“Director”) for the group.
- 2.** If you need any help, turn to pull-out Information Card 4, ‘Advocacy in Challenging Contexts’ at the back of your Manual
- 3.** Reflect on your own experiences where you have had to promote a HRBA or push for the inclusion of human rights in a difficult or challenging environment. (The idea of a ‘challenging’ environment should not be restrictive in any way. It could mean working with a reluctant government, but it could also arise in your own office, e.g., you may have faced challenges in your own workplace, trying to persuade your co-workers on why it’s important to insert language on a human rights-based approach in certain documents.)
- 4.** Share these experiences with the rest of your group.
- 5.** Have your group vote on which one of all your experiences your group would like to act out in a 5-minute ‘skit’. In order to help you choose, try to pick an experience that reflects a typical challenge faced by UNFPA staff in the field dealing with resistance to human rights.
- 6.** Having chosen an experience, your group should ‘act out’ this experience—not in the way it originally occurred, but imagining how it would play out today, given your new knowledge of the benefits of human rights-based approaches. What would happen today if you faced these same obstacles in the same challenging environment? How would you react differently? What persuasive arguments would you arm yourself with? The role of the ‘Director’ is to help with the direction of the skit, and—most importantly—to keep time!! The skit must not be longer than 10 minutes!!
- 7.** Decide within your own small groups who will play which role in the skit.
- 8.** Be creative. In your 5-minute skit, make reference to each human rights principle at least once in whatever way you feel would better promote your attempt to persuade the reluctant party of the importance of a HRBA.

*Enjoy yourselves, and get ready to act out your skit in front of the rest of us!*

# Suggested Energizers

## Human Rights Match:

Hand out to each participant one word from a common human rights-related term, and ask them to find the person who holds the second word from their term. For example, a participant who gets the word 'gender' can team up with another participant who may have received the word 'equality' or 'sensitivity'. Once they find their partner(s), ask participants to define the term they're holding up, and also state their expectations from this training (while at the same time introducing themselves to the group).

Common human rights terms can include:

- ▶ gender empowerment;
- ▶ rights-holder;
- ▶ duty-bearer;
- ▶ rule of law;
- ▶ gender-responsive; and
- ▶ culturally sensitive.

## Silent Calendar:

Explain that the whole group must line up in order of the day and month they were born, but they cannot use words to accomplish this.

## In the Same Boat:

Explain that participants must group themselves according to the same characteristic. Call out a category, such as those born in the same decade or month; those with the same number of children or siblings; those who speak the same language at home or the same number of languages.

## All My Neighbours:

Ask participants to form a shoulder-to-shoulder standing circle and then have each person take a step back. Give each participant a place holder, e.g., piece of paper or book, which they should place at their feet. The task of the facilitator, who is standing in the center of the circle, is to try and find a place on the outside of the circle and have someone else end up without a place. The facilitator will make a statement that is TRUE for her/himself. For example, if she/he is wearing tennis shoes, she/he might say "All my neighbors who are wearing tennis shoes." If that statement is true for any participants, then they must come off their place holder and find another spot in the circle. They cannot move to a spot beside them. The person left without a spot then stands in the center of the circle and makes a statement that is true of her/himself.

## Gotcha!:

With everyone in a large circle, participants place their right hand palm up in front of the person on their right, and position their left hand directly over the palm of the person on their left with index finger pointing down approximately one inch above the palm. On the count of three, each person should try to grab the finger above their right palm while simultaneously moving their own left index finger up, out and away to safety. Give a start word to get the energizer going. Try a start word, such as 'Cheese,' then mention lots of other 'eeze' words for humor: peas, sneeze, wheeze, please and freeze. Or make rhymes using the word/theme of the day, like 'outdoor'. Speak loudly so participants will hear the start word.

## Suggested Energizers

### Human Geography:

Each group member is from a different geographic location, but together they will form a map. Once a map has been established by the group, each group member will stand where he/she thinks they belong to make the map as close to scale as possible. A variation is to assign country/city names and have participants organize according to those.

### Body-Color:

Stand in a circle. The facilitator will announce a body part and a color. Participants will have to make contact between the stated body part and any object of that color. For example, calling out “Right elbow! Brown!” will have participants touching a brown object with their right elbow.

### On the Line:

Get the group to stand in the middle of a large space. Then ask them a question and request the group to position themselves along the line according to how they would answer the question. For example, you could ask them whether they prefer a sweet or savoury treat and then request that the people who have a ‘sweet tooth’ to go to one end of the room while the people who have a ‘savoury tooth’ go to the opposite end of the room. Questions can be much more interesting, related to the theme or not.

### Q+A:

Each person needs a partner. Designate one person as Partner A and the other as Partner B. Partners should not be sitting next to each other, but across the room. If they are in a line of chairs sitting down, then one line with partner A facing partner B in the other line is ideal (but don’t spend too much time setting up the room, as it spoils the activity). Partner A is to write down a question, which they do not share with anyone. At the same time Partner B is to write down an ‘answer’. It can be any answer—52, blue, take a left at the stop light—whatever. Once everyone is done writing, call on each partner in turn to share. Partner A reads his/her question; Partner B reads his/her ‘answer’. This is truly an energizer with no point except to laugh!

## HUMAN RIGHTS SQUARES HANDOUT

A human right	Country that has not ratified the CEDAW Convention	Document that proclaims human rights	Group in your country that wants to deny rights to others
Our main human rights document that guides UNFPA	Organization which fights for human rights	Film/Video that is about rights	Country where human rights situation has improved recently
Singer who sings about rights	Right your parents have/had that you do not have	Type of human rights violation that most disturbs you	Book about rights
Right all children should have	Country where people are denied rights because of their religion	Human right not yet achieved by everyone in this country	People denied right to establish their own nation or homeland
Human right being achieved around the world	Right of yours that is respected	Someone who is a defender of human rights	Right sometimes denied to women

# EVALUATION - DAY ONE

## Part I: Meeting Objectives

Indicate your level of agreement by circling the appropriate number.

### Basics of Human Rights

I can...	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Describe and explain the links between culture, gender and human rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Explain what is meant by UNFPA's 'culturally sensitive, gender-responsive, human rights-based approach'.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Define 'human rights' and provide at least five examples of human rights-based actions carried out by UNFPA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Name the important characteristics of human rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explain what is meant by a State's obligations to respect, protect and fulfil human rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Name some of the key international human rights treaties important to UNFPA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Explain the difference between binding and non-binding international instruments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Explain the significance of the ICPD to UNFPA's work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Explain the accountability of governments under international human rights law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Key Elements of a Human Rights-Based Approach

I can...	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Define a human rights-based approach (HRBA).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Explain the value-added of a HRBA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. List the challenges, as well as the myths and misconceptions of a HRBA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Define the key human rights principles that are applied when implementing a HRBA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# EVALUATION - DAY ONE

*(continued)*

## **Key Elements of a Human Rights-Based Approach**

I can...	Strongly Disagree	Disagree	Agree	Strongly Agree
5. Provide an example of how each human rights principle can be applied programmatically in UNFPA programmes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Define 'rights-holders' and 'duty-bearers'.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Name each stage of a typical programming cycle and explain how a HRBA can be applied to it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Specify the unique aspects of a HRBA that go beyond 'good' programming practices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Provide examples of human rights-based outputs, outcomes and indicators and list the questions that should be asked when constructing such outputs, outcomes and indicators.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Part II: Relevance to Work**

Please write down three things from today's workshop that you found most relevant to your work.

1.

2.

3.

# EVALUATION - DAY ONE

## **Part III: General Comments**

What did you like most about today?

What did you like least about today?

What kind of suggestions would you have for improving this workshop?

## **Part IV: Changes in Thinking, Feeling and Doing**

How do you think differently about HRBA after today?

How do you feel differently about HRBA after today?

What will you do differently about HRBA after today?

# EVALUATION - DAY TWO

## Part I: Meeting Objectives

Indicate your level of agreement by circling the appropriate number.

### Reproductive Health

I can...	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Describe and provide examples of UNFPA's work in the reproductive health thematic area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. List UNFPA's goal and outcomes in reproductive health.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Explain the importance of human rights for the advancement of sexual and reproductive health and reproductive rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. List at least three questions that should be asked at each programming stage of a reproductive health programme in order to encourage application of a human rights-based process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Provide at least one example of how the human rights principles of: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and the rule of law can be integrated into the process of developing and implementing a reproductive health programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Provide at least one example of how the human rights standards of the 3AQ (availability, accessibility, acceptability and quality) can be integrated into the process of developing and implementing a reproductive health programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Create, and provide examples of, human rights-based outputs, outcomes and indicators in a reproductive health programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## EVALUATION – DAY TWO

### Gender

I can...

	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Describe and provide examples of UNFPA's work in the gender thematic area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. List UNFPA's goal and outcomes in gender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Provide at least one example of how the human rights principles of: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and the rule of law can be integrated into the process of developing a gender equality and women's empowerment programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Provide at least one example of how the 3AQ elements (availability, accessibility, acceptability and quality of services) can be integrated into the process of developing a gender equality and women's empowerment programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Create, and give examples of, human rights-based outputs, outcomes and indicators in a gender equality and women's empowerment programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Emergency Response

I can...

1. Describe the four phases of emergency response work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. List an example of a UNFPA emergency response activity that applies a HRBA to each of the three thematic areas of work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Specify UNFPA's role in the cluster approach.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Explain the similarities in applying a HRBA during conflicts and natural disasters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# EVALUATION – DAY TWO

## **Part III: General Comments**

What did you like most about today?

What did you like least about today?

What kind of suggestions would you have for improving this workshop?

## **Part IV: Changes in Thinking, Feeling and Doing**

How do you think differently about HRBA after today?

How do you feel differently about HRBA after today?

What will you do differently about HRBA after today?

# EVALUATION - DAY THREE

## Part I: Meeting Objectives

Indicate your level of agreement by circling the appropriate number.

### Population and Development

I can...

	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Describe the linkages between human rights and population and development, including censuses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Explain the added value of applying a HRBA to census activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Provide at least one example of how each human rights principle (universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law), and how the 3AQ elements (availability, accessibility, acceptability and quality) can be integrated into the process of planning and carrying out a census.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Carry out a critical analysis of who should be involved in census activities in a specific setting, how activities should be carried out and how the results should be used in other population and development activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Relate the lessons learned on applying a HRBA from the census case study to other areas of population and development work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# EVALUATION – DAY THREE

## Advocacy

I can...

	Strongly Disagree	Disagree	Agree	Strongly Agree
1. Define advocacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. List at least three examples of UNFPA's advocacy work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Explain the value-added of a HRBA to advocacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Give examples of how to persuade resistant governments to support a HRBA to programming.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Provide examples of how to carry out human rights-based programming in difficult contexts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Part II: Relevance to Work

Please write down three things from today's workshop that you found most relevant to your work.

1.

2.

3.

# EVALUATION - DAY THREE

## **Part III: General Comments**

What did you like most about today?

What did you like least about today?

What kind of suggestions would you have for improving this workshop?

## **Part IV: Changes in Thinking, Feeling and Doing**

How do you think differently about HRBA after today?

How do you feel differently about HRBA after today?

What will you do differently about HRBA after today?

# EVALUATION – DAY THREE

## Part V: Overall Assessment of Workshop

How do you feel about the HRBA workshop overall?

How do you feel about the amount of reading you had to do throughout the workshop?

What are your thoughts on the location of this workshop (insert name of hotel here). Were you happy with the service at the hotel? The food?

Did you think the workshop was too long, too short, or just the right length of time?

## Probing Questions for Use in Focus Groups

1. How relevant was the workshop to your current work or functions?
2. To what extent have you acquired information that is new to you?
3. Describe the usefulness of the information you have acquired.
4. Did the workshop focus on what you specifically needed to learn?
5. To what extent did the content of this workshop match the announced objectives?
6. How useful overall was the workshop?
7. Did you make progress in designing next steps/actions?
8. To what extent did you develop useful contacts/networking?
9. To what extent did you find areas that could lead to further cooperation with others working on this issue?
10. How effectiveness was the workshop's design in enabling you to actively participate in the workshop?
11. How useful did you find the discussion organized in small groups?
12. What was missing from the workshop?
13. What should be changed?
14. What session did you find most useful? What session did you find least useful?
15. What suggestions/advice would you give for future workshops? What would you keep? What would you change? Why?
16. How can we continue to support you? What do you need from UNFPA?

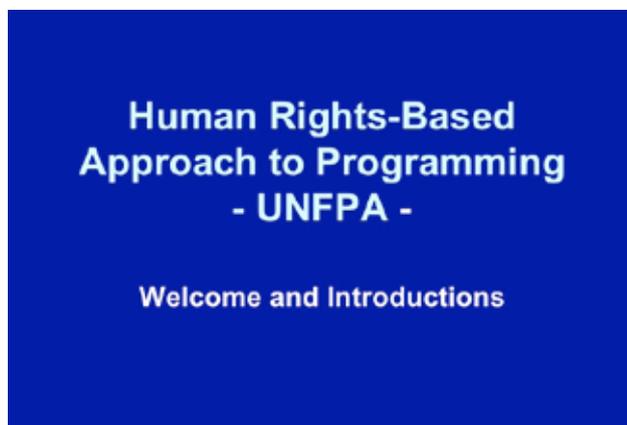
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 1.1:

Welcome and Introduction



## Slide 1

Overview of Training		
Day One	Day Two	Day Three
<ul style="list-style-type: none"><li>• Overview of manual</li><li>• Basics of human rights</li><li>• Key elements of HRBA</li></ul>	<ul style="list-style-type: none"><li>• Reproductive health</li><li>• Gender</li><li>• Emergency response</li></ul>	<ul style="list-style-type: none"><li>• Population and development</li><li>• Advocacy</li></ul>

This is a broad overview of the next three days, where we will touch upon a number of relevant issues regarding human rights and the work of UNFPA.

1. Each day has been designed to address important topic areas of UNFPA's work.
2. Day One provides an introduction to human rights and key elements of HRBA.
3. Day Two is the start of exploring HRBA in the context of thematic areas within UNFPA's work, more specifically, reproductive health, gender and emergency response.
4. Day Three continues with thematic areas, focusing on population and development and concluding with advocacy.

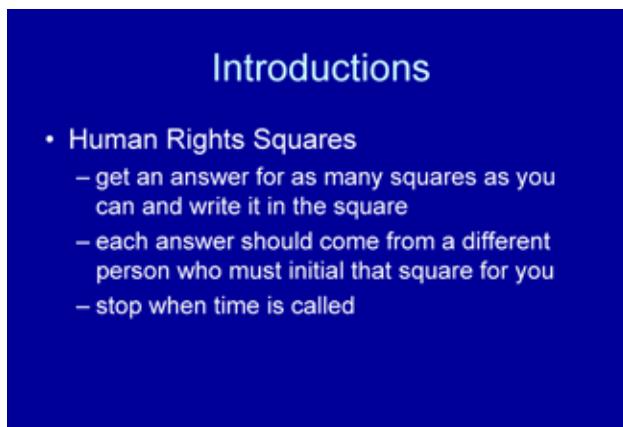
## Slide 2

Ground Rules
<ul style="list-style-type: none"><li>• During training sessions:<ul style="list-style-type: none"><li>– no cell phones</li><li>– no laptops</li><li>– return promptly from coffee breaks and lunch</li></ul></li><li>• Write questions on cards and post in the 'Parking Lot'</li></ul>

1. It's important to have a set of ground rules in order to help make the training run as smoothly as possible.
2. The use of cell phones and laptops during sessions distracts others, making it difficult to pay attention to what is going on. Please return from breaks and lunch promptly so that we can start presentations and activities on time.

3. Are there any other rules that you feel are important to add to this list?
4. If you have any lingering questions during the session that are not answered, write them down on a card and stick them on the wall in the 'Parking Lot'. Questions in the 'Parking Lot' will be reviewed by the facilitator and resource persons and will be addressed the following day.

### Slide 3

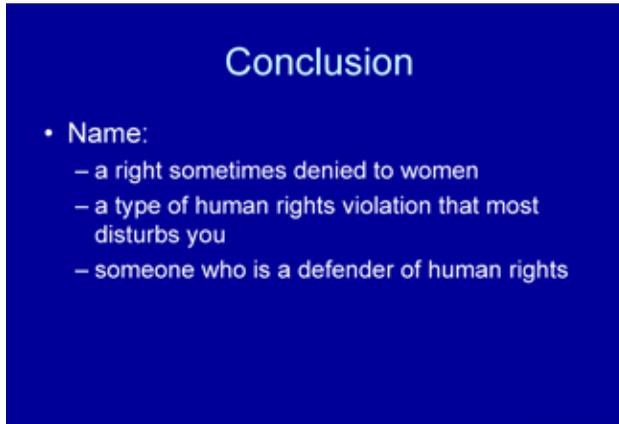


- We'll start off with an icebreaker that will help us get to know each other and start us thinking about human rights.
- This icebreaker is called 'Human Rights Squares,' and will help us get acquainted through a human rights perspective.
- Here are the instructions, so take a copy of the activity sheet and a pencil or pen and let's start!

### INSTRUCTIONS:

1. Distribute one copy of the 'human rights squares' handout to each participant.
2. Review the instructions with participants.
3. When everyone understands the instructions, indicate that they have five minutes to complete as many squares as possible.
4. Tell them to start, and keep track of time.
5. When five minutes have passed, ask for participants to name how many squares they completed.
6. Ask the person who completed the most squares to share her/his responses with the group. If any of the responses are unclear, you may ask for clarification.
7. If possible, present a prize to the winner, e.g., candy, chocolate.
8. Ask everyone to take their seats at the conclusion of the activity.
9. At this point, if you have not done this already, go around the table and ask everyone to introduce themselves properly, saying who they are and where they work.

## Slide 4



**Conclusion**

- Name:
  - a right sometimes denied to women
  - a type of human rights violation that most disturbs you
  - someone who is a defender of human rights

- This training focuses on implementing a human rights-based approach to programming.
- Human rights touch upon issues that affect everyone. Take a moment to think about human rights from these three perspectives.

### **INSTRUCTIONS:**

1. Ask participants to share their responses for each item listed on the slide.
2. After listening to responses to the last item, inform participants that they should consider themselves defenders of human rights as well.
3. Inform participants that they have already been defending human rights through their work with UNFPA, and that at the conclusion of this training they will be better able to focus on human rights in their work.
4. Explain that this workshop will lead them through a process of reflecting on their prior work with UNFPA in relation to HRBA, as well as considering the influence of HRBA on their future work.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 1.2:

Presentation Overview: UNFPA and Human Rights

**Human Rights-Based  
Approach to Programming  
- UNFPA -**

**Overview: UNFPA and Human Rights**

## UNFPA and Human Rights

- Action 2
- Policy Committee of UN reiterated importance of HRBA
- HRBA manual based on Action 2 General Manual

1. The 'Action 2' interagency programme was launched in 2004 to provide a coordinated response to the capacity-building needs of UNCTs, with the ultimate objective to strengthen national human rights protection systems. Action 2 has been useful for developing new common guidance and training materials on a HRBA. During 2006 - 2008, Action 2 assisted more than 65 UNCTs worldwide, including those rolling out the 2007 and 2008 CCA/UN-DAFs. Action 2 mandate ended in September 2008.
2. There is a need to ensure the establishment of a new, institutionalized standing interagency arrangement on human rights-based approach to development that would serve as a system-wide forum for policy, strategy, operational support to country teams, advice and guidance to resident coordinators, knowledge management, continuous training, fund management, coordination and coherence. Such a body should serve to sustain the investments and gains of Action 2 and earlier mainstreaming efforts, to legitimize the human rights-related work of UN development agencies, and to ensure effective monitoring of the ongoing mainstreaming effort. It should develop a strategic plan for its activities, base its work on UN human rights standards and should coordinate its activities with other related interagency bodies.
3. On 23 of May 2008, the Policy Committee adopted Decision 2008/18 - Human Rights and Development, which:
  - Reaffirmed the centrality of human rights in the development work and defined the parameters of roles and responsibilities of Resident Coordinators in the area of human rights, including, inter alia, coordinating the work of the UNCTs in mainstreaming human rights into operational activities; promoting international human rights standards and principles (no monitoring; no investigations; no casework) and advocating for human rights; facilitating access to knowledge and expertise on human rights.
  - Requested UNDG and OHCHR to update general policy and operational guidance to the Resident Coordinator (RC) system in the area of human rights, particularly with regard to human rights violations, and to expand training opportunities and provide country-specific guidance for RCs and UNCTs in difficult human rights situations.
  - Requested the OHCHR, in consultation with UNDG Chair, to consider an inter-agency process to explore modalities to further strengthen system-wide coherence, collaboration and support for RCs and UNCTs in mainstreaming human rights, taking into account lessons learned from Action 2.
4. This manual is based on the Action 2 General Manual. The Action 2 General Manual describes the human rights-based approach without addressing specific subjects. However, this manual is an effort to address Population and Development, Reproductive Health and Gender, and the goals of the Strategic Plan. It also includes a case study on emergency and discussions on young people and advocacy.

## Slide 2

Population and Development	Reproductive Health and Rights	Gender Equality
<ul style="list-style-type: none"><li>• Use of data to guide investments in:<ul style="list-style-type: none"><li>- gender equality</li><li>- youth development</li><li>- reproductive health, HIV/AIDS</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Universal access to reproductive health by 2015</li><li>• Universal access to comprehensive HIV prevention by 2010</li></ul>	<ul style="list-style-type: none"><li>• Gender equality advanced</li><li>• Women and adolescent girls empowered to exercise their human rights</li></ul>

The Goals of the Strategic Plan have human rights dimensions:

1. Population and development: Systematic use of population dynamics analyses to guide increased investments in gender equality, youth development, reproductive health and HIV/AIDS for improved quality of life and sustainable development and poverty reduction.
2. Reproductive health and rights: Universal access to reproductive health by 2015 and universal access to comprehensive HIV prevention by 2010 for improved quality of life.
3. Gender equality: Gender equality advanced and women and adolescent girls empowered to exercise their human rights, particularly their reproductive rights, and live free of discrimination and violence.

## Slide 3

UNFPA Strategic Plan
<ul style="list-style-type: none"><li>• UNFPA supports capacity-building to implement the human rights-based approach in programming and policies at all levels from an ICPD perspective</li><li>• Approach focuses on:<ul style="list-style-type: none"><li>- inclusion</li><li>- interdependence</li><li>- participation</li><li>- non-discrimination</li></ul></li><li>• Special attention focused on most excluded and marginalized population groups of society</li></ul>

- To promote greater ownership by countries and communities, UNFPA supports the building of capacity to implement a human rights-based approach in programming and policies at all levels from an ICPD perspective.
- Such an approach focuses on inclusion, interdependence, participation and non-discrimination.

- At all levels, special attention will be focused on the most excluded and marginalized population groups of society.

#### NOTES:

1. UNFPA operations at all levels are guided by the importance of ensuring gender equality and women's empowerment. UNFPA will strengthen gender equality programming across all three goals of the strategic plan and will work to ensure that girls and women are able to benefit equally and fully and have access to the opportunities and resources made available through UNFPA-supported interventions. UNFPA is therefore committed to make a systematic effort to engender data collection and analysis, policies, programmes and services to maximize efficiency and effectiveness of interventions, including strengthened efforts to engage men and boys as partners to advance and promote gender equality.
2. The adoption of culturally sensitive approaches, an area in which UNFPA has developed expertise, technical know-how and capacities, is a key dimension of UNFPA programming. This approach facilitates programme development based on a thorough understanding of the values and belief systems as well as social practices governing norms, and it seeks to identify positive values and practices that would facilitate and more effectively promote locally reproductive health and rights. Cultural knowledge, awareness and engagement of local communities are vital to aid effectiveness and to sustain change.

#### Slide 4

**Strategic Plan: Cross-cutting Concerns**

- Special attention to marginalized and excluded populations:
  - identify excluded and marginalized groups and assess needs, specifically sexual and reproductive health needs
  - target the poorest of the poor, especially:
    - \* disadvantaged adolescents and youth
    - \* women survivors/victims of violence and abuse
    - \* out-of-school youth
    - \* women living with HIV
    - \* women engaged in sex work
    - \* minorities and indigenous people
    - \* women living with disabilities
    - \* refugees and internally displaced persons
    - \* women living under occupation
    - \* aging populations

1. Special attention is paid to marginalized and excluded populations. Through data collection and analysis as well as qualitative studies, UNFPA will identify excluded and marginalized groups and assess their needs, specifically their sexual and reproductive health needs.
2. UNFPA will target the poorest of the poor, especially disadvantaged adolescents and youth, women survivors/victims of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous people, women living with disabilities, refugees and internally displaced persons, women living under occupation, and aging populations. UNFPA will promote the participation of those

population groups in the design, implementation, monitoring and evaluation of the country programmes and national development frameworks.

3. The other cross-cutting concerns are: Mainstreaming young people's concerns and Emergencies and humanitarian assistance.

### Slide 5



**For Example - Strategic Plan: Goal 3**

- Outcome 1: Gender equality and the human rights of women and adolescent girls, particularly their reproductive rights, integrated in national policies, development frameworks and laws.
- Outcome 3: Human rights protection systems (including national human rights councils, ombudspersons, and conflict-resolution mechanisms) and participatory mechanisms are strengthened to protect the reproductive rights of women and adolescent girls, including the right to be free from violence.

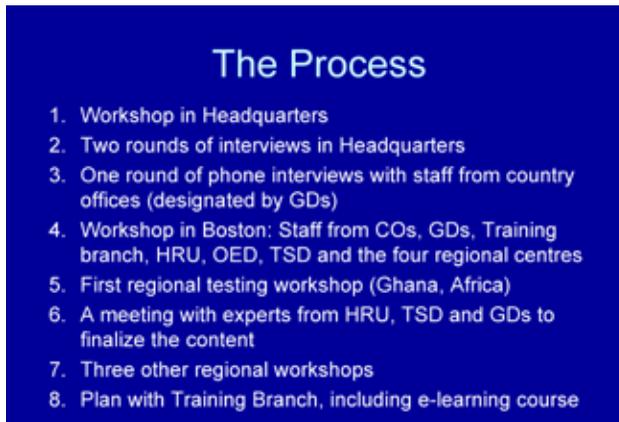
1. All outcomes are related to human rights: For instance, other Outcomes such as:
  - Outcome 3 of Goal 1: Data on population dynamics, gender equality, young people, sexual and reproductive health and HIV/AIDS available, analysed and used at national and subnational levels to develop and monitor policies and programme implementation.
2. UNFPA leadership in actively supporting data collection activities, especially censuses in developing countries, is recognized among United Nations agencies and other development partners. UNFPA will continue its technical and financial support, including advocacy and the mobilization of resources, for the collection, analysis, utilization and dissemination of gender-disaggregated data. UNFPA will also play a key role in working to improve data collection, analysis and utilization before, during and after crises, for more coordinated programme and policy planning by relevant humanitarian and development partners such as UNHCR, UNICEF, and the International Federation of Red Cross and Red Crescent Societies. Country commitments for monitoring progress towards the internationally-agreed on development goals, including the MDGs, have increased the need for good quality information. The inclusion of universal access to reproductive health by 2015 by the world's leaders as an MDG target means that UNFPA will contribute substantially to monitoring of this target through supporting the development of suitable indicators and support to countries in data collection and analysis for these indicators. UNFPA will also concentrate on improving the availability and utilization of gender analysis, including engendering the census exercises it will be supporting in preparation for the 2010 round. One hundred and eleven countries will conduct censuses during the strategic plan period; 23 countries will be conducting their population censuses during 2008-2009; and 88 censuses are planned for 2010-2011.

3. For instance, another Outcome, which is human rights-related is: Outcome 1 of Goal 2: Reproductive rights and SRH demand promoted and the essential SRH package, including reproductive health commodities and human resources for health, integrated in public policies of development and humanitarian frameworks with strengthened implementation monitoring.

## Slide 6



1. Capacity-building: This Manual is the result of a partnership among the Program on International Health and Human Rights of the Harvard School of Public Health, the GHRCB, and four regional human rights centers located in four regions:
  - [International Women's Rights Action Watch - Asia Pacific \(IWRAP\)](#)
  - [Women in Law and Development in Africa \(WiLDAF\)](#)
  - [Center for Arab Women Training and Research \(CAWTAR\)](#)
  - [Inter-American Institute for Human Rights](#)
2. Responds in part to the need of a tool to operationalize the HRBA within UNFPA. Country Offices are applying some elements of the HRBA, but not in a systematic way, to projects but not to the Country Programme:
  - [Roll out countries' CCAs, UNDAFs, One UN Pilots, and NDFs: An opportunity](#)
  - It is the backbone of a project to develop internal and external capacities on a human rights-based approach to programming based on the strategic plan. Regional centers are involved to ensure knowledge transfer, sustainability and regionalization.
  - [The Manual is intended to encourage programming on human rights within UNFPA in a systematic way.](#)
  - [The Manual has integrated culture, gender and human rights approach](#)
3. We developed six case studies that have been used in this Manual to illustrate some of the examples. The case studies have been published; they describe the human rights dimension of UNFPA's work in Ecuador, Colombia, Tanzania, Nepal, Philippines and Turkey.



1. How this Manual & Training Materials were written:
  - This Manual was produced through a collaborative process between the Program on International Health and Human Rights, Harvard School of Public Health, and the Gender, Human Rights and Culture Branch of the UNFPA Technical Support Division, with the involvement of UNFPA staff and outside consultants. It is based on a wide-ranging review of UNFPA and Action 2 materials, as well as extensive interviews with UNFPA staff. The final product reflects feedback solicited from selected UNFPA staff as well as staff members from the four regional training centres that played a role in the Manual's development.
2. The Manual incorporates many examples drawn from the experiences of UNFPA staff and partners, as well as composite examples that draw a range of experiences into one case study or illustration. Examples are drawn from UNFPA country programmes, as well as FROM partnerships between UNFPA and other UN agencies and NGOs. The principles we describe are applicable to a wide range of settings, and we hope that this manual gives you the tools to come away prepared to begin implementing a culturally sensitive, gender-responsive, human rights-based approach in your daily work!

## Activities

- Inter-agency (Human Rights, Indigenous, Disabilities)
- Protection mechanisms:
  - NHRIs, judiciary, laws
- Work with HRC, special procedures and treaty bodies
- Advocacy

1. We are starting work on developing tools to build capacities of UNFPA to mainstream reproductive rights into NHRIs, the judiciary, and the Parliament. This Manual and Training Materials are just part of UNFPA's capacity-developing plan.
2. Also remember that this training on its own is just an introduction to how to do a HRBA. You will need to continue to develop your capacities after the completion of this training.

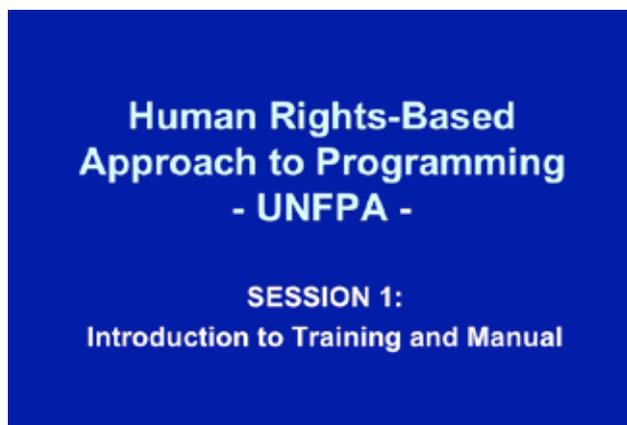
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 1.3:

Presentation Introduction to Training and Manual



## Slide 1



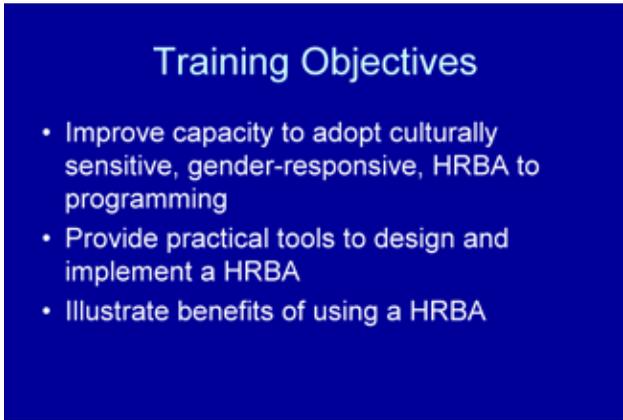
A blue rectangular slide with white text. The title 'Session Overview' is centered at the top. Below it is a bulleted list of seven items.

### Session Overview

- Objectives
- Structure
- Target audience, expectations
- Linkages with Action 2
- Why a human rights-based approach
- UNFPA and human rights
- Key benefits of a HRBA

No notes for this slide.

## Slide 2



A blue rectangular slide with white text. The title 'Training Objectives' is centered at the top. Below it is a bulleted list of three items.

### Training Objectives

- Improve capacity to adopt culturally sensitive, gender-responsive, HRBA to programming
- Provide practical tools to design and implement a HRBA
- Illustrate benefits of using a HRBA

There are three main objectives for this workshop:

1. To improve your capacity to adopt a culturally sensitive, gender-responsive, human rights-based approach to programming.
2. To provide you with practical tools for use in designing and implementing a human rights-based approach.
3. To illustrate the benefits of using a human rights-based approach.

### Slide 3



Here are three broad aims of the workshop: To target the three pillars of UNFPA's work using a HRBA, all the while advocating for the importance of human rights vis-à-vis a HRBA.

### Slide 4



1. Here is an overview of the next three days of this workshop.
2. As you can see, a HRBA connects all the sessions that we will work through.
3. Moving in a clock-wise direction, we will be looking at some basic ideas regarding human rights, then we will look at key elements of HRBA. Next, we will start working within thematic areas, beginning with reproductive health, followed by gender, emergency response, population and development, and concluding with advocacy.

## Slide 5

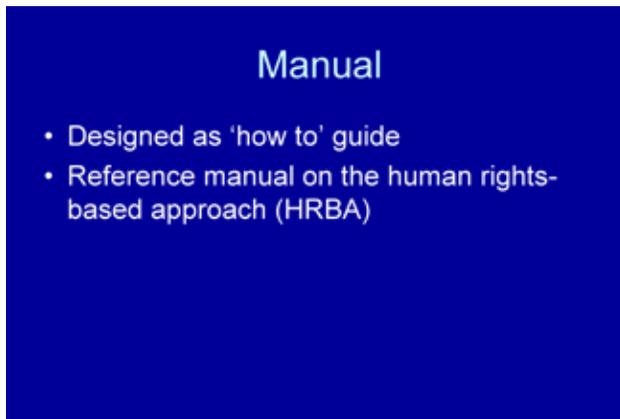
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### Target Audience

- Primarily UNFPA Country Staff
- Also UNFPA implementing partners
- Others working in relevant fields

This Manual is primarily for use by UNFPA Country Staff, but it will also be useful to UNFPA implementing partners and others working in the relevant fields.

## Slide 6

A blue rectangular slide with white text. The title 'Manual' is centered at the top. Below it is a bulleted list with two items: 'Designed as 'how to' guide' and 'Reference manual on the human rights-based approach (HRBA)'.

### Manual

- Designed as 'how to' guide
- Reference manual on the human rights-based approach (HRBA)

The Manual that you have in front of you was designed to be a 'how to' guide in addition to being a reference manual on the human rights-based approach (HRBA).

## Slide 7



**Our Expectations**

- Asking many questions, developing different answers
- More than one 'right' answer when it comes to human rights
- A HRBA promotes:
  - thinking differently
  - asking different questions
- A HRBA does not always give pre-determined answers

Throughout the training we will be asking many questions, and coming up with different answers.

There is often more than one 'right' answer when it comes to human rights.

This is because a human rights-based approach is an approach that prompts you to think differently and to ask different questions. A HRBA does not always give you pre-determined answers or a pre-ordained 'result'.

## Slide 8



**Your Expectations**

- What do you expect from attending this workshop?

### **INSTRUCTIONS:**

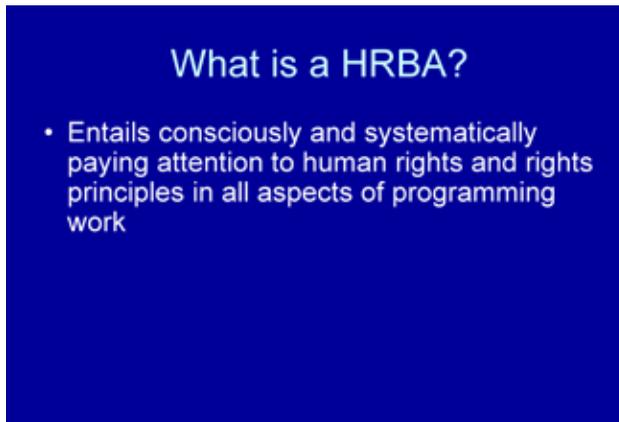
Ask participants to share some thoughts regarding personal/professional expectations for this workshop.

## Linkages with Action 2

- Based on HRBA defined in 2003 UN Common Understanding on a Human Rights-based Approach to Development Cooperation
- Detailed by Action 2

1. This Manual is based upon the human rights-based approach defined in the 2003 report, The Human Rights-based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies. EXPLAIN THAT WE WILL GO IN DETAIL THROUGH THE DEFINITION OF THE COMMON UNDERSTANDING LATER.
2. It is harmonized with the human rights-based approach detailed by Action 2. Action 2 stemmed from the second report on UN reform in 2002 called Strengthening of the United Nations: an agenda for further change.
3. The Action 2 interagency programme was launched in 2004 to provide a coordinated response to the capacity-building needs of UNCTs, with the ultimate objective of strengthening national human rights protection systems. Action 2 has been useful for developing new common guidance and training materials on a HRBA. During the biennium 2006 - 2008, Action 2 has been assisting more than 65 UNCTs world-wide, including those rolling-out the 2007 and 2008 CCA/UNDAFs.
4. The Action 2 mandate came to an end in September 2008. A new inter-agency mechanism will be set up.

## Slide 10



What is a HRBA?

- Entails consciously and systematically paying attention to human rights and rights principles in all aspects of programming work

1. A human rights-based approach entails consciously and systematically paying attention to human rights and rights principles in all aspects of programming work.
2. ASK PARTICIPANTS: “What do you think a HRBA is?” The key to get across is that a HRBA requires ‘systematic’ attention to human rights at all stages of programming.

## Slide 11



Why a HRBA? (1)

- Integral to the UN; should be regarded as an essential tool for achieving sustainable development outcomes
- Respecting and promoting human rights is crucial for peace, sustainable human development, democracy and security
- These human aspirations and common goals, which are the pillars of the UN, are inextricably linked and interdependent

1. ASK PARTICIPANTS: “Why should we do a HRBA?” [Use the introduction of the Manual to draw upon for information for this slide.]
2. It is widely recognized that promoting and protecting human rights is crucial for achieving peace, sustainable human development, democracy and security, and that these human aspirations and common goals, which are the pillars of the United Nations, are inextricably linked and interdependent. A human rights-based approach should be regarded as an essential tool for achieving sustainable development outcomes and advancing ICPD goals such as universal access to sexual and reproductive health care.
3. There are three main rationales suggested for implementing a HRBA: (a) intrinsic, (b) instrumental, and (c) institutional.

4. Intrinsic - a HRBA is the right thing to do, morally and legally: A HRBA is integral to the UN and should be regarded as an essential tool for achieving sustainable development outcomes.
5. Instrumental - A HRBA leads to better and more sustainable human development outcomes. Respecting and promoting human rights is crucial for achieving peace, sustainable human development, democracy and security.
6. Institutional - Recognizing that the UN has a core mandate on Peace, Security, Human Rights and Development, and that neutrality and respect for self-reliance make it a privileged partner to deal with sensitive issues. These human aspirations and common goals, which are the pillars of the United Nations, are inextricably linked and interdependent.

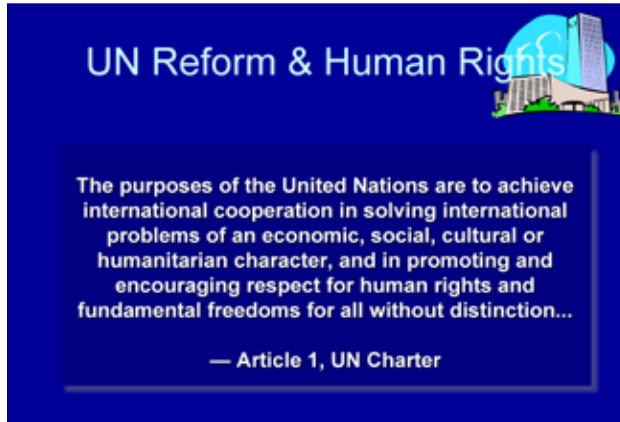
#### Slide 12

Why a HRBA? (2)

- Promoting human rights has been a fundamental purpose of the UN since its inception
- The UN has taken major steps to integrate human rights into all aspects of development

No notes for this slide.

## Slide 13



1. The international human rights regime evolved within the United Nations and as stated in its Charter, since its inception: promoting respect for human rights is a fundamental purpose of the Organization. Article 1 of the Charter establishes respect for human rights as the basis and the primary vehicle for achieving the purposes of the Organization, and articles 55 and 56 state that Member States and the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms.”
2. The linkages between human rights, human development and humanitarian action are not new; indeed, they lay at the heart of the United Nations foundations and mandate. The UN Charter gave both of them due recognition and also recognized that the UN shall pursue action with equal vigour in both fields.

## Slide 14



## CHRONOLOGY

1. EMPHASIZE THE ORIGINAL COMMON BASIS BUT THE DIFFERENT EVOLUTION THAT HR AND HD (HUMAN DEVELOPMENT) EXPERIENCED. THEN, HOW CONCEPTS EVOLVED TO SHARE THE SAME CONCERN, THE PROMOTION OF WELL-BEING AND ENLARGEMENT OF FREEDOMS FOR ALL PEOPLE.

2. UN Global Conferences emphasize linkage between HD & HR. In addition to Vienna and Copenhagen, other important world conferences and summits like the Cairo Conference on Population (1994) and the Beijing Fourth World Conference on Women (1995) have also underscored the linkages between HR AND HD, and have stressed in particular that women's human rights are central to human rights.
3. Secretary-General reform programmes translate political commitments into institutional objectives.
4. In 1997, the SG presented his plans for the UN Reform in his report to the GA (Renewing the United Nations: A Programme for Reform). The report reaffirmed that HRs are vital to all the goals set out in the UN Charter and at heart of the UN reform and called to mainstream HRs in all the activities of the UN.
5. In 2002, the SG emphasizes that human rights are the bedrock requirement for the realization of development and a principal objective of the Organization. UN should strive to put in place and strengthen human rights national promotion and protection systems.
6. In 2005, the SG stresses that development, peace and security, and HRs go hand in hand and argues that HRs must be incorporated into decision-making and discussions throughout the work of the Organization.

### Slide 15



The World Summit Outcome is a milestone towards a global adoption of a human rights-based approach as this is the first time that the Member States in the General Assembly resolve to mainstream human rights in their national policies while endorsing the Secretary General's reform agenda to integrate human rights throughout the UN system. The resolution affirms a strengthened role for all UN bodies and agencies within their respective sectors and mandate areas in order to assist Member States to mainstream human rights in their national policies.

## HRBA Fundamental for UNFPA

- UNFPA committed to advancement of human rights since its origins
- All are entitled to enjoyment of equal rights and protection central to UNFPA's way of working
- Therefore, promotion and protection of human rights are fundamental to the work of UNFPA

1. In its Mission Statement, UNFPA stresses the universality and indivisibility of human rights, focusing on ICPD principles such as reproductive rights, autonomy and empowerment of women, and the participation and representation of young people. The promotion and protection of human rights are therefore fundamental to the work of UNFPA. UNFPA has been committed to the advancement of human rights in the world since its origins. The idea that all individuals are entitled to the enjoyment of equal rights and protection is central to UNFPA's way of working.
2. Human rights are fundamental to UNFPA's work not only because all of the governments with whom UNFPA works have ratified at least one human rights treaty relevant to sexual and reproductive health, but because incorporating human rights principles into programming is critical to ensuring that UNFPA can reach its goal of promoting the rights of every woman, man and child to enjoy a life of health and equal opportunity.
3. UNFPA's Policies and Procedures Manual confirms that the organization supports a HRBA and states that all UNFPA-supported programmes are intended to promote the acceptance and protection of universally recognized human rights, and that the central concern of UNFPA is the well-being of the most marginalized and disadvantaged in society.
4. UNFPA's Strategic Plan, 2008-2011 also highlights the importance of the promotion of human rights in order to achieve the Millennium Development Goals and advance the ICPD Programme of Action.

## HRBA and ICPD

- UNFPA believes that implementing a HRBA is essential if the promises made at ICPD are to be fulfilled
- ICPD is grounded in a human rights framework
- ICPD and a HRBA go hand-in-hand

1. In its mandate, UNFPA is guided by the ICPD Programme of Action, which places a strong emphasis on the human rights of individual women and men.
2. At the 1994 International Conference on Population and Development (ICPD) in Cairo, 179 countries agreed that population and development are inextricably linked, and that empowering women and meeting people's needs for education and health, including sexual and reproductive health, are necessary for both individual advancement and balanced development. The conference adopted a 20-year Programme of Action (PoA), which placed individual's human rights at the center, rather than achieving abstract demographic targets.
3. Advancing gender equality, eliminating violence against women and ensuring women's ability to control their own fertility were acknowledged as cornerstones of population and development policies. Concrete goals of the ICPD centred on providing universal education; reducing infant, child and maternal mortality; and ensuring universal access by 2015 to reproductive health care, including family planning, assisted childbirth and prevention of sexually transmitted infections including HIV/AIDS. All of this has to be grounded in human rights - and all of these actions rely on the fulfilment of a wide range of human rights.
4. UNFPA is committed to supporting governments in achieving their ICPD goals, as these goals are essential to the advancement of women's human rights and development.
5. As 'ICPD at 15' draws closer, UNFPA is continuing to focus on supporting national ownership, national leadership and capacity development, as well as advocacy and multisectoral partnership development for positioning the ICPD agenda. Furthermore, in line with UN reform efforts, UNFPA will welcome all opportunities to position the ICPD agenda in all planning frameworks and will dedicate increased effort to the challenge of linking ICPD goals with the Millennium Development Goals in national planning and development processes. In doing so, UNFPA will consistently build capacity to implement a human rights-based approach in all programmes and policies, and will continue to be guided by gender equality programming as well as culturally sensitive approaches.

## Slide 18

### UNFPA believes that:

- A culturally sensitive, gender-responsive human rights-based approach is simply a practical application of its commitment to promoting the human rights of individuals
- A HRBA is essential in order to advance the ICPD agenda and achieve the MDGs

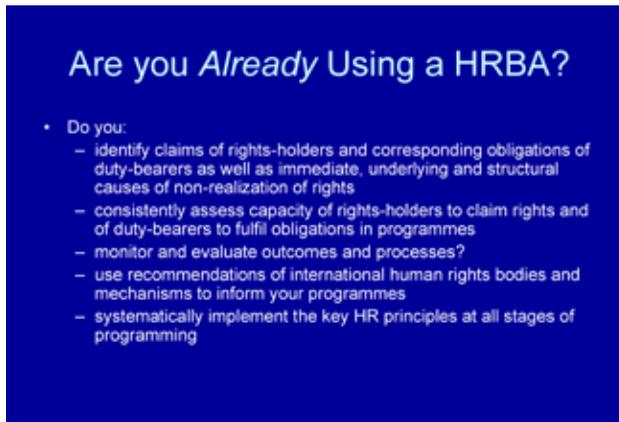
1. UNFPA consistently supports governments in promoting the ICPD Programme of Action and the human rights and gender principles upon which it is grounded. Understanding that human rights can only truly have an impact if implemented in a culturally sensitive, and gender-responsive way, UNFPA believes that a culturally sensitive, gender-responsive human rights-based approach is simply a practical application of its commitment to promoting the human rights of individuals.
2. The ICPD agenda also offers a basis to support countries to achieve the Millennium Development Goals (MDGs) and other internationally agreed goals. The Millennium Declaration that sets the United Nations agenda for peace, security and development concerns in the 21st century reflects a human rights perspective, and underscores goals and indicators to measure progress in advancing human rights. UNFPA is supporting governments in reaching the MDGs by employing a human rights-based approach to its programmes and policies. UNFPA firmly believes that human rights are essential to achievement of the MDGs, as human rights are so critical to the ultimate eradication of poverty.

## Slide 19

### Key Benefits of a HRBA

- Promotes realization of human rights, helps government partners achieve human rights commitments
- Increases and strengthens participation of local community
- Improves transparency
- Promotes results
- Increases accountability
- Reduces vulnerabilities
- More likely leads to sustained change as human rights-based programmes have greater impact on norms and values, structures, policy and practice

In addition to this list, ASK PARTICIPANTS: What do they think are the benefits of a HRBA?



**Are you *Already* Using a HRBA?**

- Do you:
  - identify claims of rights-holders and corresponding obligations of duty-bearers as well as immediate, underlying and structural causes of non-realization of rights
  - consistently assess capacity of rights-holders to claim rights and of duty-bearers to fulfill obligations in programmes
  - monitor and evaluate outcomes and processes?
  - use recommendations of international human rights bodies and mechanisms to inform your programmes
  - systematically implement the key HR principles at all stages of programming

1. In your situation assessment and analysis, do you identify the claims of rights-holders and the corresponding obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights?
2. Do you consistently assess the capacity of rights-holders to claim their rights and of duty-bearers to fulfil their obligations in your programmes?
3. Do you monitor and evaluate both outcomes and processes?
4. Is your programming informed by the recommendations of international human rights bodies and mechanisms?
5. Do you consistently apply the key human rights principles to every stage of your programme?

**INSTRUCTIONS:**

Ask participants to raise their hands if they are already doing these activities systematically and consistently in all their programmes. If some participants say that they are indeed doing all this, then congratulate them! Ask them to share their experiences with everyone throughout the workshop, and ask them if they are recording what they are doing. Emphasize the importance of keeping records: we need to have more evidence of programmes that are being implemented using a HRBA. So those who do implement a HRBA should do their best to keep a detailed record of exactly what they are doing, and how. This will help when monitoring and evaluating the programme, and will help solidify the evidence base for implementing a HRBA.

## Conclusion

- Primary skills upon completing this training are:
  - knowing what questions to ask - and when - to ensure implementation of a HRBA
  - crafting human rights-based outputs, outcomes and indicators
  - advocating for the necessity of HRBA

The primary skills you will come away with upon completing this training are:

- The ability to know what questions to ask - and when - in order to ensure implementation of a human rights-based approach
- The ability to craft human rights-based outputs, outcomes and indicators.
- Advocating for the necessity of HRBA

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

## POWERPOINT SESSION 2:

Basics of Human Rights

**Human Rights-Based  
Approach to Programming  
- UNFPA -**

**SESSION 2:  
Basics of Human Rights**

## Slide 1

### Session Overview

- Culture, gender and human rights - an integrated package
- What are human rights?
- Human rights as a foundation of the UN
- The nature of state obligations
- Examples of human rights
- Accountability
- Key points

Over-arching frame

Basics of human rights

1. This training will begin with a summary of the overarching framework guiding UNFPA's work and a discussion of how culture, gender and human rights are integrated.
2. We will then go through the basics of human rights.

### INSTRUCTORS:

At this point remind participants that those who are very familiar with human rights may already be comfortable with the concepts you are about to go through. However, it is important for all participants to be brought up to the same level with respect to human rights knowledge, so it is still important to go through these concepts for the benefit of those in the workshop who are less familiar with human rights.

## Slide 2

### Culture, Gender and Human Rights

- Culture, gender and human rights are inter-linked

REPRODUCTIVE HEALTH

WOMEN'S EMPOWERMENT AND GENDER EQUALITY

POPULATION AND DEVELOPMENT

1. International human rights are universally recognized, but their practical implementation requires a clear sense of the interplay between gender, culture and human rights. The effective application of a human rights-based approach within a development process that is sensitive to both cultural factors and gender dynamics will

advance equality and social inclusion, and will contribute to the alleviation of poverty and the realization of all related human rights.

2. These three core factors of (i) cultural sensitivity, (ii) gender-responsiveness, and (iii) human rights, lie at the foundation of all UNFPA programmes and policies. They are intricately linked and directly reinforce one another. Attention to each and every factor is required if UNFPA's core mission of furthering sexual and reproductive health for all is to be attained. Because a human rights-based approach aims to promote and protect rights, reduce inequality and harness the substantive participation of those who are most affected, it is by definition sensitive to issues of culture and gender. UNFPA is unique insofar as it is one of the few UN agencies that pay particular attention to emphasizing that a human rights-based approach must require both cultural sensitivity and gender-responsiveness.

### Slide 3

**Human Rights-Based Approach (1)**

- A culturally sensitive, gender-responsive, human rights-based approach has replaced the 'basic needs' approach that UNFPA used to follow
- Central elements of a HRBA:
  - development programmes further the realization of human rights
  - programming is guided by human rights principles, such as universality, indivisibility, interdependence, equality and non-discrimination, participation and inclusion, and accountability
  - human rights frame the relationship between rights-holders and duty-bearers

1. A culturally sensitive, gender-responsive, human rights-based approach has replaced the 'basic needs' approach that UNFPA used to follow.
2. Central to a HRBA is that: (i) All programmes of development cooperation, policies and technical assistance have to further the realization of human rights. (ii) All sectors of programming and development cooperation have to be guided by human rights principles, such as universality, indivisibility, equality and non-discrimination, participation and inclusion, and accountability. (We will discuss these principles in more detail later in this training); and (iii) Finally, in a human rights-based approach, human rights help to frame the relationship between individuals and groups with claims (rights-holders) and State and non-state actors with corresponding obligations or responsibilities (duty-bearers). 'State actors' refers to the government, while 'non-state actors' include health service providers, parents, religious leaders, tribal elders, private sector companies or other actors that have obligations to various rights-holders.
3. A human rights-based approach to programming is powerful, because it emphasizes the fact that governments are the primary duty-bearers under a human rights framework. As a result they have obligations to put in place equitable laws and

systems that enable individuals to enjoy their rights, and to seek judicial recourse under the rule of law when they have been violated. By contrast, as rights-holders, people can claim those rights that are recognized as legitimate entitlements. This approach emphasizes the empowerment of those who are affected by policies and their participation in the decision-making process.

#### Slide 4



1. Because a human rights-based approach is grounded in the principles of universality, indivisibility, equality and non-discrimination, participation and inclusion, and accountability, it encourages cultural sensitivity and gender-responsiveness. However, this does not mean that questions specific to culture or gender do not need to be asked when implementing a HRBA! Because of these links between human rights, gender and culture, whenever we refer to a human rights-based approach (HRBA) in this Manual, what we in fact mean is a 'culturally sensitive, gender-responsive, human rights-based approach'.

2. Examples of a culturally sensitive, gender-responsive, HRBA to programming:

There are few programmes that are correctly and accurately implementing a culturally sensitive, gender-responsive HRBA. As a result, these examples are of programmes that are making efforts to do so, and, at least partially, succeeding:

1. In one country in South Asia, UNFPA is supporting the government and other partners in developing the capacities of women and girls in poor communities (rights-holders) to better articulate their claims with respect to their right to health. This programme includes training sessions that emphasize the rights to sexual and reproductive health, to information, and to freedom from discrimination. Throughout this programme, UNFPA is promoting the principles of participation, non-discrimination, and inclusion of marginalized groups in an effort to ensure that a human rights-based approach is applied.

2. In a country where Islamic religious and cultural traditions greatly inform some communities' perspectives on sexual and reproductive health and reproduc-

tive rights, UNFPA is supporting two NGOs to provide training and facilitate multisectoral dialogues on human rights dimensions of sexual and reproductive health issues within an Islamic context. The data that shaped the design and content of this project were collected in partnership with Muslim women and other local partners. Developing the project and pre-testing it among a diverse group of Muslims helped both the implementing NGOs and the training participants expand their understanding of the Islamic context for reproductive rights issues. In response to the success of the initial trainings, the NGOs organized two forums for the purpose of enabling Muslim religious leaders and women from various organizations and interest groups to discuss reproductive rights issues such as family planning, polygamy, arranged marriage, and domestic abuse in the context of Islam. The forum participants closed with gender equality recommendations that can be integrated into the Shari'a and the Code of Muslim Personal Laws.

3. In another country, UNFPA is part of a UN Joint Programme that is strengthening national implementation mechanisms to protect and promote women's and girls' human rights. By targeting national level decision makers and religious leaders (duty-bearers) as well as impoverished and marginalized women in six cities (rights-holders), UNFPA is demonstrating how participatory and coordinated cross-sectoral approaches can improve health services for women, augment resource availability for women's programmes, and improve women's and girls' human rights. Throughout the programme, UNFPA and its partners are attempting to pay systematic attention to human rights and to be informed by international human rights treaties.

### **INSTRUCTORS:**

Reiterate that none of the above programmes are perfectly implementing a HRBA. However, they are 'trying' to do so, and are trying hard to pay attention to the integration of human rights, culture and gender to ensure a culturally-sensitive, gender-responsive, human rights-based approach. What additional examples can participants provide of other programmes that are attempting to implement a culturally-sensitive, gender responsive HRBA?

### Culturally Sensitive Programming

- **Culture:**
  - beliefs, attitudes, values, behaviours and traditions that are learned and shared by virtue of membership and socialization in groups
- **Culturally sensitive approach aims to:**
  - transform cultural traditions from within by using societies' own dynamics of change
  - engage social leadership rather than attempt to dispense with it completely

1. Since its inception, UNFPA has navigated its way through potentially sensitive issues connected to attitudes and behaviours within cultures – including sexual and reproductive health matters, family planning, female genital mutilation/cutting, women's empowerment and gender equality. Much of the ICPD agenda that UNFPA promotes touches on such sensitive issues.
2. What is culture? Culture refers to beliefs, attitudes, values, behaviours and traditions that are learned and shared by virtue of membership and socialization in groups.
3. While not passing judgement on any tradition, culture or religion, UNFPA recognizes that cultural values are not static, and even within one point in time their interpretation within even one culture may vary significantly. To this end, UNFPA has identified a 'culturally sensitive approach' to programming that may be used in diverse and complex cultural contexts. The culturally sensitive approach ensures that we can locate within every cultural context the methods, conditions and language that are favourable to human rights. The objects of the approach are:
  - to engage the varied and critical social and cultural actors within the development process;
  - to enable internally-owned, constructive and coherent dynamics of transformation where necessary, and reinforcement of supportive practices wherever possible; and
  - to strengthen existing modalities, which empower women and promote gender equality.
4. Thus, the culturally sensitive approach includes respecting the cultures of others; honouring commitments; and promoting universally recognized human rights in ways that enable communities to own these rights. To help you systematically incorporate this culturally sensitive approach into your work, UNFPA created the 'culture lens', which is an analytical and programming tool that helps you, as well as policy makers and development practitioners, analyse, understand, and utilize positive cultural values, assets, and structures, in your planning and programming processes. [REFER PARTICIPANTS TO THE DIAGRAM OF THE 'CULTURE LENS' IN MODULE 1 OF THE MANUAL].
5. A culture lens clarifies:
  - the realities and sociocultural assets of societies in which programmes are delivered;

- the influential local power structures and pressure groups that can be potential allies or adversaries to development programming; and
  - the internal cultural tensions and aspirations of the various subcultures.
6. A culturally sensitive approach is both inter-linked with and essential to implementing human rights in practice. As UNFPA's Executive Director Thoraya Obaid states, the "only way for the human rights content to be universalized is to allow it to be articulated by the people themselves and through their own context, suffering and understanding. Only when people take action to respond to their immediate needs or to a violation of some aspects of their lives can they move to a higher level of conceptualizing the principles of human rights. In our development efforts in poor communities, we need to be able to work with people at their own level and to find common ground. We may not believe in what they do, we may not agree with them, but we need to have the compassion and the commitment to understand them and to support them as they translate universal principles into their own codes, messages and ways of doing things. Human rights is our frame of reference. And we use a culturally sensitive approach to promote human rights in ways that people can identify with and can internalize in the context of their own lives."
  7. Examples of a culturally-sensitive approach to programming:
    - Buddhist values of moderation, self-discipline and compassion have been tapped into in the fight against HIV/AIDS in a number of Southeast Asian countries. The temple is often the heart of the community – the place where people go to seek spiritual guidance and support. Aware of the role performed by Buddhist and lay clergy within local communities, many organizations, including UNFPA and its partners, have taken the opportunity to use the revered status of the Buddhist clergy to help promote and demonstrate messages of compassion and care, and to raise awareness on sensitive issues relating to sexual health. In one country, supported by the EC/ UNFPA Reproductive Health Initiative for Youth in Asia (RHIYA), monks were trained to promote messages on safe sex to adolescents at risk of STDs/HIV and unwanted pregnancies. In addition, they contributed to the elimination of the stigma associated with HIV/AIDS by providing accurate information on HIV/AIDS transmission and prevention, and emphasizing compassion for those already affected.
  8. Despite the value and necessity of acknowledging culture, take note that 'cultural sensitivity' does not mean that 'culture' can be used as an excuse to disregard or violate human rights. Do you think that harmful practices such as female genital mutilation/cutting or child marriage are sanctioned by a culturally sensitive approach? The answer is no. Even if embedded in long-standing traditions, such cultural customs must change, as they are both harmful to health and in conflict with international human rights standards. 'Culture' cannot be interpreted in such a way as to justify the denial or violation of human rights.
  9. By adopting culturally sensitive approaches to promote human rights standards and principles, UNFPA is not making value judgements on any cultural values held by communities or groups; rather it is addressing harmful practices that represent violations of international standards of human rights. For example, campaigning to end female genital mutilation/cutting is not a value judgement on any culture where the practice is being exercised, but it is a judgement that the practice denies the right to freedom from discrimination on the basis of gender and the right to health. A human rights perspective affirms that the rights of women and girls to freedom from discrimination and to the highest standard of health are universal. Cultural claims cannot be invoked to justify their violation.

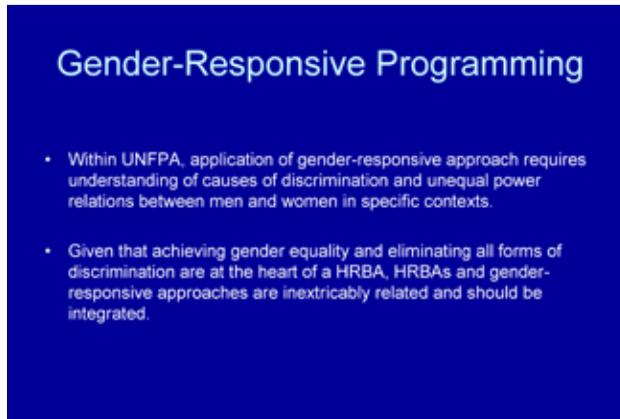
## Gender

- Gender:
  - social attributes and opportunities associated with being male and female
  - relationships between women and men and girls and boys
  - relations between women and between men
- UNFPA policy calls for :
  - gender equality to be mainstreamed across all UNFPA's activities
  - programme components that explicitly support women's empowerment

1. Gender equality and women's empowerment is one of UNFPA's core programme areas. Gender equality is a key issue underlining ICPD goals, and also makes up Goal Number 3 of the MDGs (promote gender equality and empower women). Furthermore, gender mainstreaming is a cross-cutting approach relevant to all programming and policy areas within UNFPA and within the UN in general. The concept of bringing gender issues into the mainstream of society was clearly established as a global strategy for promoting gender equality in the Platform for Action adopted at the United Nations Fourth World Conference on Women, held in Beijing (China) in 1995. It highlighted the necessity to ensure that gender equality is a primary goal in all areas of social and economic development.
2. What are 'gender' and 'gender mainstreaming'?
  - Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.
  - Gender Mainstreaming Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.
3. UNFPA policy calls for a dual approach to gender equality. This means that:
  - Gender equality is to be mainstreamed across all UNFPA's activities;
  - UNFPA is to support explicit programme components on women's empowerment; and
  - Ensuring gender equality is thus simultaneously an integral part of the process of

carrying out a programme, as well as a programming goal in itself. Gender mainstreaming is a cross-cutting strategy for achieving this goal, because it helps to create the enabling environment that promotes – and enforces – gender equality in laws, policies, practices and value systems.

### Slide 7

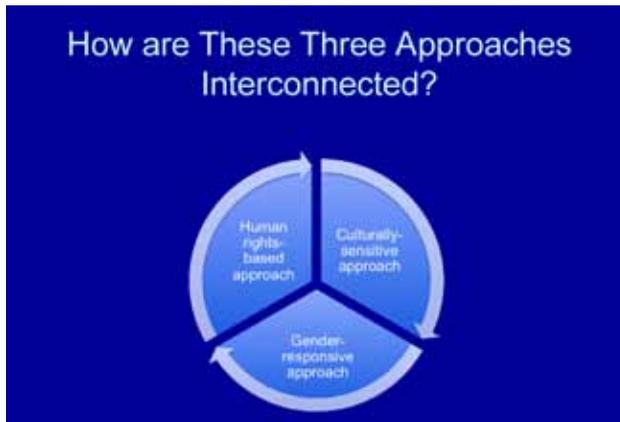


1. Within UNFPA, the application of a gender-responsive approach requires an understanding of the causes of discrimination and unequal power relations between men and women in a specific context, whether rooted in prevailing social attitudes and customary practices or discriminatory laws and policies, among other factors. In essence, applying a gender equality perspective means looking at ways to change 'the rules of the game', by questioning and responding to the underlying values and factors for unequal status and treatment.
2. Notice how promoting gender equality fits perfectly within a culturally sensitive human rights-based approach. Think about the ways in which gender and culture are linked, and how violations of women's rights are often sanctioned under the cover of local cultural practices and norms. Also, think about how promoting change must require an understanding of the role of women in a particular context and culture.
3. Finally, remember that gender equality is part and parcel of a human rights-based approach. A human rights-based approach requires that (a) gender perspectives are included throughout the programming phases, and (b) women's empowerment is reflected in priorities and development challenges that result from the CCA and UNDAF processes.
4. Given that achieving gender equality and eliminating all forms of discrimination are at the heart of a HRBA, HRBAs and gender-responsive approaches are inextricably related and should be integrated. Gender roles and gender relations have an immense influence on health and on the realization of human rights. Thus, reducing gender inequality in all its facets and manifestations and transforming gender stereotypes and gender relations is possibly the most effective strategy to advance

human rights, further sexual and reproductive health, reduce poverty, and promote development – all important UNFPA goals.

5. Finally, an important part of UNFPA's gender-responsive approach is its focus on financing for gender equality and gender-responsive budgeting. Budgets are an important policy tool of governments, and are especially useful when applying a human rights-based approach because they are a way of holding governments accountable to their human rights obligations. "A government can have a very good policy on reproductive health, gender-based violence or HIV/AIDS, but if it does not allocate the necessary money to implement it, the policy is not worth any more than the paper it is written on." (UNFPA & UNIFEM, Gender Responsive Budgeting and Women's Reproductive Rights: A Resource Pack, pg. 12, 2006) A gender-responsive HRBA will, therefore, necessarily pay attention to the impact of government budgets on different social groups.
6. Examples of a gender-responsive approach to programming:
  - Prior to 2003, survivors of rape in one African country were accused of fornication and thrown in jail while the perpetrators went free. Correcting that gross injustice -- and getting society to recognize the problem of rape at all -- began with the grass-roots efforts of four midwives, who could no longer ignore the stories they were hearing from their clients. With UNFPA support, the first statistics on sexual violence were collected, and a centre was established to respond to the multiple needs of survivors. Breaking the taboos surrounding the discussion of rape was the first step in addressing the problem. Local imams lent their support to the effort, convincing government officials, judges, the police and members of the community that protecting women and easing the suffering of those most vulnerable was a religious obligation.
  - In one Latin American country, UNFPA has worked for more than a decade with indigenous communities to address the powerlessness, discrimination and low self-esteem that women experience in their daily lives. Training on human rights issues and new opportunities for dialogue and reflection on gender equality have helped indigenous women regain pride in their cultural heritage.
  - In a country in Asia, UNFPA supported a project to empower sex workers to protect themselves from HIV infection (thus promoting their right to health) by providing them with information on the basics of HIV/AIDS and providing condoms to both the sex workers and their clients.

## Slide 8



### INSTRUCTIONS:

1. Ask participants the following question:  
“How are these three approaches interconnected?”
2. Instruct participants to take two minutes to think about an answer.
3. After two minutes have elapsed, ask for volunteers to share their answers with the group.
4. Spend five minutes collecting answers from participants.
5. Provide feedback to participants' responses.
6. Explain your response to this question.
7. Conclude with the following:
  - UNFPA's unique focus on a culturally sensitive, gender-responsive, human rights-based approach to programming is important because the organization's work involves programming around very sensitive matters. Think about many of the issues that fall within the ICPD agenda - sexual and reproductive health and reproductive rights, women's empowerment, HIV prevention, violence against women, safe motherhood in emergency situations, and so forth - and how it is that these are considered sensitive topics. Whenever you work on these issues, you will be aided by your understanding of how cultural sensitivity, gender-responsiveness, and human rights are essential to one other. We believe that a culturally sensitive, gender-responsive HRBA will help you create programmes that succeed in securing the freedom, well-being and dignity of people.

## Slide 9



No notes for this slide.

## Slide 10



1. Human rights are intrinsic values that give all human beings dignity. As is stated in the very first line of the preamble to the Universal Declaration of Human Rights (UDHR): "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." (UDHR, Preamble)
2. This is followed by the first line of Article 1 of the UDHR: "All human beings are born free and equal in dignity and rights."
3. Human rights are thus basic values that are essential to human dignity. Human rights are legally guaranteed by human rights law. They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity. Human rights impose obligations on governments (who are the primary duty-bearers). Governments are obliged to respect, protect and fulfil human rights. Human rights also underlie all fifteen ICPD principles. During the Cold War, human rights discourse became highly politicized at the international level with the polarization of States that prioritized civil and political rights on the one hand (such as the right to a fair trial, freedom of religion, freedom of speech, etc) and those which prioritized

economic, social and cultural rights on the other (including the rights to health, education, adequate standards of living, food, etc).

4. In the 1993 Vienna Conference a consensus was reached that recognized all rights as equally important. The Vienna Declaration on Human Rights provides, “all human rights are universal, indivisible and interdependent and interrelated.” There is no hierarchy in human rights, meaning that civil, cultural, economic, political and social rights have equal status. The Vienna Declaration of Human Rights also recognized that women’s rights are human rights
5. Unfortunately, despite this consensus, there are still many governments around the world that continue to prioritize their commitment to civil and political rights over and above social, economic and cultural rights. At times, governments might proclaim their support for social, economic and cultural rights in laws and policies, but will do little to implement these rights in practice, nor will they devote enough money in their budgets towards the progressive realization of such rights (hence, for example, the importance of promoting gender-responsive budgeting). As a result, when supporting governments to achieve ICPD goals, UNFPA often has to be a lead advocate for the importance of social, economic and cultural rights.

#### Slide 11



### Characteristics of Human Rights

- Are universal – the birthright of all human beings
- Focus on the inherent dignity and equal worth of all human beings
- Cannot be waived or taken away
- Impose obligations upon States and State actors to respect, protect and fulfil human rights
- Are internationally guaranteed
- Are legally protected

Although the above box refers to human rights as ‘universal’, this in no way implies that respect for different cultures is negated. In fact, as we mentioned above, a culturally sensitive approach to human rights is essential if human rights are to be realized universally.

## Slide 12

Human Rights in Your Work				
Everyone enjoys this right.	Most people enjoy this right.	Some people enjoy this right.	A few people enjoy this right.	No one enjoys this right.

### OPTIONAL EXERCISE

#### INSTRUCTIONS:

1. Ask participants to take a minute to consider human rights in their work.
2. Instruct participants to try and identify at least one human right to fit in each of these categories.
3. Ask for volunteers to share their responses.
4. Explain to participants that the human rights that they have mentioned are all addressed at the international level by a number of treaties and other legally binding documents.

## Slide 13

Examples of Human Rights	
<ul style="list-style-type: none"><li>• Right to life</li><li>• Right to health (including mental health, reproductive health, sexual health, etc.)</li><li>• Right to decide the number and spacing of children</li><li>• Right to privacy</li><li>• Right to education</li><li>• What other examples can you share?</li></ul>	
Can you give examples of UNFPA activities that promote these rights?	

#### INSTRUCTIONS:

Ask volunteers to share some examples of UNFPA activities that promote these rights. In Module 1, you will find a table that shows how UNFPA is working to promote these human rights. For example:

- **RIGHT TO LIFE:** (i) Prevent avoidable maternal deaths (e.g. UNFPA is helping to promote the right to life by supporting governments to prevent maternal deaths and reduce maternal mortality). (ii) End pre-natal sex selection and female infanticide (e.g. UNFPA is helping to promote the right to life and survival of female infants, by supporting governments to end female infanticide). (iii) Ensure access to dual-protection contraceptive methods (e.g. UNFPA is helping governments improve access to condoms, which in turn reduces the risk of becoming infected with HIV and other sexually transmitted infections, as well as helps individuals and couples to space births; Both actions promote the right to life and survival). (iv) Eliminate violence against women (by working to eradicate violence against women, UNFPA is helping to save women's lives and is thereby promoting the right to life).
- **RIGHT TO HEALTH:** Provide access to affordable, acceptable and comprehensive sexual and reproductive health services (reproductive health has an enormous impact on overall health, and therefore by promoting access to reproductive health services, UNFPA is helping to advance the right to the highest attainable standard of health).
- **RIGHT TO EDUCATION:** Increase access of young people to gender-sensitive life skills-based SRH education (UNFPA advocates for and supports government efforts to increase young people's access to life skills-based SRH education – thereby promoting young people's right to education).

#### Slide 14



## The International Human Rights Legal Regime

No notes for this slide.

## Slide 15

### The International Human Rights Legal Regime (1)

- Human rights are codified in treaties
- The international human rights regime as we know it evolved within the United Nations
  - a fundamental purpose of the UN is to promote human rights
  - the Universal Declaration of Human Rights is the cornerstone document of the modern human rights movement

1. Human rights are spelled out in international treaties that form part of international human rights law. (Human rights are not just 'any' rights! They specifically are laid down in treaties.) Treaties are contracts between governments. This means that they are legally binding on the States that are party to them and call for compliance with the principles and standards contained in each instrument. What these treaties do is put into legal language the obligations of governments (principally) and other duty-bearers (such as health care workers and parents) to do certain things as well as to prevent them from doing others.
2. UN CHARTER:
  - The international human rights regime evolved within the United Nations. As stated in the UN Charter, promoting human rights has been a fundamental purpose of the organization since its inception. The Charter proclaims the objective of the UN "to save succeeding generations from the scourge of war" and "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women."
3. UDHR:
  - The Universal Declaration of Human Rights (UDHR) can well be understood to be the cornerstone document of the modern human rights movement.
  - The horrors experienced during the Second World War, most notably the genocide committed by the Nazi regime, shocked the world. There was international agreement that such atrocities could not be condoned, and that a unified declaration against human rights violations was necessary to prevent such violations from recurring. Established in 1945, the United Nations set up a Commission on Human Rights to create such a declaration. On 10 December, 1948, 48 countries signed the Universal Declaration of Human Rights, the outcome of the work of the Commission on Human Rights. Since the Universal Declaration on Human Rights was adopted, human rights have become codified in international, national and regional legal systems.
  - The Universal Declaration of Human Rights serves as the foundation upon which all subsequent human rights instruments were defined, and has been endorsed by virtually all states.

### The International Human Rights Legal Regime (2)

- **Treaties and other legally binding documents**
  - The Charter of the United Nations
  - Universal Declaration of Human Rights (UDHR)
  - International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - International Covenant on Civil and Political Rights (ICCPR)
  - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
  - Convention on the Rights of the Child (CRC)
  - Convention on Migrant Workers (CMW)
  - Convention on the Rights of Persons with Disabilities

1. Under the auspices of the UN, more than 20 multilateral human rights treaties have been formulated since the adoption of the Universal Declaration of Human Rights. These treaties create legally binding obligations on the nations that ratify them (or accede to them), thereby giving these treaties the status and power of international law. (NOTE: Although the UDHR is not technically a treaty, it is understood to be legally binding because it is seen to be part of 'customary international law'. This means that, over time, it has become part of international law because it has been endorsed by virtually all states, and many states contain its provisions within their national Constitutions.)
2. The key international human rights treaties – the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966) and the International Covenant on Civil and Political Rights (ICCPR 1966) – further elaborate the content of the rights set out in the UDHR and contain legally binding obligations for the governments that ratify them. Together with the UDHR and the UN Charter, these documents are often called the 'International Bill of Human Rights'.
3. ICESCR:
  - This treaty includes 'economic, social and cultural' rights such as the right to health (art. 12), the right to education (art.13), and the right to an adequate standard of living (art. 11), etc. This is an important treaty to become familiar with!
4. ICCPR:
  - This treaty includes 'civil and political' rights such as the right to freedom of religion (art. 18), the right to a fair trial (art. 14), freedom from torture (art. 7), etc.
5. Both the ICESCR and the ICCPR treaties incorporate certain core understandings based on the UDHR – for example, the principles of equality and non-discrimination.
6. CEDAW:
  - This treaty addresses social, cultural and economic discrimination against women. It compels states to work to eradicate discrimination in all its forms, including disadvantages conferred by gender roles. It includes the elimination of discrimination against women in areas of education (art. 10), employment (art. 11), health (art. 12),

marriage and family relations (art. 16), and so forth. CEDAW is particularly useful for fulfilling UNFPA's mandate and provides the first internationally agreed definition of discrimination against women!

- Think about using CEDAW as an advocacy tool in working for legal and policy changes at local and national level, to promote gender equality, women's empowerment and reproductive rights.
  - Use CEDAW as a guide when advising governments on how to design their gender programmes.
  - The existence of an international legal framework for women's rights, however, does not automatically imply implementation of these rights at national level, as implementation of rights is largely dependent on the will of Governments.
  - As a result, a lot of UNFPA's efforts focus on encouraging and building this political will, and this is done by engaging not just governments, but also cultural actors, religious leaders and opinion-makers across civil society. CEDAW highlights government responsibility not just in regarding a government's own actions, but also for eliminating discrimination that is being perpetrated by private individuals and organizations.
  - CEDAW recognizes that discrimination is often most deeply rooted in spheres of life such as culture, the family and interpersonal relations, and that if change does not take place at those levels efforts to achieve gender equality will be frustrated.
7. CRC:
- This treaty clarifies states responsibility for a broad set of rights to children under the age of 18. It also obligates states to ensure appropriate prenatal and post-natal health care for mothers (art. 24), ensure that children have access to accurate information, especially that aimed at the promotion of their physical and mental health (art. 17), and abolish practices prejudicial to the health of children (art. 24(3)). Nearly all states have ratified this convention, making it a strong tool for holding governments accountable on the human rights issues of concern to UNFPA.

## Treaty Terminology

- Ratification - what does this mean?
- Accession - how is this different from ratification?
- Signature - what is expected of a State Party if it has just signed, but not ratified, a treaty?
- Reservations - what are these?

1. Legal state responsibility for human rights arises as a result of procedures of ratification and accession.
  - RATIFICATION is a two-step process where a Head of State or other designated actor signs the treaty signalling intent to be bound, and written approval is then provided at the national level by the appropriate constitutional organ, such as the parliament or congress.
  - ACCESSION is the consent by the State to be bound in cases when it has not previously signed the instrument and where only one signature is needed.  
ASK PARTICIPANTS: do you know which treaties your governments have ratified?
  - Multilateral treaties usually provide for SIGNATURE subject to ratification - also called simple signature. In such cases, a signing State does not undertake positive legal obligations under the treaty upon signature. However, signature does indicate the State's intention to take steps to express its consent to be bound by the treaty at a later date. Signature also creates an obligation, in the period between signature and ratification, to refrain in good faith from acts that would defeat the object and purpose of the treaty (see article 18 of the Vienna Convention 1969).
  - States may be in agreement with being legally bound for most but not all provisions of a human rights treaty at the time of ratification/accession. Under international law, a State may ratify a human rights treaty with RESERVATIONS indicating that it does not agree to be bound by certain specific articles - but only if these reservations do not go against the central spirit of the treaty. States may also issue interpretative statements called declarations or understandings which serve to explain the meaning they give to certain provisions at the national level. While these are also permissible, they should not run counter to the object and purpose of the treaty in question. A number of States have withdrawn their reservations at the time of ratification. The monitoring treaty bodies encourage the withdrawal of reservations.
2. A number of countries have made certain reservations that they justify based on their traditions or culture. Unfortunately, the treaty with the most reservations is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979). Here are some examples of reservations to CEDAW:
  - One country has made a reservation with respect to Article 11 (2) (which requires a government to provide paid maternity leave), claiming that its government "is not at present in a position to take the measures required by article 11 (2) to introduce

maternity leave with pay or with comparable social benefits throughout [the country].”

- Another country in Asia has made a general reservation with respect to Article 2 (which requires States to “pursue without delay a policy of eliminating discrimination against women”), stating that “the Government does not consider as binding upon itself the provisions of article 2, [...] as they conflict with Shari’a law based on Holy Quran and Sunna.” Such broad, sweeping reservations tend to be viewed as going against the ‘spirit’ of the treaty.

### Slide 18



**Progressive Realization**

- Allows governments to take steps towards the progressive achievement of the full realization of human rights
- Governments cannot use progressive realization as an excuse for deferring their efforts!

1. Progressive realization: Traditionally, civil and political rights were expected to have immediate effect such as the right to life, the right to equal protection before the law, freedom of association and expression, and more. For economic, social and cultural rights, it was understood that many rights, such as the right to education and the right to the highest standard of health will need to be implemented progressively in light of available resources. It is now understood that it is possible to take some level of immediate action with respect to every human right, and that absolute fulfilment of every right, including civil and political rights, cannot happen overnight. The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child both provide that States should “take steps, to the maximum of available resources, towards the progressive achievement of the full realization of these rights.”
2. Think about the difficulties a government might face when trying to immediately realize all of its human rights commitments. Despite these difficulties, governments cannot make the excuse that they do not have sufficient resources to fulfil human rights. States have a core obligation to satisfy the minimum essential level of each right. They must take some steps towards the realization of the rights through measures such as enacting laws, and setting goals, targets and timeframes for their national plans for fulfilling rights, which may also include seeking international development assistance. This is known as ‘progressive realization.’
3. While the idea of progressive achievement is common to policy-making, the human rights approach imposes certain conditions on the behaviour of the State so that it cannot use progressive realization as an excuse for deferring or relaxing its efforts.

- First, the State must take immediate action to begin to fulfil all human rights.
  - Second, even when faced with a lack of resources, the international human rights system specifies some core obligations that require States to ensure, with immediate effect, certain minimum levels of enjoyment of various human rights, such as the obligation to put into law protection of the right in question.
  - Third, the State must prioritize its fiscal operations so that resources can be diverted from relatively non-essential uses to those that are essential for the fulfilment of rights relevant to poverty reduction.
  - Fourth, to the extent that fulfilment of certain rights will have to be deferred, the State must develop, in a participatory manner, a time-bound plan of action for their progressive realization. The plan will include a set of intermediate as well as long-term targets, based on appropriate indicators, so that it is possible to monitor the success or failure of progressive realization.
  - Finally, the State will be called to account if the monitoring process reveals less than full commitment on its part to realize the targets.
4. For example, a state may decide that in order to fulfil its obligations under Article 12 of the ICESCR (the right to health), it shall adopt a domestic policy to provide comprehensive sexual and reproductive health services to all individuals in need. Due to resource constraints, however, the state might be able to cover only a small percentage of the population. The principle of progressive realization would require the government to take measures to progressively extend coverage by building new facilities, training health workers, and so forth in all regions of the country. The government should also show that it has a plan in place to gather more resources to fulfil its obligations under the ICESCR e.g. by soliciting support from donors and/or reassessing budget priorities.

### Slide 19

### Example of Immediate Obligations

- According to the Committee on Economic, Social and Cultural Rights, the following obligations are of *immediate* effect:
  - obligation not to discriminate
  - obligation to take steps targeted deliberately towards the full realization of the rights in question
  - obligation to monitor progress in the realization of human rights

1. Although progressive realization is permitted, there are some obligations that must be immediate.
2. According to the Committee on Economic, Social and Cultural Rights, for socio-

economic rights, the following obligations are of immediate effect:

3. The obligation not to discriminate between different groups of people in the realization of the rights in question;
4. The obligation to take steps (including creating specific strategies and programmes) targeted deliberately towards the full realization of the rights in question; and
5. The obligation to monitor progress in the realization of human rights. Accessible mechanisms of redress should be available where rights are violated.
6. Taking the right to health as an example, it is not permissible for available resources to be devoted exclusively to first-rate services for only half the population or only for those living in urban areas. Available resources should be dedicated to ensuring that the standard of health of the entire population is progressively improved, with immediate planning towards that objective, and effective mechanisms for monitoring progress and, as necessary, redress.

## Slide 20

Regional Human Rights Systems	
<b>Europe:</b> Convention for the Protection of Human Rights and Fundamental Freedoms	<ul style="list-style-type: none"><li>• European Court of Human Rights</li><li>• Inter-American Commission on Human Rights</li><li>• Inter-American Court of Human Rights</li><li>• African Commission on Human and Peoples' Rights</li><li>• African Court on Human and Peoples' Rights</li></ul>
<b>Americas:</b> American Convention on Human Rights and Pact San José, Costa Rica on economic, social and cultural rights	
<b>Africa:</b> African Charter on Human and Peoples' Rights	
<b>Arab States:</b> Arab Charter on Human Rights	

1. When learning about human rights, it is important to be aware of not just the international human rights treaties, but also the regional human rights treaties, which can carry just as much (if not more) weight for State Parties.
2. Turn to Module 1 for a brief overview of each regional human rights system.  
**INSTRUCTORS:** Use this information to describe each regional system listed on this slide.

### THE ACTION 2 NOTES FOR THIS SLIDE:

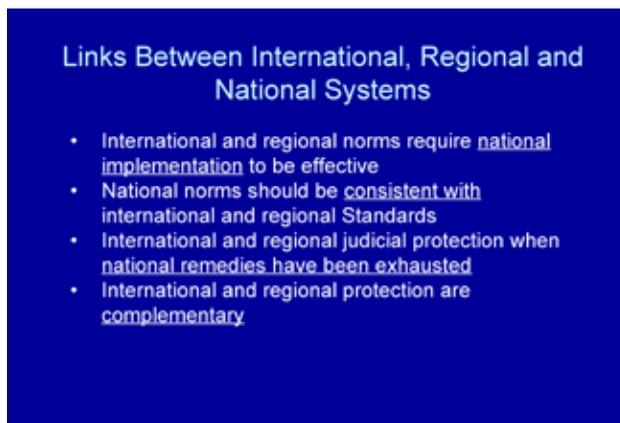
3. Regional human rights regimes have also been established that vary in their capacity and impact in Africa, the Americas and Europe and complement the international human rights machinery. Regional human rights mechanisms can be important partners for close collaboration with the UN on activities of mutual concern. Regional human rights systems reinforce international standards and machinery by providing the means by which human rights concerns can be addressed within the particular social, historical and political context of the region concerned.
4. Asia has not yet succeeded in establishing any viable human rights regime. In the

Middle East region, an Arab Charter on Human Rights was revised by the Arab Standing Committee on Human Rights in January 2004, but it is still regarded as falling short of providing critical human rights protections.

5. European human rights regime: The Convention for the Protection of Human Rights and Fundamental Freedoms (entered into force in 1953) and its numerous Protocols guarantee civil and political rights, and the European Social Charter (1961, revised in 1996) recognizes economic and social rights. The list of rights in these instruments are similar to those enshrined in the Universal Declaration of Human Rights and the two International Covenants. The Council of Europe has adopted special treaties in the areas of data protection, migrant workers, minorities, torture prevention and biomedicine.
6. European Court of Human Rights: Initially, two regional bodies were established to review complaints from persons, groups or individuals, NGOs and states regarding violations of human rights, namely, the European Court of Human Rights and the European Commission of Human Rights. The European Court of Human Rights has authoritative decision-making powers, its decisions are normally enforced and have significant weight on law and practice in a number of European States. The Court's decision can also put pressure on those states that are lagging behind European norms.
7. Human rights regime in the Americas: The Inter-American human rights regime falls under the Organization of American States (OAS). Like the European Convention, the American Declaration of the Rights and Duties of Man (1948) recognizes a list of human rights that is similar to the Universal Declaration of Human Rights. The American Convention on Human Rights (1969) recognizes civil and political rights and the right to property. In addition there is the Additional Protocol to the American Convention of Human Rights in the Area of Economic, Social and Cultural Rights (1988) commonly referred to as the Pact San José, Costa Rica.
8. In order to safeguard these rights in the American continent, the Convention created two organs to promote the observance and protection of human rights: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The Inter-American Commission of Human Rights is a technical, quasi-judicial body, created to promote awareness of human rights, make recommendations to States and respond to their inquiries, prepare studies and reports, request information from governments and conduct investigations with their consent. The Commission adopts decisions and resolutions, issues country reports, and it is also empowered to receive complaints from individuals or groups on human rights violations. It further recommends to member States of the OAS the adoption of measures that could contribute to human rights protection. One of its main functions is to submit cases to the Inter-American Court and appear before the Court during the litigation process. The Inter-American Court of Human Rights has not had as strong of an impact as the European Court although it may take binding enforcement action, but its adjudicatory jurisdiction is optional for the States that ratify. The Court has jurisdiction to adjudicate cases involving charges that a State Party has violated the American Convention. Complainants submitting claims of human rights violations must have first exhausted all available domestic legal remedies.
9. The African human rights regime: The African regional human rights system falls under the African Union, which was established in 2001 and replaced the Organization of African Unity (OAU). Its objectives include promoting peace, security and stability on the continent; democratic principles and institutions, popular participation and good governance; and promoting and protecting human rights in accordance with the African Charter on Human and Peoples' Rights and other human rights instruments. The African Charter was adopted by the OAU in 1981 and entered into force in 1986. Today there are several protocols to the Charter including one that addresses the

rights of women in Africa. The African Charter includes an important distinguishing feature which is the recognition of collective or 'peoples' rights, the rights to peace and development and the importance of individual duties. The rights it guarantees are more limited and subject to state discretion than in the other international human rights instruments. The Charter also created an African Commission on Human and Peoples' Rights that is empowered to receive interstate and individual complaints, although its work is apparently hindered by a lack of resources. Anybody can submit a complaint/communication to the Commission denouncing a violation of human rights provided all available domestic legal remedies have been exhausted.

### Slide 21



**Links Between International, Regional and National Systems**

- International and regional norms require **national implementation** to be effective
- National norms should be **consistent with** international and regional Standards
- International and regional judicial protection when **national remedies have been exhausted**
- International and regional protection are **complementary**

### ACTION 2 NOTES:

- The international and regional human rights treaty system may seem focused on the international level, yet clearly it is at the national level that the promotion and protection of human rights matters most. The internationally-agreed standards set out in the treaties require effective national level implementation in order to ensure that they are enjoyed by all men, women and children in each country.
- International and regional human rights mechanisms have an important role in supporting efforts to strengthen the protection of human rights at the national level. First, the process of reporting to treaty bodies is in itself an important part of the development of a national human rights protection system. Second, the outputs of treaty bodies provide States with practical advice and assistance on how best to implement the treaties.
- The outputs of the treaty bodies can also provide states, as well as UN country teams and donors, with useful guidance on where more action is required to strengthen national protection of human rights.
- Regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce universal human rights standards as contained in international human rights instruments and their protection. The 1993 World Conference on Human Rights endorses efforts under way to strengthen these arrangements and increase their effectiveness, while at the same time stressing the importance of cooperation with the UN human rights activities. The World Conference on Human

Rights reiterates the need to consider the possibility of establishing regional and sub-regional arrangements for the promotion and protection of human rights where they do not already exist.

- The international and regional human rights regimes can provide international protection of human rights. For example, some Treaty Bodies act as a quasi-judicial body examining individual cases of alleged violations. The Optional Protocols to CCPR and CEDAW, and optional clauses in CERD, CAT and the CMW provide for such procedures. The committees examine such complaints culminating in a final, non-binding decision that declares the complaint either inadmissible or admissible, and — in the latter case — issues an opinion on the merits (determining whether the complainant's human rights have been violated). As established in the CCPR Optional Protocol, the individual must have exhausted all available domestic remedies before recurring to the committee. This shall not be the rule where the application of the remedies is unreasonably prolonged.
- International and regional judicial and quasi-judicial protections are complementary. This means that there is no hierarchy between both systems. When domestic remedies are exhausted, the individual has to choose whether to appeal to the Human Rights Committee or the Inter-American Commission, for example, but not to both of them.

## Slide 22



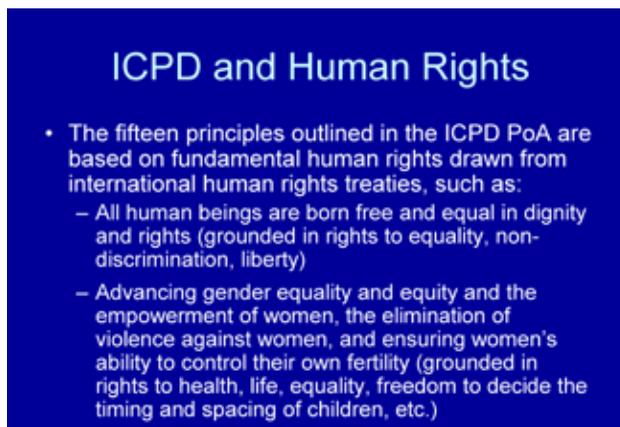
**Additional Protections for Human Rights**

- Declarations, recommendations, conferences and codes of conduct generally regarded as having moral force and providing a guiding reference to States, include:
  - The ICPD Programme of Action
  - The Beijing Declaration and Platform For Action
  - The Declaration of Commitment on HIV/AIDS
  - The Declaration on the Elimination of Violence Against Women
- These commitments have helped to create new approaches for considering the extent of government accountability for health and gender issues
- ICPD is of particular relevance and significance to UNFPA

1. Some human rights standards are also contained in other types of instruments such as political consensus documents, declarations and recommendations, which are generally regarded as having moral and political force and providing a guiding reference to States. Examples of such documents relevant to UNFPA include:
  - The ICPD Programme of Action,
  - The Beijing Declaration and Platform For Action,
  - The Declaration of Commitment on HIV/AIDS, and
  - The Declaration on the Elimination of Violence Against Women.
2. These documents demonstrate that the international community is giving atten-

tion to certain issues. As a result, they are generally regarded as providing a guiding reference to States. Individually and collectively, these documents have been of critical importance in helping to elaborate provisions relevant to vulnerable groups, women's human rights, and in linking the concepts of health and human rights. These commitments have helped to create new approaches for considering the extent of government accountability for health and gender issues. Because some of these documents (such as the ICPD Programme of Action) are grounded in legally binding human rights, governments can be held accountable for fulfilling their obligations under them.

### Slide 23



**ICPD and Human Rights**

- The fifteen principles outlined in the ICPD PoA are based on fundamental human rights drawn from international human rights treaties, such as:
  - All human beings are born free and equal in dignity and rights (grounded in rights to equality, non-discrimination, liberty)
  - Advancing gender equality and equity and the empowerment of women, the elimination of violence against women, and ensuring women's ability to control their own fertility (grounded in rights to health, life, equality, freedom to decide the timing and spacing of children, etc.)

1. The ICPD Programme of Action is of particular significance for UNFPA. UNFPA is committed to building national capacities to implement a human rights-based approach to programming and policies that will further the ICPD agenda. For UNFPA, therefore, adopting a human rights-based approach goes hand-in-hand with advancing the ICPD agenda.
2. The fifteen principles outlined in the ICPD PoA are based on fundamental human rights drawn from international human rights treaties.
3. What are some other ICPD principles? And what human rights are they grounded in? (Turn to Module 1 for the table listing the 15 ICPD principles. ASK PARTICIPANTS TO OFFER THEIR THOUGHTS ON THE HUMAN RIGHTS REFLECTED IN THESE PRINCIPLES.)

## Slide 24

# Obligations to Respect, Protect, Fulfil

- What are a government's obligations when it comes to human rights?

No notes for this slide.

## Slide 25



### ACTION 2 NOTES:

Continuing with what was said previously about the State being the primary duty-bearer under international law, explain that:

- State Parties have specific obligations to respect, protect, and fulfil the rights recognized in the treaty and to take the necessary action towards their implementation. All rights, to varying degrees, entail obligations of an immediate kind, such as the obligation not to discriminate in the realization of the right in question. In the case of economic, social and cultural rights in particular, obligations can also be of a progressive kind, the realization of the right being subject to resource constraints.
- The obligation to respect the human rights of all people within its jurisdiction means abstaining from any conduct or activity that violates human rights. This obligation requires States to ensure that human rights are fully respected in state policies, laws and actions, including those of public officials. (For example, governments cannot arbitrarily deny girls the same educational opportunities and standard of medical care that is offered to boys.)

- The obligation to protect refers to the duty to protect the human rights of all people without discrimination from violations by state and non-state actors including individuals, groups, institutions and corporations. This obligation requires States to ensure that everyone enjoys their human rights within their jurisdiction by protecting their human rights from the actions of individuals and groups including corporations, institutions and public and private bodies. This protection is achieved primarily through the enactment of laws and the establishment of redress procedures, as well as through national mechanisms to monitor human rights violations. (For example, states must ensure that employers do not discriminate against employees living with HIV, and must provide avenues for redress (i.e. complaint, compensation) if individuals are subject to discrimination on the basis of their HIV status.)
- The obligation to fulfil (or ensure) human rights by creating an enabling environment through all appropriate means particularly through resource allocation. This obligation requires States to establish measures to ensure the realization of human rights such as legislative, administrative or other measures in order to give effect to the rights recognized in the treaty. The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child both provide that States should “take steps, to the maximum of available resources, towards the progressive achievement of the full realisation of these rights.” Thus, the State must take steps such as setting goals, targets and timeframes for their national plans for fulfilling rights, which may also include seeking international development assistance. The obligation to fulfil includes promoting respect for human rights and fundamental freedoms through, for example, human rights education and training, and ensuring that human rights principles and standards recognized in the human rights treaties are widely known, as well as other measures necessary to prevent violations of human rights. (For example, a state should progressively work towards removing all legal and regulatory barriers to access to health services, such as user fees for emergency health services.)

## Slide 26

**Accountability**

Accountability is the process whereby governments/public service organizations/other institutions and the individuals within them are held responsible for their decisions and actions, including their stewardship of public funds, fairness, and all aspects of performance, in accordance with agreed rules, contracts, and standards, and fair and accurate reporting on performance results vis-à-vis mandated roles and/or plans.

UNFPA Accountability Framework, Report of the Executive Director, DP/FPA/2007/20.

There are various UN bodies that play a role in ensuring that governments are aided to fulfil their human rights commitments and held accountable under international human rights law.

**The Human Rights Council**

**What is it?**  
A subsidiary body of the General Assembly composed of Member States. It replaces the UN Commission on Human Rights

**What does it do?**

- promotes universal protection
- addresses and prevents violations
- develops international law
- reviews compliance of Member States
- responds to emergencies
- international forum for dialogue

1. The Human Rights Council is one way to hold governments accountable under international human rights law. The Human Rights Council is a subsidiary body of the General Assembly created by the United Nations Member States to strengthen the promotion and protection of human rights around the world.
2. The Council is responsible for promoting universal respect for and protection of human rights and fundamental freedoms for all. It addresses violations, promotes human rights assistance and education, helps to develop international human rights law, reviews the human rights record of Member States, works to prevent abuses, responds to emergencies and serves as an international forum for dialogue on human rights issues.

**ACTION 2 NOTES:**

3. What makes the Human Rights Council different from its predecessor, the Human Rights Commission?
  - Former United Nations High Commissioner for Human Rights, Louise Arbour has called the establishment of the United Nations Human Rights Council more than a “new and improved” Commission on Human Rights, the body it is replacing. In addition to retaining some of the best elements of the Commission, such as the system of independent investigators and the broad participation of civil society, many new features make the Council a stronger body including that:
  - candidates for membership will have to make concrete commitments to promote and uphold human rights (country pledges to HRC);
  - candidates for membership have to compete for seats and need to win the support of a majority of all members States in a secret ballot;
  - elected members will be first in line for scrutiny under a universal periodic review of their human rights records;
  - members that committed gross and systematic violations of human rights could be suspended;
  - members will be expected to commit to cooperate with the Council and its various mechanisms; and
  - the Council will meet throughout the year for at least ten weeks instead of the single six-week session of the Commission.

4. How is the election of members to the Council an improvement?
  - The way members of the Council are to be elected represents a major improvement over the former Commission. Election to the Council requires an absolute majority of UN Member States: of the 191 members, at least 96 must support a state's membership by secret ballot. This threshold is much higher than the 28 or fewer votes that could get a country membership in the Commission, and will allow countries to block the election of egregious rights violators.
5. Who sits in the new Council?
  - A total of 47 countries were elected members of the Council on 19 June 2008. They were elected according to geographic representation: 13 from the African Group; 13 from the Asian Group; 6 from the Eastern European Group; 8 from the Latin American and Caribbean Group; and 7 from the Western European and Other States Group. This composition may not change

### Slide 28



**International Mechanisms:  
The Role of Treaty Bodies**

Monitor and facilitate the implementation of the treaty through:

- **examination of State party reports** and additional sources of information
- **observations and recommendations**
- **General Comments** on HR standards contained in the treaty
- examination of **individual complaints** (some of them)
- **confidential enquiries** (some of them)

A second way for governments to be held accountable within the international human rights regime is through treaty bodies. When a State ratifies an international treaty, it assumes the obligation to submit reports periodically to the treaty bodies on the measures it has taken to ensure the enjoyment of the rights provided in the treaties.

### ACTION 2 NOTES:

1. The treaty bodies are committees of independent experts that monitor the implementation of the treaty by each Member State. They do so by examining State party reports (each treaty requires State parties to report on their progress in fulfilling their obligations under the respective treaty every four to five years).
2. The examination of State reports along with information from a variety of sources, including the UNCT and civil society organizations culminates in the adoption of 'concluding observations and recommendations'. The State party is expected to take the necessary measures to implement these recommendations.

3. The Concluding Observations and Recommendations identify specific human rights concerns to help set priorities at the national level, which may provide a framework for joint action by Governments, UN agencies, NGOs and other partners. They are also a guiding reference and tools for programming, including the CCA/UNDAF processes.
4. Treaty bodies also produce 'General Comments'.
5. The General Comments clarify the actual content of the human rights standards contained in a treaty. These comments provide more detailed guidance on what the international human rights standards mean in all phases of programming.
6. Finally, some treaty bodies accept individual complaints.
7. Individual complaints: Some treaty bodies act as a quasi-judicial body examining individual cases of alleged violations. The Optional Protocols to CCPR and CEDAW, and optional clauses in CERD, CAT and the CMW provide for such procedures. The committees examine such complaints culminating in a final, non-binding decision that declares the complaint either inadmissible or admissible, and — in the latter case — issues an opinion on the merits (determining whether the complainant's human rights have been violated).
8. Confidential enquiries: CAT and the Optional Protocol to CEDAW provide for a procedure of 'suo moto' enquiry by the respective treaty bodies (also known as 'enquiry of its own motion'). If the committees receive reliable and plausible information that torture or discrimination against women, respectively, is being systematically practiced in the territory of a State party, the treaty body may carry out a fact-finding mission to the country concerned, subject to approval by its Government. The CAT Committee has so far conducted six enquiries (Egypt, Mexico, Peru, Serbia and Montenegro, Sri Lanka, and Turkey). The CEDAW Committee has initiated an enquiry procedure concerning Mexico.

### Slide 29

**Treaty Monitoring Bodies**

- **Examples of TMBs:**
  - *The Human Rights Committee* monitors compliance with the ICCPR
  - *The Committee on the Elimination of Discrimination Against Women* monitors implementation of CEDAW
  - *The Committee on Economic, Social and Cultural Rights* monitors implementation of the ICESCR

1. Here are some examples of treaty monitoring bodies and the treaties they are responsible for monitoring. ASK PARTICIPANTS IF ANY OF THEM HAVE EVER USED THE REPORTS OF TREATY MONITORING BODIES TO GATHER INFORMATION FOR THEIR PROGRAMMING WORK.

2. Examples of the utility of General Comments:
  - A 1992 General Comment by the committee monitoring CEDAW found violence against women within families to violate a number of rights, including the right to life, the right to liberty and security of person, and the right to equality in the family. The committee called for a variety of responses, such as criminal penalties and civil remedies in domestic violence cases; outlawing the 'defence of family honour' as a justification for assault or murder; services to ensure the safety of victims of family violence; rehabilitation programmes for perpetrators of domestic violence; and support services for families where incest or sexual abuse has occurred.
  - In its work on eradicating violence against women, UNFPA can turn to this General Comment by the committee monitoring CEDAW when providing advice to governments on what they are required to do in order to show that they are taking firm steps to further gender equality and reduce violence against women.

### Slide 30

**International Mechanisms:  
Special Procedures**

<p><b>Countries:</b></p> <ul style="list-style-type: none"> <li>- Burundi</li> <li>- Cambodia</li> <li>- DPRK</li> <li>- Haiti</li> <li>- Myanmar</li> <li>- OPTs</li> <li>- Somalia</li> <li>- Sudan</li> </ul>	<p><b>Thematic mandates include:</b></p> <ul style="list-style-type: none"> <li>- right to highest attainable standard of health</li> <li>- right to education</li> <li>- extreme poverty</li> <li>- right to food</li> <li>- freedom of opinion</li> <li>- freedom of religion</li> <li>- IDPs</li> <li>- migrants</li> <li>- indigenous people</li> <li>- violence against women</li> </ul>
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A third way of trying to hold governments accountable to their international human rights obligations is through the use of 'Special Procedures'. ASK PARTICIPANTS IF THEY HAVE EVER TURNED TO THE REPORTS OF SPECIAL RAPPORTEURS IN THEIR WORK BEFORE.

### ACTION 2 NOTES:

1. 'Special procedures' is the general name given to the mechanisms assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. Currently, there are 30 thematic and eight country mandates in place. OHCHR provides these mechanisms with personnel and logistical assistance to aid them in the discharge of their mandates. Although the mandates given to special procedure mechanisms vary, they usually are to examine, monitor, advise and publicly report on human rights situations in specific countries or territories, known as country mandates, or on major phenomena of human rights violations worldwide, known as thematic mandates.

2. Special procedures are either an individual (called 'Special Rapporteur', 'Special Representative of the Secretary-General', 'Representative of the Secretary-General' or 'Independent Expert') or a working group usually composed of five members. The mandates of the special procedures are established and defined by the resolution creating them. Mandate-holders of the special procedures serve in their personal capacity and do not receive salaries or any other financial remuneration for their work. The independent status of the mandate-holders is crucial in order to be able to fulfil their functions in all impartiality.
3. Example of Utility of Special Rapporteur's Report: The Special Rapporteur on the Right to the Highest Attainable Standard of Health commented on a West African country's Poverty Reduction Strategy (PRS) in one of his reports. His comments were welcomed by representatives of the Government and may be useful to UNFPA staff given the role you play in supporting governments in their Poverty Reduction Strategies. The Special Rapporteur stated that the country's PRS was one of the best in francophone Africa. Nonetheless, to strengthen their PRS, he recommended that the Government:
  - Make specific reference in its PRS to its obligations to fulfil the right to health, including the underlying determinants of health (such as access to clean water); its commitment to address the HIV epidemic; and its commitment to improving access to essential drugs. These are all features that were already part of the country's PRS, but the Special Rapporteur emphasized the importance of making it explicit within the PRS that these obligations are being undertaken as part of the Government's intention to fulfil the right to health.
  - Acknowledge and address the particular health access issues of all marginal groups, such as the country's different ethnic or racial groups. Thus, in the PRS, further attention could usefully be given to the right to health of all vulnerable groups, such as the country's nomadic populations, especially as particular health interventions for specific vulnerable groups will probably be needed.
  - Make specific reference in its PRS regarding access to health-related education and information. From the point of view of the right to health, a pro-poor health policy should include education and information campaigns concerning the main health problems in local communities, including methods of prevention and control. As the PRS is reviewed, this element of the right to health deserves due attention.
4. As a UNFPA staff member, it may help to keep some of these suggestions in mind when you next provide input to governments on their Poverty Reduction Strategies. This is one reason why reading the reports of Special Rapporteurs can be so useful to your work and will help you better implement a HRBA!



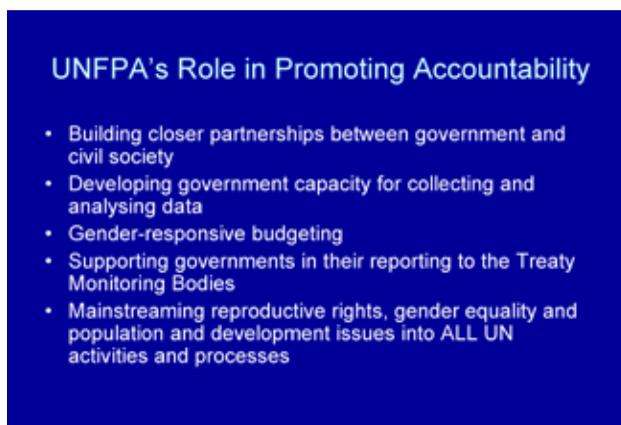
Ultimately, of course, the BEST way to hold governments accountable is at the national level.

**ACTION 2 NOTES:**

1. This slide introduces the main components of a national human rights protection system that need to be established or strengthened by the State in order to promote, protect and fulfil human rights. EMPHASIZE THAT THE MOST IMPORTANT ACTION ON HUMAN RIGHTS, PARTICULARLY THE WAY NORMS AND STANDARDS ARE PUT INTO PRACTICE TAKES PLACE AT THE NATIONAL LEVEL THROUGH THE EFFECTIVE ROLES PLAYED BY THE VARIOUS GOVERNANCE INSTITUTIONS.
2. A NHRPS consists mainly of legal frameworks, institutions, policies, procedures and actors designed to ensure that international human rights norms and standards are promoted, respected, protected and fulfilled.
3. The objective of a NHRPS is to ensure sustainable and effective respect for human rights in a country. Particular consideration should be given to ensuring that all aspects of any NHRPS are responsive to the human rights of women. And special attention should always be paid to groups subjected to discrimination and suffering from disadvantage within the country – including racial and ethnic minorities, children, persons with disabilities, women and the poor.
4. Constitutional and legislative frameworks that reflect international human rights norms and standards; effective institutions to promote and protect human rights, including central and local level governments, central and local parliaments, administrations on both the central and local levels, the administration of justice, constitutional courts, and an independent human rights body, such as a national human rights institution and/or ombudsperson.
5. Policies, procedures and processes of human rights promotion and protection, including: redress for human rights violations and abuses; participatory decision-making processes; cooperation with international and regional human rights mechanisms; and at a more global level, the adoption of human rights-based policy and development programme planning.
6. Programmes and policies for awareness-raising on human rights, including women’s rights, through human rights education in schools, universities and professional education institutions; human rights training for public officials and other relevant professionals; as well as awareness-raising campaigns for the public at large.

7. The existence of a vibrant democratic civil society with the full and equal participation of men and women, including free, active and independent media and human rights defenders communities.

### Slide 32



**UNFPA's Role in Promoting Accountability**

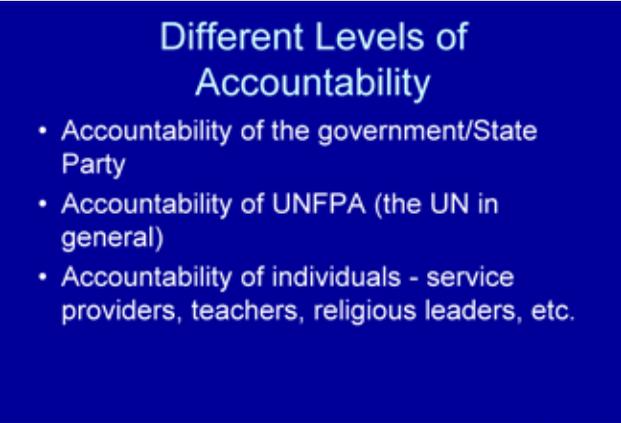
- Building closer partnerships between government and civil society
- Developing government capacity for collecting and analysing data
- Gender-responsive budgeting
- Supporting governments in their reporting to the Treaty Monitoring Bodies
- Mainstreaming reproductive rights, gender equality and population and development issues into ALL UN activities and processes

1. At the international level, UNFPA's main efforts in the area of accountability are targeted towards providing support to reinforce national accountability mechanisms at the request of governments. Through advocacy, policy-dialogue, and capacity-development activities, UNFPA supports governments in understanding the linkages between population dynamics and poverty reduction and encourages investment in sexual and reproductive health, gender equality, and young people in order to help governments stay on track towards achievement of the MDGs and the ICPD agenda.
2. Consider UNFPA's numerous activities in the realm of accountability:
  - In many of its country programmes, UNFPA uses the human rights principle of participation to strengthen partnerships between governments and civil society, including women's groups and other non-governmental, community-based and professional associations. Think about how essential such partnerships are in providing the impetus for change and in encouraging governments to fulfil their obligations. One good example is the ten-year partnership between the Latin America and Caribbean Women's Health Network and UNFPA. The Network pioneered a methodology for monitoring ICPD goals and reporting on progress periodically. Their data and analyses have been used by parliamentarians and government officials around the world and have formed the basis of reporting on women's rights by civil society organizations.
  - Aside from civil society participation, accountability relies on data for establishing benchmarks and measuring progress. Many countries lack data and analysis disaggregated by sex, age and ethnicity, among other characteristics, that limit policy and programme development. UNFPA focuses a lot of its efforts on developing the capacities of governments to gather more accurate data. UNFPA efforts have made progress in gender-sensitive data collection and analysis in a number of countries. Particularly innovative is the Index of Fulfilled Commitments developed in one country in Latin America by women's organizations to monitor governmental accountability in the key

areas of citizen participation, economic rights and sexual and reproductive health.

- Gender-responsive budgeting is another innovative approach designed to influence policy and improve government accountability towards gender equality goals. Consider how much you can tell about what a government is prioritizing (and what it is not) by noticing how it allocates its resources. In a country in Latin America, a UNFPA-supported gender budget analysis by the Commission on Social Equity and Gender in the Municipality of Asuncion led to a 300 per cent increase in allocations for family planning commodities for the capital's Polyclinic.
  - UNFPA also promotes accountability by supporting governments in their reporting to the CEDAW monitoring Committee. UNFPA Country Offices work with national governments to support the integration of sexual and reproductive health and reproductive rights in the official State report to the Committee. The CEDAW reporting process functions effectively as a strategic vehicle that supports UNFPA advocacy efforts at the global, regional and national level, especially with regard to ensuring that reproductive rights are treated as human rights.
  - UNFPA staff members also play a general role in mainstreaming reproductive rights, gender equality and population and development issues into other UN special procedures and reports to the human rights council, in addition to the work on CEDAW.
3. Example of Good Practice:
- The Council of Women (mandated to monitor CEDAW) in a country in South Asia met with the UN to discuss CEDAW concluding comments, progress made in 2005, and action for 2006. The Prime Minister chaired and recommended inter alia: all sectors, ministries and provinces to report on gender mainstreaming in their quarterly and annual reports; strengthening the enforcement of domestic violence law and its sub-decrees; adoption of the law against human trafficking and sexual exploitation; addressing maternal mortality rates through recruitment, deployment and retention of midwives; and construction of dormitories for girls to facilitate access to secondary education.

### Slide 33



**Different Levels of Accountability**

- Accountability of the government/State Party
- Accountability of UNFPA (the UN in general)
- Accountability of individuals - service providers, teachers, religious leaders, etc.

1. So far, we have looked solely at the issue of how the international human rights law regime holds governments accountable for failing to fulfil their obligations. However, it is important to know that there are many levels of accountability too.

2. Under international human rights law, States are the primary duty-bearers. Sometimes individuals have duties too (such as parents in the Convention on the Rights of the Child). What this means, is that under international human rights law, both states and parents can be held accountable.
3. In addition to providing support to reinforce national accountability systems, UNFPA is also seriously committed towards ensuring its own accountability.
4. In its Accountability Framework, UNFPA states that it is fully committed to enhancing accountability within the organization and in all its operations and partnerships, including in support of national ownership and leadership of programmes. What this means is that:
  - those in charge of UNFPA programmes, activities and guidance are held accountable for efficient and effective management;
  - the UNFPA senior management is accountable to the Executive Board, which in turn is accountable to the Economic and Social Council and the General Assembly; and
  - accountability, in the United Nations context, presupposes public scrutiny of the United Nations system as a whole and of the programmes and activities of the various United Nations entities. For more information on accountability within UNFPA see the UNFPA Accountability Framework, Report of the Executive Director, DP/FPA/2007/20.

### Slide 34

**International Humanitarian Law...**

- Is a set of rules that seek to limit the effects of armed conflict
- Protects persons who are not or are no longer taking part in hostilities
- Restricts the means and methods of warfare

1. on the care of the wounded and sick members of armed forces in the field
2. on the care of the wounded, sick and shipwrecked members of armed forces at sea
3. on the treatment of prisoners of war
4. on the protection of civilian persons
5. in time of war

In addition to the international human rights regime, we also have International Humanitarian Law. Although we will not focus much on IHL, it is good for participants to be aware of it.

### ACTION 2 NOTES:

1. International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.
2. International humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements

between States (treaties or conventions), in customary rules, which consist of State practice considered by them as legally binding, and in general principles.

3. International humanitarian law applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important but distinct part of international law set out in the United Nations Charter.
4. In 1949 four Geneva Conventions, which are still in force today, were adopted, each of them dealing with the protection of a specific category of persons who are not, or are no longer, taking part in hostilities:
  - **First Convention: on the care of the wounded and sick members of armed forces in the field;**
  - **Second Convention: on the care of the wounded, sick and shipwrecked members of armed forces at sea;**
  - **Third Convention: on the treatment of prisoners of war; and**
  - **Fourth Convention: on the protection of civilian persons in time of war.**
  - **The Geneva Conventions of 1949 are a legacy of World War II. Starting from the tragic experience gained in that conflict, they greatly improve the legal protection of war victims, particularly civilians in the power of the enemy. Today, practically all States are party to the 1949 Geneva Conventions. Accepted as they are by the whole community of nations, they have become truly universal law.**
5. The 1993 Vienna Declaration and Programme of Action called on all parties to armed conflicts to strictly observe international humanitarian law along with the minimum standards required to protect human rights. It was therefore recognized that human rights law and humanitarian law should be regarded in an integrated and holistic manner, which means that the individual is protected at all times by human rights law, as well as by humanitarian law during war or other hostilities. The Vienna Declaration and Programme of Action, further confirmed that “violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of human rights and humanitarian law” and that they require a “particularly effective response.”

## Slide 35

### Exercise

1) HRBA	a) Focus on the inherent dignity and equal worth of all
2) Gender-responsive programming	b) The Beijing Declaration and Platform for Action
3) Human rights	c) Frames relationship between rights-holders and duty-bearers
4) Treaties and other legally binding documents	d) CEDAW
5) An important conference promoting women's human rights	e) Requires understanding of causes of discrimination and unequal power relations between men and women in specific contexts

### INSTRUCTIONS:

1. Instruct participants to match items from the first column with the second column to form the best possible match.
2. Give participants two minutes to write down their answers.
3. Ask participants to volunteer their responses.
4. Provide the following responses from the answer key: 1-C; 2-E; 3-A; 4-D; 5-B

## Slide 36

### Conclusion

- Because a HRBA aims to promote and protect rights, reduce inequality and harness the substantive participation of those who are most affected, it is by definition sensitive to issues of culture and gender
- Understanding human rights law and the UN human rights system is essential to the implementation of a HRBA
- HRBA is normatively based on international human rights standards and operationally directed to promoting and protecting human rights

### INSTRUCTIONS:

1. Remind participants that they will have an opportunity to ask questions during the Q+A session at the end of the day.
2. Go over the 'key points' for this session. You can find these in the facilitator's manual.

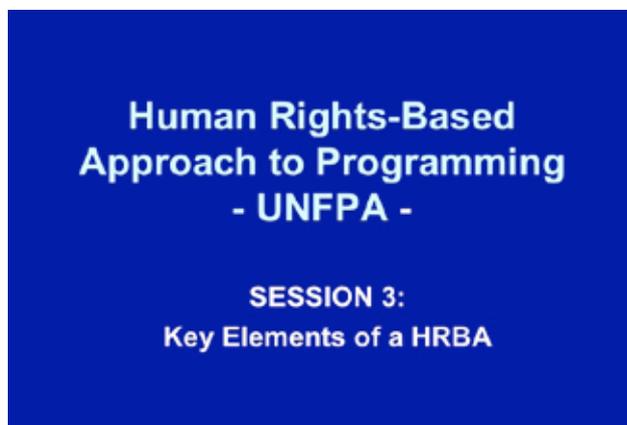
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

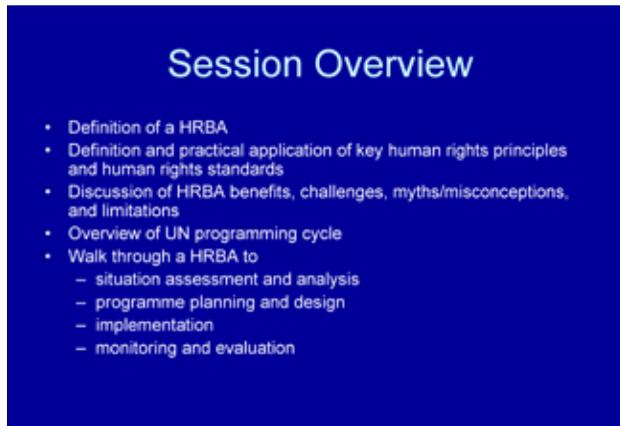
Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 3.1:

Key Elements of a HRBA



## Slide 1



**Session Overview**

- Definition of a HRBA
- Definition and practical application of key human rights principles and human rights standards
- Discussion of HRBA benefits, challenges, myths/misconceptions, and limitations
- Overview of UN programming cycle
- Walk through a HRBA to
  - situation assessment and analysis
  - programme planning and design
  - implementation
  - monitoring and evaluation

No notes for this slide.

## Slide 2



**What is a Human Rights-Based Approach?**

- Conscious and systematic integration of human rights and human rights principles in all aspects of programming work

A human rights-based approach entails consciously and systematically paying attention to human rights and rights principles in all aspects of programming work.

### Slide 3



1. Take a look at this HRBA diagram. Does it capture what you perceive a HRBA to be? How do you envision a HRBA in your work? You have a more detailed version of this in your manual on your poster diagram. In the middle, we have the critical concepts of human rights principles.
2. We can start off with the 'Situation Assessment and Analysis Stage'. Important questions: What do we need to ask to ensure a human rights-based legal and policy analysis? What do we need to ask to ensure that the process at this stage promotes the principles of: Universality, indivisibility, interdependence? Participation and inclusion? Equality and non-discrimination? Accountability and Rule of Law?
3. Next we can look at the 'Planning and Design Stage'. Again, what do we need to ask to ensure that the process at this stage promotes the principles of: Universality, indivisibility, interdependence? Participation and inclusion? Equality and non-discrimination? Accountability and Rule of Law?
4. Next is the 'Implementation Stage'. What do we need to ask to ensure that the process at this stage promotes the principles of: Universality, indivisibility, interdependence? Participation and inclusion? Equality and non-discrimination? Accountability and Rule of Law?
5. We can conclude with 'Monitoring and Evaluation'. What do we need to ask to ensure that the process at this stage promotes the principles of: Universality, indivisibility, interdependence? Participation and inclusion? Equality and non-discrimination? Accountability and Rule of Law?

## Slide 4

### A HRBA...

- Emphasizes processes and outcomes
- Draws attention to marginalized populations
- Works towards equitable service delivery
- Extends and deepens participation
- Ensures local ownership of development processes
- Strengthens accountability of all actors

1. Read though the bullet points and briefly describe each point--or ask participants to provide their opinion on each bullet point.
  - Emphasizes the processes as well as the outcomes of programming. For example, it focuses on how police officers are being trained to respond to complaints of gender-based violence, and not just what the training consists of. It asks such questions as: does the training promote non-discrimination? How was input from excluded groups part of the creation of the training curriculum for the police officers?
  - Draws attention to the most marginalized populations. For example, those living in extreme poverty, especially disadvantaged adolescents and youth, women survivors of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous peoples, women living with disabilities, refugees and internally displaced persons, women living under occupation, and ageing populations.
  - Works towards equitable service delivery. For example, UNFPA advocates for universal access to reproductive health care. Under a HRBA, you may begin by focusing on the most excluded populations, but your aim is to eventually ensure equitable access for all to reproductive health services, goods, and information.
  - Extends and deepens participation. For example, including the participation of the most excluded groups, and at all stages of the programming cycle. This might entail, for example, building the capacities of adolescents and youth so that they are capable of participating concretely in HIV prevention programmes that are targeted towards them.
  - Ensures local ownership of development processes. For example, focussing on supporting national ownership and national leadership as this is fundamental to UNFPA's strategic direction. A HRBA ensures local ownership because of its insistence on such principles as participation, inclusion and accountability, and its focus on developing the capacities of both duty-bearers and rights-holders.
  - Strengthens the accountability of all actors. For example, by insisting on a process that builds transparency and accountability into all stages of the programming cycle.
2. Remember, a HRBA does not replace your good programming practices. It just reinforces and strengthens them!

## Slide 5



1. Explain to participants that you will now take them through each step of the Common Understanding.
2. Action 2 notes:
  - In recent years, UN agencies have moved to integrate human rights to different degrees. Some agencies have adopted a HRBA fully, which requires institutional change and change in the way development work is carried out through the design of country programmes and other activities.
  - The different level of adoption and practice led to a need for a common understanding of HRBA among UN agencies and for conceptual clarity about human rights in regard to programming. The understanding reached highlights three implications of HRBA to development cooperation and programming, as follows:
    - The ultimate objective must be a greater realization of rights.
    - The process of development must be of a certain type; processes should be guided by human rights principles and standards, and this should happen for all development strategies, in all sectors and phases of the programming cycle.
    - The focus of strategies is capacity development of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations.
3. These are the three key elements of the UN Common Understanding elaborated at the Stamford meeting in 2003.
4. Each one of them will be elaborated in greater detail in the next slides.

## Slide 6

**GOAL** All programmes of development cooperation should further the realization of human rights as laid down in the UDHR and other international human rights instruments.

- The realization of human rights is the ultimate goal of all development programmes
- HRBA influences the identification of UN strategic priorities
- Programming is informed by the recommendations of international HR bodies and mechanisms

### ACTION 2 NOTES:

1. This clause answers the 'why' of development assistance in the UN
2. The Goal of Development Programmes is to Further Realization of Rights
3. A set of programme activities that only incidentally contributes to the realization of human rights does not necessarily constitute a HRBA to programming. In a HRBA, the aim of all activities is to further advance the realization of human rights. The more human rights are realized, the more positive the impact of development. At the same time, a deterioration of human rights could indicate that development strategies are failing.
4. The practical implications in programming are the following:
  - Development challenges and goals should be framed and formulated as human rights that must be respected, protected and fulfilled. For example, the objective of a programme on education would be 'to ensure universal and free primary education' instead of 'to ensure sufficient and adequate educational infrastructure'. Particular attention would therefore be required for groups whose right to education is most endangered – including girls, children in rural areas, and ethnic and racial minorities.
5. Human rights standards help to define the precise elements of the development objectives, which otherwise would be too general and open ended. For example, the objective of ensuring food security requires that food is accessible, affordable and biologically and culturally acceptable.
6. The observations and recommendations of international human rights mechanisms are now recognized as essential tools for analysis and programming, including the setting of objectives.

## Slide 7

**Programming Informed by Human Rights Mechanisms**

- TBs & SPs observations:  
Analysis of development issues from a HR lens
- TBs & SPs recommendations:  
Are tools for UN programming to address problems identified
- TBs general comments:  
Identifies the precise content of development objectives by clarifying the meaning of rights.

### ACTION 2 NOTES:

1. This slide links to the first element of the UN Common Understanding and aims to clarify the relationship between the HRBA and the use of International Human Rights law and related protection systems.
2. The observations and recommendations of Treaty Bodies (TB) and Special Procedures (SP) offer valuable references and tools for UN programming consistent with the provisions of the relevant treaties that should inform the CCA/UNDAF process, as follows:
  - **Source for country analysis:** Identifying key development issues from a human rights-based perspective.
  - **Source for programming:** In their recommendations, TB and SP outline the main actions that a government should undertake from a human rights perspective in order to overcome a development problem. UN can play a key role in assisting the government in the follow-up to the recommendation. Whenever there is an absence of knowledge or political willingness, The observations and recommendations can become an important advocacy tool in the dialogue with government partners.
3. Example from Guatemala:
4. In its concluding observations, the Committee on Economic, Social and Cultural Rights (CESCR) shows its concern about high maternal mortality rates in Guatemala. In turn, it recommends a number of actions to implement, among which is to mainstream reproductive health in school curricula.
5. The CESCR clarifies in its General Comment No. 14 on the right to health that access to health-related education and information, including sexual and reproductive health, is part of the right to health (GC14). This clarification not only provides guidance to UN agencies doing programming on sexual and reproductive health. It can also be used as an important advocacy tool with local governments and national stakeholders in moving forward the human rights and development agenda.
6. TB general recommendations clarify the meaning and the minimum normative content of a right. When this minimum content is not met, the right is not fully respected or fulfilled. In the example provided, "The Committee (CESCR) interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of

safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.” Therefore, if the lack of access to information on reproductive health results in a high maternal mortality rate, the State would be violating the right to health

## Slide 8

2. Human rights standards and principles guide all development cooperation and programming in all sectors and in all phases of the programming process.

**PROCESS**

- HR standards and principles improve the quality of outcomes and processes
- HR standards delineate the 'playing field' in which development takes place
- HR principles provide the 'playing rules' for the development process

1. The second point of the Common Understanding requires that human rights standards and principles guide all phases of programming.
2. Action 2 notes:
  - Human rights are both sectoral and instrumental. Both standards and principles improve the quality of outcomes and processes
  - Human rights principles ensure that the development process creates a favourable environment and does not harm the realization of human rights
3. Tip for presenter:
  - Standards and principles will be elaborated in greater details in next slides
  - In a HRBA, the HR principles guiding the development process are as important as the human rights standards defining the content of the development objectives. The type of process determines the final outcome and its sustainability. HRBA also has a procedural dimension. Key principles such as participation, equality and non discrimination and accountability ensure that the development and programming processes create a favourable environment for the realization of HRs.

## Slide 9



### ACTION 2 NOTES:

1. Tip to presenter:
  - The heading of this slide zooms into the second element of the UN Common Understanding
  - Programming for development practitioners is the process through which development interventions produce necessary change to achieve development goals.
  - Ensuring that principles and standards are consistently being respected throughout the programming cycle and at all level of a result chain (output, outcome and impact)
  - Non-discrimination, participation, local ownership, capacity development and accountability are essential characteristics of a high-quality process.
  - The CCA/UNDAF guidelines establish that the UN programme process has the following key steps:
    - assessment
    - analysis
    - prioritizing development challenges
    - clarifying expected results and the role of different actors
    - designing country programmes and projects
    - implementing programmes
    - monitoring and evaluation

## Human Rights Standards

<p>The <u>minimum normative content of the right</u>: The type of claims and obligations that the right implies at the <i>minimum in practice</i></p>	<p>In programming, the standards guide the:</p> <ul style="list-style-type: none"> <li>• identification of development challenges as human rights issues (assessment)</li> <li>• analysis of roles and capacities of rights-holders and duty-bearers</li> <li>• definition of development objectives</li> <li>• formulation of corresponding benchmarks and indicators</li> </ul>
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1. What does it mean to say that ‘human rights standards’ and ‘principles’ guide all aspects of programming? First, what are human rights standards? A human rights standard can be thought of as the minimum level of policy and programming activity necessary to affirm that a right is being fulfilled.
2. Human rights standards can be used, for example: 1) in a situation assessment and analysis to identify key human rights issues, such as lack of access to contraceptives for women in country X; 2) in M&E, to formulate targets and indicators that account for HR standards--for example, the number of women visiting health clinics that report their informed consent was sought appropriately (3AQ standard of acceptability)
3. Action 2 notes:
  - The international human rights instruments contain the human rights standards that constitute the minimum normative level or content of entitlements and obligations against which duty-bearers at all levels of society—but especially organs of the State—can be held accountable.
  - Articles in the treaties (e.g. rights relating to health can be found in the ICESCR, CEDAW and the CRC)
  - General comments of the UN treaty bodies (e.g. availability, accessibility and adequacy of health services, GCESCR; gender equality and women’s rights to health, GRCEDAW)
  - National legislation (such as the national constitution, laws and regulations, jurisprudence) can establish higher standards than international law
  - Example: A minimum standard is the minimum level or content necessary to be able to affirm that a right is being fulfilled. One example of minimum content: food can be available, accessible and affordable in a quantity and quality sufficient to satisfy the dietary needs of individuals. However, if the food available is not culturally acceptable (pork meat in Muslim cultures) then the right to food would be violated. (Ask participants for an example in which they think food is not culturally acceptable)
4. In the box on the right-hand side:
  - Identification of development challenges as human rights issues: In a country where 40 percent of children suffer malnutrition, the human rights standard on right to food (Article 11 of CESCRC and GC 12) tells us that food has to be available and

accessible. In fact, there are countries that face that level of chronic malnutrition, where food is available but is not accessible to half of the population due to social and economic disparities.

- Analysis of roles and capacities: The Ministry of Labour is responsible for the implementation of workers' rights, but often fails to enforce the policy on minimum wage, given strong resistance from big business interests. Workers are often afraid of reprisals if they claim their rights, given the lack of State protection against abuses by landowners. Rural women, in particular, still face discrimination in relation to wages and land ownership, and often do not even have identity documents.(excerpt from a report of the Special Rapporteur on Right to Food from a country visit in 2005).

### Slide 11

Example of Human Rights Standards...the 3AQ

- ICESCR General Comment 14 – minimum core obligations of the right to health:
  - ensuring that health facilities, goods, and services are available, accessible, acceptable and of high quality
  - ensuring reproductive, maternal (pre-natal as well as post-natal) and child health care
  - providing education and information on health problems and the methods of prevention and control
  - ensuring the 'underlying determinants of health' are met, e.g., access to clean water, food and shelter

1. Ask participants to share their views on the following: What does it mean for reproductive health services to be available? What does it mean for services to be accessible? What does it mean for services to be acceptable? What does it mean for services to be of high quality?. For Example: When supporting the implementation of a HRBA in a sexual and reproductive health programme, the key human rights standards to keep in mind are the elements of the 3AQ:
  - Availability: The national SRH programme should aim to make functioning sexual and reproductive health and health care facilities, goods and services, as well as programmes, available in sufficient quantity within the country. These goods and services include, for example, safe and potable drinking water, adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs (including antiretroviral therapy) as defined by the WHO Action Programme on Essential Drugs.
  - Accessibility: Sexual and reproductive health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:
    - Non-discrimination: sexual and reproductive health facilities, goods and ser-

vices must be accessible to all, especially the most marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

- **Physical accessibility:** sexual and reproductive health facilities, goods and services must be within safe physical reach for all sections of the population, especially marginalized groups, such as those living in extreme poverty, especially disadvantaged adolescents and youth, women survivors of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous people, women living with disabilities, refugees and internally displaced persons, women living under occupation, and ageing populations. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.
- **Economic accessibility (affordability):** sexual and reproductive health facilities, goods and services must be affordable for all. Payment for sexual and reproductive health care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
- **Information accessibility:** accessibility includes the right to seek, receive and impart information and ideas concerning sexual and reproductive health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.
- **Acceptability:** All sexual and reproductive health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as designed to respect confidentiality and improve the health status of those concerned.
- **Quality:** As well as being culturally acceptable, sexual and reproductive health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, for example, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.

## Slide 12

The 3AQ is important for UNFPA's work...

- Under the right to health, international human rights standards indicate that States are obliged to ensure that public health services, as well as medicines and health care staff:
  - are made available to all
  - are acceptable to all
  - are accessible to all
  - are high quality, where the skills of the health personnel, the medicines available and the equipment used should be of a consistent standard for all

Under the right to health, international human rights standards indicate that States are obliged to ensure that public health services, as well as medicines and health care staff:

a) Are made available to all, regardless of geographical location or economic status; b) Are acceptable to all people irrespective of culture, sex or age; c) Are accessible to all groups, be they young people, refugees, women living in poverty, etc., and respect the privacy of all individuals; d) Furthermore, the quality and the skills of the health personnel, the medicines available and the equipment used should be of a consistent standard for all communities and all individuals within those communities.

## Slide 13

Human Rights Principles

- **Universality and inalienability**
- **Indivisibility**
- **Interdependence and Interrelatedness**
- Equality and non-discrimination
- Participation and inclusion
- Accountability and Rule of Law

1. When providing technical support or policy advice, you must be guided by the human rights standards laid out in international human rights treaties (which we just discussed), and also guided by the following human rights principles:
  - **Universality and inalienability**
  - **Indivisibility**
  - **Interdependence and Interrelatedness**

- Equality and non-discrimination
  - Participation and inclusion
  - Accountability and Rule of Law
2. When addressed together, these core human rights principles ensure that programming processes create a favourable environment for the realization of human rights.
  3. Action 2 refers to the principles in green as 'content' principles; and the principles in white as 'process' principles.

#### Slide 14

**Principles of Universality and Inalienability**

**HR principle of universality requires:**  
That no one is left out or excluded from human rights

**Implications for national HR protection systems**

Public policies and programmes should have:

- disaggregated data to identify difficult cases of exclusion and marginalization
- specific strategies in response to this caseload, e.g., polio vaccination campaigns

#### ACTION 2 NOTES:

1. Question: Is the principle of universality similar to the principles of equality and non-discrimination? Answer: The principle of universality and inalienability is in essence concerned that no one is left out or excluded from HR; while the principle of equality and non-discrimination is in essence concerned with undoing the specific patterns of discrimination that have been identified by the HR treaties, in order to achieve equality for groups that are currently subjected to discrimination.
2. Universality and inalienability: Human rights are universal and inalienable. Every man, woman or child everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the UDHR, "All human beings are born free and equal in dignity and rights."
3. Application of these principles: The question to ask is whether all the people of a specific country are able to enjoy all their human rights? For example, are women and men able to enjoy their human rights on an equal basis? Are children, adolescents, minorities and other groups within the population able to enjoy their rights? By all their human rights, we are referring to those rights that have been recognized in the international human rights treaties, including the Universal Declaration of Human Rights.

4. While every human being is entitled to his or her human rights, there are groups of people who are most likely to be overlooked or marginalized, and whose rights are most in danger of being violated or remaining unfulfilled. The HRBA requires that we keep this potential negative outcome in mind. We need, therefore, to ensure that duty bearers attend not just to majorities of people—but also to the most marginalized and excluded people. And the UN's own programming must similarly ensure this outreach and inclusion. Among the groups most in danger of being left outside of human rights protection are those suffering from multiple forms of disadvantage, such as the poorest of the poor, persons with disabilities or rural ethnic minorities.
5. Universality means that all people have human rights, even if resource constraints imply prioritization. It does not mean, however, that all problems of all people must be tackled at once. So, for example, although UNFPA aims to ensure universal access to reproductive health services, the government might wish to first start off by providing services to the most excluded groups.

#### Slide 15

**Principle of Indivisibility**

- **Indivisibility:** One right cannot, ultimately, be separated from all other rights.
- **What this means:**
  - Are all rights being promoted equally? For example, are civil and political rights being promoted to the detriment of economic, social and cultural rights?

1. Indivisibility: Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
2. In applying this principle, the question to ask is whether in the specific country some rights are regarded as more important than others to the detriment of the enjoyment of others? For example, are civil and political rights respected and protected to the same degree as economic, social and cultural rights? Are rights from all treaties—such as rights to equality under CEDAW and CERD—given the same priority as the rights guaranteed by the ICCPR and ICESCR? UNFPA's advocacy efforts often emphasize the indivisibility of rights, especially as such a broad range of rights are important to advancing the ICPD agenda (e.g. social rights, including the right to education; as well as civil and political rights, including freedom of information).

**Principles of Interdependence and Interrelatedness**

HR principles of interdependence and interrelatedness require:  
Equal recognition and protection of rights

**Implications for national protection systems**

Legal frameworks:

- Should not privilege the protection of certain rights to the detriment of others

Public policies should:

- Be based on holistic analysis of development problems and provide integral and multisectoral responses

State institutions:

- Ensure inter-institutional and multisectoral coordination
- Include those institutions in charge of protection, monitoring and accountability

**ACTION 2 NOTES:**

1. Interdependence and interrelatedness: The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the rights to education, information, food, participation, etc.
2. Application of this principle: Development issues are not addressed in isolation. Rather, by recognizing the interdependence of human rights, the analysis of any situation and the strategic response become more holistic and comprehensive.
3. What this means for programming is that national programmes will have greater success if partnerships are made across sectors. For example, within a comprehensive national reproductive health programme, the Ministry of Health will partner with other relevant ministries, such as the Ministries of Education, Housing, Women's Affairs, and so on, as well as with civil society organizations. The human rights framework encourages a multisectoral approach to problem solving and development.

## Principles of Equality and Non-discrimination

Equality and Non-discrimination obliges states to:  
Eradicate legal, institutional, interpersonal and structural discrimination

**Implications for national protection systems:**

**Legal frameworks should:**

- Derogate discriminatory legislation
- Be conducive to the enjoyment of human rights by all

**Public institutions should ensure:**

- Representation of marginalized or excluded groups in the public administration and in decision-making bodies
- Public services accessible and sensitive to gender, age and cultural differences
- Appropriate judicial and administrative redress mechanisms

**Public policies should:**

- Challenge models of appropriation and concentration of resources leading to structural discrimination and exclusion
- Take affirmative steps to reduce social and economic disparities
- Promote education and public awareness

1. Ask participants: How have they tried to apply the principles of equality and non-discrimination in their own work? As you go through each of these principles, ask participants to take a look at their checklist of questions in the Manual and see the types of questions they should be asking regarding each principle at each stage of programming.
2. Action 2 notes:
  - **Equality and non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. As established by the human rights treaties and further interpreted by the human rights treaty bodies, all human beings are entitled to their human rights without discrimination of any kind on the basis of their race, colour, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status. For this reason, the advancement of the rights of both men and women on the basis of equality is an absolute requirement of international human rights law.
  - **Application of these principles:** The question to ask is, which are the sectors of society excluded or not enjoying equal status and thus deprived of exercising their human rights? Are there laws in the country that are discriminatory? Are there institutional, administrative or regulatory practices that are discriminatory against a particular group of the population? Is there a prevailing culture of 'de facto' discrimination in the society? Are national standards for positive discrimination or affirmative action recognized and applied? It is important to keep in mind that the human rights treaties have identified particular discriminated and disadvantaged groups for focused attention: women (CEDAW), children (CRC), racial and ethnic minorities (CERD), migrant workers (CMW), and persons with disabilities (CRPD).
  - **Structural discrimination:** This derives from historic processes of exclusion from access to the economic, political and institutional resources needed to live on an equal footing with the rest of the population.

What this means is that programming cannot be directed solely at those currently easy to reach, such as urban populations rather than rural, otherwise existing power imbalances will simply be exacerbated. Unintentional discrimination must also be avoided. This can happen when, for example, the public at large is invited to participate in programme design, but certain groups are precluded from participating because they live in remote areas and cannot attend the meeting. Specifically, programming may need to:

- give priority to those suffering discrimination and disadvantage in any given context, especially the those living in the most extreme poverty;
- strengthen capacities for data collection and analysis to ensure data are disaggregated as far as possible on the grounds of race, sex, geographic location, etc.;
- advocate temporary special measures to 'level the playing field' – such as affirmative action for women and special forums for participation;
- make project information available in accessible formats for persons with disabilities and in minority languages; and
- support civic education and law reform to foster non-discriminatory attitudes and a change in behaviour.

### Slide 18

**Principle of Participation**

HR principles of participation require:  
Free, active, meaningful and inclusive participation

Implications for national protection systems

Policies, processes and procedures should provide:

- Opportunities for participation in planning and development
- Access to relevant information
- Capacities to marginalized groups to formulate proposals

Institutional mechanisms should:

- Be based on democratic principles
- Not disempower existing democratic or traditional structures

Civil society should:

- Be active, independent and with capacities
- Represent the voice of marginalized and excluded groups
- Have control over decision-making processes

1. Ask participants: how have they tried to apply the principle of participation in their work? How have they ensured 'active, meaningful, and inclusive' participation? And what do they think such participation requires?
2. Remember that a culturally sensitive approach requires that you seek input from community groups, religious leaders, and others to ensure that the cultural context is properly taken into account. In this way a culturally sensitive approach and a HRBA reinforce each other.
3. Action 2 notes:
  - Participation and inclusion: Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized
  - Application of this principle: The question to ask is whether marginalized and excluded people are able to participate freely in their own development, and whether there are opportunities for participation? Do marginalized groups have access to information and the capacities to participate meaningfully and make specific pro-

posals? Are there spaces for public participation in the decision-making process? Are there parallel mechanisms disempowering that participation? Is there an active and independent civil society in the country that has the capacity to participate in such processes? Are civil society organizations representing the voice of the most marginalized and excluded? In the context of development cooperation it is necessary to ask whether the beneficiary target group is involved in the development and implementation, monitoring and evaluation of the programmes.

4. The meaning of participation is empowerment
5. A HRBA entails the free, active and meaningful involvement and participation of individuals and social groups in the development process. The meaning of participation here is in the sense of 'empowerment' of individuals and groups, which implies significant control over decision-making processes, rather than mere consultation or information sharing. Accordingly, during the assessment and in the gathering of information in the context of development programming, broad participation involving, for example, women with disabilities, indigenous women, minorities, rural communities and civil society organizations, can lead not only to valuable findings but to increased understanding by all members of society of what their roles are in claiming and fulfilling human rights. Furthermore, when there are spaces for people to examine problems together and agree on the causes, they are more likely to support the implementation of actions to resolve them.
6. The role of managing effective participation
7. Managing effective participation takes time and patience. Whether it takes place at the local project level or the national policy level, it is important to stress that the principal mechanism for participation should, as far as possible, be existing democratic structures. In some circumstances, establishing alternative framework for participation can undermine fledgling democratic structures, create unwelcome parallel systems, and prove unsustainable in the longer term. Nevertheless, in many cases, innovative arrangements may well be needed to facilitate the participation of marginalized groups.<sup>1</sup>

<sup>1</sup> World Health Organization, Human Rights, Health and Poverty Reduction Strategies, 2005, p. 29.

## Principle of Accountability

Principle of accountability requires:  
States and other duty-bearers to be answerable for  
the observance of human rights

Implications for human rights protection systems

State institutions should:

- Be provided with sufficient resources, responsibilities and independent authority to effectively monitor the government, e.g., independent human rights parliamentary bodies, national human rights institutions, judges, courts and legal counsel

State to cooperate with international human rights systems:

- Complying in a timely manner with international reporting obligations
- Inviting special procedures and providing information
- Implementing the TB and SP recommendations

1. Ask participants: how have they applied the principle of accountability in their work?
2. After defining accountability, remind participants to think about accountability as it functions on different levels. For example, there is the accountability of States to their people, the accountability of UNFPA to the communities in which it works, and so forth.
3. Action 2 notes:
  - **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.
  - **Application of these principles:** By voluntarily accepting the obligations of the international human rights instruments, and the corresponding domestic laws, the State and all its actors have a duty to respect, protect and fulfil human rights. Therefore, the question to ask is whether the relevant authorities at the State, local and community level comply with their duties? If not, what are the main obstacles? Are there mechanisms in place for those deprived of their rights and entitlements to seek appropriate redress? Is the Rule of Law respected and enforced in the country? Do the civil society organizations have the capacity to mobilize the society in monitoring and evaluating the performance of institutions and public policies?
4. Accountability requires building the capacity of duty-bearers (e.g. the government) so that systems of accountability and redress exist, as well ensuring that you and your organization are accountable to the people and governments that you serve.
5. However, for accountability to be effective, it needs to be demanded. Therefore a human rights-based approach also requires an analysis of the capacities needed for rights-holders, especially the most disadvantaged, to claim their rights effectively.

## Slide 20

3. **Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.**

**OUTCOME**

- Focus on relation of individuals-State (claims-obligations)
- Shifting development from service delivery as primary focus to building capacity to claim and fulfil human rights
- States require capacity to strengthen national protection systems and comply with their obligations

1. Now that we've finished examining point 2 of the Common Understanding integrating human rights standards and principles into all phases of programming we can move onto the third and final aspect of the Common Understanding: developing the capacities of duty-bearers to meet their obligations, and rights-holders to claim their rights.

### **ACTION 2 NOTES:**

2. Tip for presenter:
  - Issues such as the definition of duty-bearers and rights-holders, their relationship as well as capacity development are treated in the following slides.
  - The focus on state-individual stresses the need to work towards an effective and fair power equilibrium between rights- holders and duty-bearers.

## Slide 21

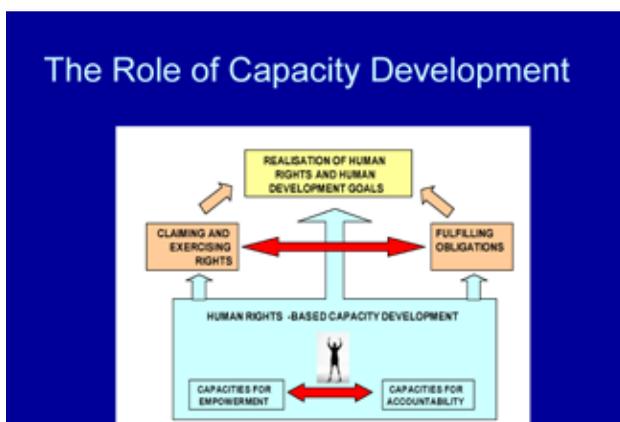
Right-holders:	Duty-bearers:
6,652,595,567 persons	Much fewer in number
<ul style="list-style-type: none"><li>• Every individual, either a man, woman or child, of any race, ethnic group or social condition</li><li>• To some extent groups</li></ul>	<ul style="list-style-type: none"><li>• Primarily States</li><li>• In some cases individuals have specific obligations</li><li>• Individuals and private entities have generic responsibilities towards the community to respect the rights of others</li></ul>

1. Turn to Module 2 for more on rights-holders and duty-bearers. Ask participants to call out some examples of rights-holders and duty-bearers in their own work.
2. Definition of rights-holders and duty-bearers for UNFPA's work: Under HR law, states have specific legal obligations. In some cases, like parents under the CRC, individuals hold legal obligations under HR law. Non-State actors, such as businesses and NGOs, have responsibilities to support and respect human rights. The term duty-bearers applies to those with human rights obligations and responsibilities.
3. Remember that duty-bearers are always defined in relation to rights-holders. Identifying relevant duty-bearers depends on which right(s) are being violated or are not being fulfilled, and who the rights-holders are in that case. For instance, if the adolescent's right to access SRH information is not being met, then the Ministry of Health and Education (State), as well as teachers who are responsible for implementing SRH curricula in schools (non-State), could be considered duty-bearers.

### ACTION 2 NOTES:

4. Rights-holders
  - Programmes contribute to develop the capacity of rights-Holders to claim their rights. Every individual is a rights-holder and entitled to the same rights without distinction. To some extent groups are also entitled to human rights. The HRBA requires that special attention be paid to supporting members of groups subjected to discrimination, or suffering from disadvantage or exclusion, to claim their rights.
5. Duty-bearers
  - Human rights obligations or responsibilities can also attach to private individuals, international organizations and other non-State actors. Parents, for example, have explicit obligations under the Convention on the Rights of the Child, and States are obliged to cooperate with each other to eliminate obstacles to development. Moreover, individuals have general responsibilities towards the community at large and, at a minimum, must respect the human rights of others.
  - However, the State remains the primary duty-bearer under international law, and cannot abrogate its duty to set in place and enforce an appropriate regulatory environment for private sector activities and responsibilities. National legislation and policies must detail how the State's human rights obligations will be discharged at national, provincial and local levels, and the extent to which individuals, companies, local government units, NGOs or other organs of society will directly shoulder responsibility for implementation.

## Slide 22



1. Here, talk about UNFPA's role in capacity development—and why UNFPA is focused on developing the capacities of rights-holders and duty-bearers. Ask participants for some examples from their own work where they have developed capacities of either duty-bearers or rights-holders.
2. When supporting national governments and civil society organizations in implementing their programmes, encourage them to begin by identifying the rights-holders (and their entitlements) and the corresponding duty-bearers (and their obligations). The national programme or policy must in some way aim to strengthen the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations. Thus, one of the main focuses of development strategies under a HRBA is capacity development.

## Slide 23



Now that we've gone step-by-step through the definition of a HRBA (the Common Understanding), let us examine the benefits of a HRBA. Ask participants: what do they think are the benefits of a HRBA? Why should we do a HRBA?

### ACTION 2 NOTES:

1. Implications and added value of HRBA
2. In the shift from theory to practice, there has been considerable debate regarding its

meaning, regarding the added value to development and particularly on how to apply a HRBA to development programming so that it can have greater impact. There are three main rationales for a HRBA: a) intrinsic; b) instrumental; and c) institutional.

### 3. a) Intrinsic rationale

- acknowledging that a HRBA is the right thing to do, morally and legally.
- the HRBA is based on universal values (freedom, equality, solidarity, etc.) reflected in human rights principles and standards that provide a common standard of achievement for all men women and children and all nations.
- the HRBA moves development action from the optional realm of benevolence (or charity) into the mandatory realm of law.
- the HRBA establishes duties and obligations and corresponding claims, and underscores the importance of establishing accountability mechanisms at all levels for duty-bearers to meet their obligations.
- the HRBA changes the concept from regarding people as passive beneficiaries of State policies to active participants in their own development and further recognizes them as rights-holders, thereby placing them at the centre of the development process.

### 4. b) Instrumental rationale

Recognizing that a HRBA leads to better and more sustainable human development outcomes, the HRBA:

- Focuses on analysing the inequalities, discriminatory practices, and unjust power relations that are the root causes of the human rights and development challenges and processes that exacerbate conflict.
- Has a special focus on groups subjected to discrimination and suffering from disadvantage and exclusion, including children, minorities and women. The twin principles of non-discrimination and equality call for a focus on gender equality and engaging with women's human rights in all development programmes.
- Emphasizes participation, particularly of discriminated and excluded groups at every stage of the programming process.
- Counts on the accountability of the State and its institutions with regard to respecting, protecting and fulfilling all the human rights of all people within their jurisdiction (although in some instances the duty of the State may extend beyond its jurisdiction, e.g. prisoners of war).
- Gives equal importance to the processes and outcomes of development, as the quality of the process affects the achievement and sustainability of outcomes.

### 5. c) Institutional value

The UN has a comparative advantage in its core mandate on peace, security, human rights and development and the values of the UN Charter. In that regard, neutrality and respect for self reliance make the UN a privileged partner to deal with sensitive issues in a holistic manner, which means that:

Development challenges are examined from a holistic lens guided by the human rights principles and taking into account the civil, political, economic, social and cultural aspects of a problem (e.g. a poverty reduction strategy is guided by the rights to education and health as well as freedom of expression and assembly and the right to information, etc.)

A HRBA lifts sectoral 'blinkers' and facilitates an integrated response to multifaceted development problems, including addressing the social, political, legal and policy frameworks that determine the relationship and capacity gaps of rights-holders and duty-bearers.

A HRBA requires using the recommendations of international human rights mechanisms in the analysis and strategic response to development problems.

A HRBA can also shape relations with partners since partnerships should be participatory, inclusive and based on mutual respect in accordance with human rights principles

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- A HRBA can also shape relations with partners since partnerships should be participatory, inclusive and based on mutual respect in accordance with human rights principles.

#### Slide 24

**Challenges Common to a HRBA**

- Time-intensive
- Working with many participants

What other challenges to HRBA have you come across in your work?

#### INSTRUCTIONS:

1. ASK PARTICIPANTS TO VOLUNTEER SOME EXAMPLES FROM THEIR OWN WORK REGARDING CHALLENGES TO HRBA.
2. ELABORATE ON SOME OF THE CHALLENGES DESCRIBED BELOW AND PROVIDE IDEAS ON HOW THEY CAN BE OVERCOME.
3. HRBAs can be time-intensive: In UNFPA's experience, supporting national implementation of a HRBA often requires devoting time to capacity-building activities for both rights-holders and duty-bearers—with capacity-building often encompassing the complex process of introducing people to the concept of human rights and helping them think about human rights in a more pragmatic manner, building people's skills

to enable them to apply human rights to their immediate goals and, finally, helping them to develop these skills.

4. Developing the ability to use human rights skills effectively in the community constitutes a continuous learning experience, and learners often benefit from ongoing support from human rights trainers and mentors as they figure out how to best use a human rights framework to accomplish their goals. For example, in a country in South Asia, UNFPA supported a programme for adolescent girls that was based on a series of two-hour courses presented five days per week for 10 weeks—for a total of 100 hours of instruction. Participants received guidance in developing their own personal 'action plans', and in forming and sustaining mutually supportive group activities that continued long after the 10-week courses ended.
5. Another UNFPA-led programme in Central Asia allotted an entire two years to all of the human rights capacity-building experiences that were thought to be necessary for local women's NGOs and local government officials to work in a genuinely equal partnership on the design of community action plans.
6. Nonetheless, although a HRBA may be time-consuming, in the long-term, as in the above examples, this will help your programme to be more effective and more sustainable.
7. Challenges of working with many participants: A HRBA's emphasis on participation at all programming stages can lead to difficulties in cases where programme participants have different views or different ideas regarding how things can be done. Participation can also be expensive to implement, especially if training is needed for certain groups to ensure that their participation is meaningful. (For example, note the problems raised by participation in the case study in Module 5). This is an expected challenge, and it is important to have someone on hand with good negotiation and consensus-building skills. Good judgement should also be used to determine those cases where decisions can be made without requiring the participation of everyone, as long as all decision-making processes are transparent and shared with the public. Unless participation is ensured, community members will not feel ownership of the project, and results may not be sustainable in the long term.

## Slide 25



**Myths/Misconceptions**

- Human rights are western and alien to many cultures....Why is this a myth?
- A HRBA is too difficult....Why is this misleading?
- A HRBA is off-putting to more traditional governments....How can we work around this?
- A HRBA overemphasizes rights and neglects responsibilities....Why is this untrue?

1. Read through the slide, and ask participants to share their opinion as to why these are myths. Turn to Module 2 for more information.

2. Human rights are western and alien to many cultures, and thus a HRBA cannot be applied in many regions of the world. As we mentioned in Module 1, human rights are universal, and the world's governments have ratified at least one major human rights treaty. UNFPA's approach consists of seeing culture as a means towards realizing human rights.
3. A HRBA is off-putting to more traditional governments. Although some conservative governments may not be friendly towards the notion of human rights, there are still ways in which you can gain their support for a HRBA. For some ideas, see the section on 'Advocating for a HRBA in Challenging Environments' in the back of the Manual.
4. A HRBA is too difficult. This is a very common myth. We have mentioned a few of the challenges that are posed by a HRBA above. All programming methods have their own challenges. However, the challenges posed by the systematic attention to human rights principles required of a HRBA are likely to be far fewer than the difficulties faced in the long-term as a result of not adopting a HRBA.
5. A HRBA overemphasizes rights and neglects the concept of responsibilities. As you will notice throughout the Manual, we consistently stress the importance of working with both rights-holders and duty-bearers. A HRBA requires you to work with both, and puts strong emphasis on the importance of accountability. Rights are important, but they come with corresponding duties and responsibilities. Individuals also have responsibilities and duties. However, the HRBA is about rights because, traditionally, human rights have not been respected, protected or fulfilled in one way or another, whereas duties are imposed.

### Slide 26

**Limitations of a HRBA**

- Lack of solid evidence to prove effectiveness
- Difficulty in measuring, with respect to the principles of:
  - universality
  - inalienability
  - indivisibility
  - interdependence
  - interrelatedness

1. Honestly discuss with participants the limitations of a HRBA. Turn to Module 2 for more information on this issue.
2. Explain that the difficulty in measuring certain human rights principles is the reason why we primarily focus on the principles of participation, equality and accountability in the checklist of questions. However, this does not mean that the other principles are unimportant! They should still be considered at each programming stage.
3. The limitations of a HRBA include the following:

- Lack of solid evidence to prove its effectiveness. Unfortunately, given the fact that a HRBA is still a relatively new way of working, confusion and lack of clarity still surround the meaning of a 'HRBA'. This has made it difficult to gather solid evidence to fully demonstrate its effectiveness. There are several possible explanations for this lack:
- Given the varied approaches towards implementation of a HRBA (see for example pull-out Information Card #1, which provides examples of different definitions of a HRBA), insufficient documentation has been gathered at this time to show evidence of what successfully integrating human rights into programming actually means;
- Many efforts to actually document the successful implementation of a HRBA have been driven by internal, organizational and donor agendas. This has led to the presentation of information in ways that have not been easily transferable or comparable, and thus difficult to assess; and
- Some organizations have adopted the language of rights to justify their work as it may be politically useful to do so, but have not actually clarified what is rights-based about their efforts. This makes it difficult to measure the success (or failure) of their implementation of a HRBA.
- In general, there has been limited operational guidance as to how human rights are best integrated into programmes. This lack of guidance has made it difficult to compare programmes against each other and gather the evidence we need in order to show the effectiveness of a HRBA.
- Difficulty in measuring: For reasons similar to those listed above, it has been difficult to measure the success of HRBAs. Indicators that can accurately measure the process of a HRBA are still being developed—and as we mentioned above, process is a core aspect of a HRBA. Positive efforts are being made to measure the level of 'meaningful participation' in a programme, and the levels of accountability. However, some human rights principles, such as 'indivisibility' or 'interdependence' are harder to measure, even in a qualitative manner. It has been difficult to show how the application of the principle of interdependence, for example, really plays out programmatically, or whether programmes that claim to adopt this principle have been more successful than programmes that have not. Out of the list of core human rights principles provided earlier, the principles of:
  - participation and inclusion,
  - equality and non-discrimination, and
  - accountability and Rule of Law,
  - have been more consistently and practically applied to the process of a HRBA, and indicators to measure the application of these principles are therefore further along in development. Action 2 refers to the above principles as 'process principles'.
- The application of the rest of the core human rights principles:
  - universality and inalienability,
  - indivisibility,
  - interdependence and interrelatedness,
  - are still proving harder to 'measure' in a practical sense. They are still important to the conceptualization of a programme, of course (a national reproductive health programme, for example, should take into account the fact that rights such as the right to education, freedom of information, right to privacy, etc, are

all rights that are interrelated to the right to health and indivisible from it—an idea that supports the importance of a multisectoral approach to programming), but the interdependence of these rights is more difficult to monitor and evaluate than the process principles noted above. Action 2 refers to these principles as ‘content principles’.

4. In the checklist of questions on your poster, the key principles listed include:
  - participation and inclusion,
  - equality and non-discrimination, and
  - accountability and Rule of Law.
  - These are the principles that we will be directly applying programmatically to each stage of a country programme.
5. Remember to balance against this list of limitations of a HRBA, the numerous benefits of a HRBA that were discussed earlier. Also keep in mind that many of these issues can be easily addressed. In your support of national programmes, encourage the continuous documentation of the benefits of implementing a HRBA in the country programme. It is important to gather ‘good practices’ on the adoption of a HRBA in UNFPA-supported programmes—this kind of documentation will help to build up the evidence base needed to show the effectiveness of a HRBA. Accurate monitoring and evaluation of both processes and outcomes is also essential (M&E and indicators are discussed later in this training). Only accurate monitoring will provide us with a true understanding of how effective a HRBA is.
6. One of the most important actions you can take while supporting national implementation of a HRBA is to carefully document the process of the programme (i.e. how the programme is being carried out), and choose human rights-based indicators that will monitor and evaluate this process.

#### Slide 27



No notes for this slide.

Slide 28



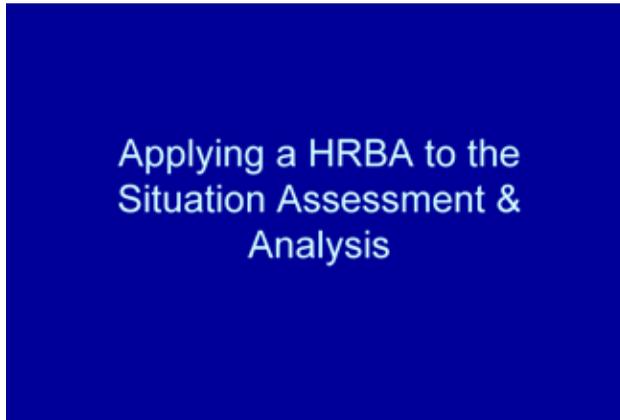
1. This slide is OPTIONAL. If trainees are not UNFPA staff members, there may be no need to show them this slide as it could be potentially confusing.
2. Use this slide to remind participants of the implications of HRBA in the UN programming process.

Slide 29



Tell participants that we will now walk through each programming stage and see how a HRBA can be implemented.

## Slide 30



No notes for this slide.

## Slide 31



1. When to begin applying the HRBA to the country programme? At the very first stages—situation assessment and analysis.
2. You'll notice that we ask you to think about both how to carry out the situation analysis, and what data to gather. Consider how crucial the quality and reliability of your data must be in order to conduct a good assessment and analysis. Good data will help you to identify the main development challenges in a country and be able to analyse in more depth the immediate, underlying and root causes of these challenges. Gaps in adequate data can help direct information gathering activities.
3. ACTION 2 NOTES:
  - Given that the HRBA should be applied in all phases of the programming process, the point of departure for the preparation of the CCA begins at the early stage, with the gathering of information for the assessment and analysis.
  - It is important to apply the human rights principles and standards in the assessment

and analysis phase, because they affect the way in which interventions are designed and implemented. For example, while low and uneven school enrolment will prompt the cooperating partners to invest in an education programme, the principle of non-discrimination will help to focus on the extent and reasons for gender and geographic disparities in enrolment, and on how to reduce them.

- The CCA and UNDAF guidelines recognize that high quality analyses of national development challenges do already exist in many countries. Where those analyses already exist, the UNCT should decide if they are sufficient. One of the fundamental minimum requirements is that existing national analyses incorporate a HRBA, by uncovering the underlying and root causes of major development challenges and unfulfilled rights. Moreover, the analyses in these reports should point out groups that are marginalized or excluded—including inequalities based on gender—and should identify those authorities and other actors that have some responsibility or duty to act.
4. In order to conduct a good situation assessment and analysis, the quality and reliability of the information it is based upon is crucial. The purpose is to have all the information that is needed to identify the main development challenges in a country. Refer to your poster for the checklist of questions to ask at the situation assessment and analysis stage.
  5. Take a look at the questions on the checklist. You will notice that there is a set of questions that pertains to each human rights principle that must be implemented. Remember, the key aspect of a HRBA is simply applying human rights principles and standards systematically to each programming stage.

### Slide 32

**HRBA to Information Gathering**

**What information:**

- Civil, cultural, economic, political and social context
- Disaggregated according to normative grounds of non-discrimination, such as sex, age, ethnicity, rural and urban, etc.

**Sources of information:**

- Rely on national information, assessments and analyses
- Variety of sources, including information from International, regional and national human rights mechanisms

**Information and analysis process:**

- Participatory, inclusive, accountable and sensitive to cultures

The first stage of the situation assessment and analysis is ‘information gathering’. What does a HRBA require you to do at this stage that is in addition to what UNFPA staff and partners already do?

#### **ACTION 2 NOTES:**

1. Tip for Presenter—The content of this slide could be addressed while explaining the inverted pyramid, thus avoiding the need to show this one

2. Gathering the Right Information
  - In order to conduct a good assessment and analysis, the quality and reliability of the information it is based upon is crucial. The purpose is to have all the information that is needed to identify the main development challenges in a country (assessment) and to be able to analyse in more depth the immediate, underlying and root causes of these development challenges.
3. What type of information is required?
  - Civil, cultural, economic, political and social context that will lead to the identification of the main development and human rights challenges in the country, their severity, the most affected and where they exist.
  - Main trends and patterns over the last years
  - Mechanisms and actions taken to address them and their effectiveness.
  - Quantitative and qualitative data.
  - Data as disaggregated as possible by sex, age, geographic area, racial, ethnicity, etc.
  - What are the main sources of information?
4. Government reports and official statistics
  - Treaty bodies and special procedures, regional and national human rights mechanisms, including national human rights institutions
  - National NGO and INGO reports
  - UN economic commissions and financial institutions (WB, IMF)
  - UN and UN agency reports, including reports from peace missions
  - Reports from other States (US State Department, EU, etc.)
  - Academic research and national and international media
  - Direct information from victims of human rights abuses
  - Other reliable sources
5. Particular attention should be paid to obtaining disaggregated data and to any existing research based on poverty hearings, poverty assessments, poverty diagnostics, unpublished reports by the ombudsperson, reflecting the situation and views of disadvantaged and marginalized population groups, including women and children, displaced persons, persons with disabilities, minorities and indigenous peoples. There may be situations in which a very small minority is being excluded from most studies and reports, because they are not regarded as important for policy makers even though their human rights are being grossly violated.



1. A HRBA asks you to gather information on the legal and policy environment that INCLUDES treaty ratifications, reservations, any useful and relevant information from concluding comments, reports of special rapporteurs, reports of national human rights commissions, and so forth. Ask participants if this is the kind of information they already routinely gather when doing situation assessments.
2. Do they typically gather information on the 3AQ?
3. An assessment of the overall country situation from a HRBA is essential for determining whether and where a development challenge exists, its intensity and who is affected. The Millennium Declaration, the MDGs, the ICPD Programme of Action, and the commitments, goals and targets of other international conferences, summits, conventions and human rights instruments of the UN system are some of the benchmarks that you can use to help a government determine whether and where major challenges exist in a country and the severity of those challenges.
4. In the checklist of questions on your poster, we emphasize the importance of gathering information on the:
  - Legal and policy framework of the country, as well as the
  - Availability, accessibility, acceptability and quality of health facilities, goods and services.
5. The latter is especially pertinent to UNFPA because of its mandate—to promote the ICPD agenda, reproductive health and rights, to prevent HIV/AIDS and to empower women and girls. All of these goals rest heavily on ensuring that States fulfil their obligations with respect to a wide range of human rights. As you saw earlier, the elements of availability, accessibility, acceptability and quality are minimum standards of the right to health care/goods/services; they are also critical components of many other rights, such as the rights to education and information.
6. Turn to your poster now and take a look at the questions we suggest should be asked when carrying out a legal and policy analysis. Have you thought about asking these questions before?

## The HRBA to Assessment

- The situation assessment involves checking that the quality of the information collected is adequate for the analysis that will be carried out. Pay attention to:
  - ensuring proper disaggregation
  - ensuring your information sources include the situation and views of disadvantaged and marginalized groups
  - ensuring the reproductive health and rights of the most excluded populations are included in the assessment
- Remember—the purpose of assessment is to identify main HR and development challenges

1. The situation assessment involves checking that the quality of the information collected is adequate for the analysis that will be carried out. When supporting a national assessment, particular attention should be paid to:
  - Ensuring that data are appropriately disaggregated.
  - Ensuring consideration of any existing research based on poverty hearings, poverty assessments, poverty diagnostics and unpublished reports by the national human rights institution that reflect the situation and views of disadvantaged and marginalized population groups. When thinking in terms of the ICPD agenda, disadvantaged and marginalized population groups might include:
    - those living in extreme poverty
    - especially disadvantaged adolescents and youth
    - women survivors of violence and abuse
    - out-of-school youth
    - women living with HIV
    - women engaged in sex work
    - women living with disabilities
    - minorities and indigenous peoples
    - refugees and internally displaced persons
    - women living under occupation
    - ageing populations
  - Ensuring that the reproductive health and human rights of the most excluded populations are included in the assessment. There may be situations in which a minority is not noted in studies and reports even though their human rights are being grossly violated, such as ethnic minorities that live in one province, nomads, or unmarried women who are mothers, etc. Supplemental information might be needed in such a case and all gaps in data should be identified that might impede data analysis and programme planning.
2. An assessment of the overall country situation from a HRBA perspective is essential for determining whether and where a development challenge exists, its intensity and who is affected. The Millennium Declaration, the MDGs, and the commitments, goals and targets of international conferences, summits, conventions and human rights instruments of the UN system are the benchmarks against which it can be determined whether and where major challenges exist in a country and their severity.

## Formulating the Development Challenge

- After the situation assessment has been carried out, make sure that you:
  - formulate your development challenge as a human rights issue
  - ensure it is people-focused

1. Selecting the Development Challenge/Human Right Unfulfilled:
  - The quality of the assessment will determine which development challenges are the priority areas that must be analysed in more depth. Consensus should be reached among all UN partners (through a broad consultation) on these priority challenges.
2. With a HRBA, it is important to:
  - Recognize each development challenge as a human right or as several human rights that are unfulfilled or violated. This first step helps to identify the human rights standards and the relevant human rights treaties that will help to guide and shape the analysis.
  - Formulate the development challenge, so it is people-focused. Ask, who is being affected?
  - Distinguish the development challenge from one of its possible causes. The central issue is how people's lives are affected and must be distinguished from the institutional capacities, economic and political trends or legal safeguards, which may be important causes of the problem.
3. Likewise, defining the development challenge as a 'lack of something' may prompt overly simplistic solutions and prevent analysis of additional factors affecting the lives and well-being of people. If, for example, 'lack of access to maternal health services' is chosen as the development challenge (instead of high maternal mortality), other contributing factors such as 'ineffective family planning policies' might not be considered in the analysis.

## HRBA to Analysis: Causal Analysis

Analysis of immediate, underlying and structural causes of development challenges identified

**Tools:**

- Problem tree analysis detects root causes of human rights problems (vertically) and the interrelatedness of rights (horizontally and vertically)

Additional optional tools for in-depth legal, policy, institutional and budget analysis

The problem tree was not born as a HRBA tool, but it can help identify main patterns of discrimination, exclusion and other root causes of problems

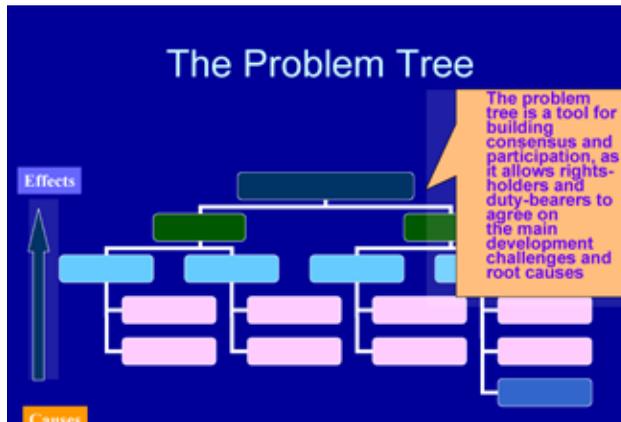
Upon concluding the assessment and determining a development challenge, the next step is to move onto the analysis.

### ACTION 2 NOTES:

1. This step analyses the immediate, underlying and structural or root causes of the development challenges previously identified. A causality analysis highlights the interrelated factors affecting the development challenge. This analysis helps to understand the levels of causality and the linkages between various causes.
2. As a general rule:
  - Immediate causes determine the current status of the problem.
  - Underlying causes are often the consequence of policies, laws and availability of resources. They may reveal related complex issues and require interventions that take significant time to obtain results (at least five years).
  - Root/structural causes reveal conditions that require long-term interventions in order to change societal attitudes and behaviour at different levels, including those at the family, community and higher decision-making level.
3. Some UNCTs may decide to use additional tools to carry out a more thorough causal analysis with a view to detecting gaps in institutions, legal and policy frameworks and enabling environments. A HRBA includes understanding how laws, social norms, traditional practices and institutional responses positively or negatively affect the enjoyment of human rights. As was pointed out in the Human Development Report 2000, “every country needs to strengthen its social arrangements for securing human freedoms—with norms, institutions, legal frameworks and an enabling environment.”<sup>1</sup>

<sup>1</sup> UNDP, Human Development Report 2000, p. 21.

## Slide 37



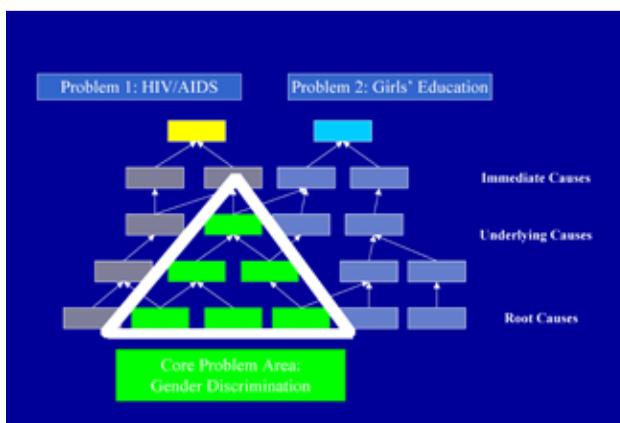
Generally, participants will be familiar with problem trees already. Here, focus especially on the ADDED VALUE of a HRBA to a causal analysis (in the Action 2 notes below).

### ACTION 2 NOTES:

1. As a general rule:
  - Immediate causes determine the current status of the problem.
  - Underlying causes are often the consequence of policies, laws and availability of resources. They may reveal related complex issues and require interventions that take significant time to obtain results (at least five years).
  - Root/structural causes reveal conditions that require long-term interventions in order to change societal attitudes and behaviour at different levels, including those at the family, community and higher decision-making level.
2. Key Question in the Causality Analysis: Why?
  - Once the development challenge is identified, the key question in the causality analysis is why it is happening to a particular sector of the population? For example, why are the girls in rural areas being denied their right to education?
3. Added value of HRBA in causal analysis:
  - It is important to consider the country context and have in-depth knowledge of its norms, institutions, legal frameworks and enabling environment.
4. Human rights standards reinforce situation analysis at three levels:
  - As a reference for identifying development challenges and gaps between international obligations and the real practice.
  - The standards attributes are a roadmap for the analysis of immediate, underlying and root causes of a development challenge
  - Defines the actual entitlements and claims of rights-holders and the extent of the duty-bearers' obligations.
5. Applying human rights principles in the causality analysis: The use of the principles is an effective way to structure the analysis and articulate the causes.
6. Analytical process: Ensure the participation of national stakeholders, including the most marginalized and excluded. Provide stakeholders with the necessary information on the CCA process and content of the exercise, including information from

international human rights mechanisms so that they can make informed decisions. If needed, strengthen some capacities to motivate meaningful participation including possible incentives to those without resources to participate. Seek the consensus of all stakeholders in the development challenges and root causes being identified. Share with all stakeholders the findings of the analysis.

### Slide 38



This kind of causal analysis can reveal multiple, intersecting failures to meet human rights obligations.

#### ACTION 2 NOTES:

- This slide shows that commonalities among underlying and root causes represent core problems. In this example, a causal analysis of HIV/AIDS suggests that gender discrimination is a fundamental issue. An analysis of girls not attending school also finds gender discrimination as an issue. This suggests to the UNCT that gender discrimination is an issue affecting the realization of several MDGs and the associated rights.

## Slide 39

### HRBA to Analysis: Role Pattern Analysis

- Rights-holders
  - who are they?
  - what are their claims?
- Duty-bearers
  - who are they?
  - what are their duties?

1. Check what the human rights standards say about their claims and duties. Check to see what is expected of rights-holders and duty-bearers in national laws, procedures and policies.
2. Try to identify the key (or primary) rights-holders and the key duty-bearers at all levels. This includes the household level (such as parents), community level (for example elders, religious leaders, teachers, health providers), local level (municipal officers, local government officials), national level (ministers, presidents) and international level (donors, international NGOs, UN agencies, and so forth). Once the duty-bearers have been identified, their specific obligations/responsibilities relevant to the analysis should be listed.
3. Because your list is bound to be rather long, we suggest you select four to five key rights-holders and duty-bearers. Among these, compare the claims of the rights-holders with the corresponding duties and obligations of the duty-bearers. Identify one or two or the most important rights/duty relationships, and focus on these when determining capacity gaps.

## Slide 40

### HRBA to Analysis: Capacity Gap Analysis

**Capacity gaps:**

- Knowledge
- Responsibility/motivation/leadership
- Authority
- Access to and control over resources
- Gaps in NHRPS

Capacity development is not only a technocratic process. It also entails political, societal, legal and institutional change

Treaty bodies and special procedures can identify capacity gaps

1. After rights-holders and duty-bearers have been determined, the next step is to assess their respective capacities by undergoing a capacity gap analysis. Attention to

human rights can really help us carry out a more effective capacity gap analysis.

2. Remember, however, that investing in capacity development will have little impact on human rights if laws, institutions and policies fail to recognize rights and establish specific roles. For example:
  - Rural reproductive health clinics have the right to receive and impart HIV prevention information to sex workers, but they may lack capacity to do so in an accurate and confidential way. UNFPA can decide to invest with local partners in developing the clinics' capacities. However, national legislation may view sex work as illegal, and sex workers may not come to counselling sessions in the fear that they might be arrested. Therefore, UNFPA may also need to promote legal reforms at a national level in addition to strengthening the capacities of local communities.

### **ACTION 2 NOTES:**

3. Capacity gap analysis
  - What capacities are lacking for the rights-holders to claim their rights?
  - What capacities are lacking for these institutions or individuals to carry out their duties as duty-bearers?
4. Capacity analysis affected by legal, policy and institutional frameworks
5. Under a HRBA, the following components are integral to capacity development:
  - Responsibility/motivation/commitment/leadership - This refers to the characteristics that duty-bearers should recognize about their roles in order to carry out their obligations. Information, education and communication strategies help to promote a sense of responsibility for realizing human rights. Ensuring pluralistic and free media, a vibrant civil society, effective oversight mechanisms and access to remedies (judicial, administrative and political level) for violations are equally vital.
  - Authority - This refers to the legitimacy of an action, when individuals or groups feel or know that they can take action. Laws, formal and informal norms and rules, tradition and culture largely determine what is or is not permissible. Accordingly, national laws and policies must be harmonized with international human rights treaty commitments and identify specific duties.
  - Access to and control over resources - Knowledge that something should and may be done is often not enough. Moreover, the poorest are seldom able to claim their rights as individuals, but need to be able to organize. 'Capacity' must therefore also include the human resources (skills, knowledge, time, commitment, etc.), economic resources and organizational resources influencing whether a rights-holder or duty-bearer can take action.

## Selecting Areas of Cooperation - Strategic Analysis

Analyze UN comparative advantages in:

<input type="checkbox"/> Direct service delivery	<input type="checkbox"/> Advocacy and social mobilization
<input type="checkbox"/> Information and awareness	<input type="checkbox"/> Training and education
<input type="checkbox"/> Monitoring and observation	<input type="checkbox"/> Policy and legal advice

Partnership analysis:

HRBA broadens the spectrum of partners, including those belonging to National HR Protection Systems

HRBA promotes a practice shift from direct service delivery to capacity development

1. We have now gone over the assessment of development challenges, including the causal analysis and the capacity gap analysis. The final thing that remains before we move onto programme design and planning is to set priorities. The findings of the analysis are used by UN agencies and national partners to identify and prioritize areas of cooperation. Although the overarching goal of UNFPA's programmes is ultimately poverty eradication and the realization of human rights, there are always a specific set of priorities that must be agreed upon before work can begin on any specific project.
2. The final step in the situation assessment and analysis is thus to select strategic areas of cooperation, based on the results of the capacity gap analysis.

### ACTION 2 NOTES:

3. Some rights-based criteria for selecting areas for intervention may include:
  - major gaps between human rights standards and practice;
  - issues of concern raised by treaty bodies or special procedures;
  - national priorities aligned with human rights standards and MDGs;
  - persistence, severity and scope of a human rights violation (e.g. domestic violence, incarceration of juveniles with adults, human trafficking, women's exclusion from political decision-making);
  - issues of concern raised by national human rights commissions or ombudsperson;
  - negative trends leading to human rights violations such as persistent growing patterns of social exclusion and discrimination of a minority group;
  - "disparities indicating unequal treatment and discrimination, and persistent exclusion from opportunities and participation."
  - opportunities for advocacy, policy and programme cooperation by development partners;
  - opportunities for multiple impacts on development challenges and human rights; and
  - opportunities to work with national human rights partners and advocates in the State and civil society.
4. Strategic interventions to close the gaps of rights-holders and duty-bearers should be identified: Experience shows that all sorts of rights-based actions identified usually fall into the following generic types of interventions (developed from a model by Urban Jonsson):

- direct delivery of services;
  - advocacy and social mobilization;
  - information and awareness;
  - training and education;
  - monitoring and observation; and
  - policy and political advice.
5. For selecting interventions, it is important to take into account which UN strategies are most effective for achieving results and at what level. Traditionally some agencies have been more active at the immediate level, thereby dealing with the symptoms of a problem rather than with the underlying or root causes. While some UN agencies may focus on strengthening capacities at the community level, others will typically concentrate their work at the national and policy level in keeping with their mandates.
  6. In addition to these interventions, a HRBA ensures a holistic and system-wide approach to development challenges, which allows other longer term interventions, such as awareness raising and policy advice, to be considered. Ultimately, the centrality of the relation between rights-holders and duty-bearers in a HRBA suggests an emerging political role for the UN as a bridge between claims and duties.
  7. Selecting partners: In a HRBA that focuses on building the capacity of rights-holders who may be difficult to reach—rural women, for example—the choice of partners to achieve results is an important consideration. In setting objectives and strategies, keep in mind that a HRBA calls for taking a holistic view and seeking partnerships that support change that may only be achieved in the long term.
  8. The level (immediate, underlying, structural) and choice of strategic interventions (policy, awareness, direct delivery, etc.) will also determine the type and nature of partnerships to be built. For example, in a protection strategy it will be important to work with and strengthen the capacity of local NGOs and national human rights institutions doing human rights monitoring in the field. If the strategy focuses on providing policy advice, it will be important to involve academic institutions familiar with budget analysis and macroeconomic issues.
  9. In conclusion, the number and nature of partners is exponentially expanded in a human rights-based programming to include the less reachable rights-holders and a broader range of duty-bearers with obligations to respect, protect and fulfil those claims. The task of fully realizing human rights is actually a very long-term project, requiring major social transformation. No individual agency's project or programme on its own will realize human rights. The UN Country Programme can only contribute to a process of social transformation.

## Slide 42

### Using ICPD Agenda to Set Priorities

- UNFPA's strength lies in highlighting the importance of priorities within the ICPD agenda, such as
  - advancing universal access to reproductive health
  - empowering women
  - increasing access to HIV prevention, etc...

When supporting national priority setting, UNFPA's strength lies in highlighting the importance of the priorities within the ICPD agenda. Priorities will always depend on the particular context of the country, and can include issues such as poverty reduction, advancing universal access to reproductive health, empowering youth (especially when it comes to reproductive rights), empowering women, increasing access to HIV prevention services, and so forth. Many of the priorities that fall under the ICPD agenda will fulfil the human rights-based criteria listed above. Priorities that seek to address persistent negative trends (such as maternal mortality rates), or persistent disparities (such as women's poverty or access to reproductive health care), would reflect a commitment to a HRBA.

## Slide 43

### Applying a HRBA to the Programme Planning and Design Stage

No notes for this slide.



1. At the programme planning and design stage, we need to ensure that a HRBA can be applied to UNFPA's 'results-based' programme planning. At the programme planning stage, we lay out the inputs, outputs, outcomes and impacts. Notice how each of these steps is guided by a human rights-based approach.
2. Provide some examples here of human rights-based inputs, outputs, outcomes, and impacts (see Module 2, as well as Modules 3-6 for ideas on examples). Ask participants to share some of their own examples if they have any.
3. Input: The financial, human and material resources used for the development intervention. As part of a HRBA it is important to ensure that these resources are sufficient for reaching the most marginalized communities, and that all human and material resources are culturally- and gender-sensitive.
4. Output: The product or service that results from the completion of activities within a development intervention. Outputs should be tangible, deliverable and sufficient to achieve the expected country programme outcomes.
5. A human rights-based output is the product or deliverable that specifically contributes to closing the capacity gaps of:
  - rights-holders to exercise and claim their rights and/or of duty-bearers to meet their corresponding obligations; and
  - legal, institutional and policy frameworks to create the appropriate environment for rights-holders and duty-bearers to perform their roles.
6. Outcome: The intended or achieved short-term and medium-term effects of an intervention's outputs, usually requiring the collective effort of partners. Outcomes represent changes in development conditions, which occur between the completion of outputs and the achievement of impact.
7. If the capacity gaps are filled in, a human rights-based outcome will be an improvement of rights-holders' and/or duty-bearers' performance, one that is closer to what is required of rights-holders to exercise and claim rights and/or of duty-bearers to meet their obligations. Outcome means positive changes in the implementation of norms and policies and improvements in institutional or individual behaviour.
8. Impact: Under a HRBA, impact means that development goals are achieved and rights are realized, which means a marked or significant improvement in the exercise of rights and in meeting the obligations to respect, protect and fulfil. It should be noted that achieving impact may require a long-term process.

**Example: A HRBA to HIV Prevention Among Young People**

- **Inputs:** sufficient resources to reach the most at risk youth (e.g. out-of-school youth)
- **Outputs:** e.g. developing training manuals for counsellors; manuals for outreach workers; training medical providers/counsellors; training peer educators, etc...
- **Outcome:** increased accessibility, acceptability, and quality of SRH services for most at-risk youth
- **Impact:** decreased new cases of HIV (or other STIs) within at-risk youth

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1. For Example: consider what you need to take into account when supporting the design of a national human rights-based HIV prevention education programme that targets most at risk youth.
  - You may start off by encouraging national inputs to include sufficient resources to reach the most at risk groups of young people (e.g. especially disadvantaged out-of-school adolescents and youth, young girls engaged in sex work, adolescents from indigenous populations, etc.). You may also support the capacity development of staff implementing the national programme, to ensure that they are youth-friendly and culture- and gender-sensitive.
  - Following this, your local partners may decide that they want programme outputs to include, for example: a 'youth-friendly HIV prevention counselling manual' for health clinic counsellors and medical providers created by the Ministry of Health; a manual for outreach workers that prepares them to reach out to at-risk youth; training for counsellors on how to use the manual and provide youth-friendly services; training for peer-educators to teach them how to encourage at-risk youth to come to clinics and get tested, as well as receive information on HIV, treatment for STI's, and so forth. (Of course there are many other outputs that are important, such as reducing stigma within the community, improving laws and policies to ensure access to HIV treatment, and ensure better education and information, etc). These outputs can be seen as human rights-based outputs, because they directly develop the capacity of duty-bearers (Ministry of Health, local health providers, counsellors, peer-educators) to fulfil their duty to adolescents and young people with respect to ensuring their right to information and right to health.
  - As for the subsequent outcomes, one possible outcome is that SRH services will be more accessible, acceptable and of higher quality for most at-risk youth. If duty-bearers (such as counsellors) provide more youth-friendly services and target their services to the needs of most at-risk youth, this will reveal an improvement in their performance. If the peer-educators do their job well and persuade more at-risk youth to attend SRH clinics regularly, this will be an improvement in rights-holders performance and behaviour. These are human rights-based outcomes. (Indicators to measure such outcomes would include, for example, number or proportion of youth tested for HIV; number of visits to clinics for counselling by young people - disaggregated to capture most at-risk youth, qualitative surveys of young people's satisfaction with health services, etc).

- In the long term, a hoped-for impact of the programme would be a decrease in the incidence (and prevalence) of HIV or other STIs among at-risk youth. This contributes towards the realization of the right to health of young people.
2. At the design stage it is important that sufficient attention be given to how a programme will be monitored and evaluated. When choosing outputs and outcomes, your local partners will also be choosing the right indicators to measure the outputs. Appropriate indicators should be decided upon and systems designed to allow for appropriate data collection. Even as these issues require attention during the programme planning stage, they are covered in further detail in the section on monitoring and evaluation below.

#### Slide 46

**At the Planning & Design Stage,  
Remember...**

- To consider and integrate the human rights principles and the elements of the 3AQ.
- Wondering how to do this? Take a look at the questions on your checklist.

1. Ensuring a human rights perspective at the programme planning and design stage means paying attention to the outcomes themselves, their impact and how these are achieved. There is often a disproportionate focus on outputs, outcomes, and impact of policies and programmes; additional attention is required with respect to the processes of how these are achieved. Process is a critical concept in the context of human rights. As one extreme example, if a country wants to reduce its Total Fertility Rate, it could introduce coercive sterilization (which would constitute a human rights violation) or it could increase the availability and accessibility of a wide range of contraceptive methods and information. Whereas the outcome would be the same, the processes here are very different; this needs to be taken into consideration to inform planning processes.
2. When you are involved in designing a programme, human rights principles must guide the whole exercise to ensure that the process contributes to the achievement and sustainability of outcomes. A HRBA draws attention at every stage to how inputs lead to outputs, outcomes and impact; the how is just as important as what is finally achieved. As a result, remember to keep asking the questions provided in the checklist.
3. Realization of Human Rights Often Requires Long Term Planning
4. Keep in mind during the design stage that the amount of time required to truly show progress in human rights terms can be long even if country programming cycles are short. Many of the types of structural, attitudinal and behavioural changes being sought by UN agencies to improve health and development outcomes take a long time. Realizing human rights frequently requires a major structural transformation that involves a significant length of time to implement including beyond a programme cycle.

## Slide 47

# Applying a HRBA to Programme Implementation

No notes for this slide.

## Slide 48

### HRBA to Implementation

- Applying a HRBA in the programme implementation phase means, once again, ensuring that human rights principles and standards are consistently being respected throughout the programming cycle.
- Turn to your checklist of questions to see what you should be asking at this stage of the programme.

1. Ask participants to think about: How to implement a programme while ensuring participation of all marginalized groups? How to implement a programme while ensuring equality and non-discrimination? Provide some examples from the Manual—especially examples from the case studies in Modules 4 or 5, and ask participants to share their own examples.
2. Applying a HRBA in the programme implementation stage means, once again, ensuring that the human rights principles and standards are consistently being respected throughout the programming cycle. Universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and Rule of Law are essential characteristics of a high quality process.
3. Ensuring a HRBA at the implementation stage means carefully following the human rights-based plans and processes outlined in the design stage. This could include, for

example, enabling the participation of all relevant stakeholders at project meetings even if it may be difficult to ensure that some 'hard-to-reach' groups can attend.

4. It could also entail being transparent in how beneficiaries are selected, e.g. involving the community in this process, ensuring an appropriate gender balance, and focusing on the most marginalized groups (with due attention to protecting these groups from potential stigma and discrimination).
5. For a national programme to be effectively implemented, negotiation will have to occur with a multitude of actors. A HRBA emphasizes multisectoral problem-solving and collaboration with various sectors of the government, civil society, and UN agencies because of its emphasis on the universality, indivisibility, and interdependence of human rights. Many sectors of the government should be involved when realizing human rights because they all have a part to play.
6. Having to negotiate with so many stakeholders can be difficult. You might come across government officials who are resistant to human rights, or resistant to the sensitive issues that fall within the ICPD agenda. Such resistance could negatively impact the implementation of a national HIV prevention or SRH programme. To overcome these obstacles, it is essential to be respectful, and to become familiar with the local culture and politics. You might wish to turn to religious leaders, elders, and others to gain the support of the community and the people. Abide by the tenets of UNFPA's 'culture lens', which was presented earlier. If the language of human rights causes resistance, choose alternative ways of phrasing things without changing the content of what is needed to achieve ICPD goals. For example, base what you say on evidence (i.e. use 'rates' instead of rights); talk to ministry officials about maternal mortality ratios, teen pregnancy rates, or school enrolment ratios instead of the rights to contraception and education. Stick to the statistics, and make sure the data you have are accurate. Be correct in your conversation, but ensure that a HRBA has shaped your approach to the discussion. (Turn to the back of the Manual for the pull-out Information Card on 'Advocacy in Challenging Contexts' for more tips on how to promote a HRBA in resistant environments).
7. Let participants know that applying a HRBA to the monitoring and evaluation stage will be covered in the next session.

## Slide 49

### HRBA to Implementation: Equality & Non-discrimination

- During implementation, priority must be given to the most marginalized groups.
- Remember that even within marginalized groups, some may have more power than others. It is important to continuously assess whether inequalities exist at the implementation stage.

1. While development programmes cannot reach everybody at once, priority must be given to the most marginalized. There is also a need to assess whether inequalities exist during the implementation stage. Power inequalities may result in some stakeholders having a disproportionate share of programme benefits/outputs (e.g. influence in decisions, access to information and training, staff selection, salaries, etc.).
2. Take a look at the questions in the checklist that address non-discrimination at the programme implementation stage. They will help you understand the issues you should be thinking about at this stage.

## Slide 50

### HRBA to Implementation: Participation

- How are disadvantaged groups meaningfully participating in the implementation of the programme?
- What kind of capacity development needs to happen first to ensure that these groups can meaningfully participate?

1. Participation of disadvantaged groups is frequently limited to surveys and other means of information gathering; actual involvement in decision-making process is less common. Processes and benefits of development often go to national and local elites and to those who are the easiest to reach, such as urban populations, rather than people living in poverty in remote areas. This occurs when the public is invited to participate in programme design, but certain groups are excluded because they are located in remote areas, or project information is not available in accessible formats or in the minority language.
2. Take a look at the questions in your checklist that address participation and inclusion at the programme implementation stage. They will help you understand the issues you should be thinking about at this stage.

## Slide 51

### HRBA to Implementation: Accountability

- How are you establishing clear roles and responsibilities in the implementation of your programme?
- How are you sharing information with the public?
- What complaint mechanisms are in place for individuals affected by the programme?

1. In regard to programme implementation it is necessary to establish transparent and accessible accountability systems at various levels. As we mentioned earlier, accountability systems require:
  - clear roles and responsibilities;
  - transparent decision-making processes and decision criteria;
  - access to information; and
  - effective mechanisms to demand accountability.
2. During the implementation of a national programme, therefore, it will be important to lay down clear roles and responsibilities, and make these accessible to the public. Records must be kept of how decisions are made as implementation progresses—and again, these decision-making processes should be made publicly available. All of this helps to promote transparency and accountability.

## Slide 52

### Conclusion

- Remember that a HRBA requires:
  - consistent and systematic integration of key human rights principles and standards into all stages of a programme
  - focus on rights, not needs
  - focus on process and outcomes
  - attention to marginalized groups
  - attention to culture and gender

No notes for this slide.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

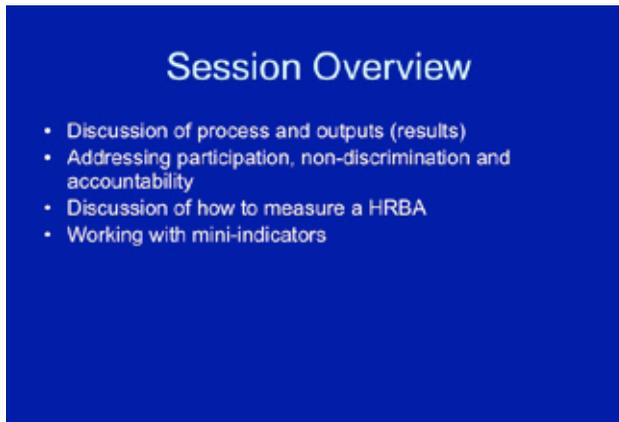
### POWERPOINT SESSION 3.2:

Applying a HRBA to Monitoring and Evaluation

**Human Rights-Based  
Approach to Programming  
- UNFPA -**

**SESSION 3:  
Applying a HRBA to Monitoring and  
Evaluation**

## Slide 1

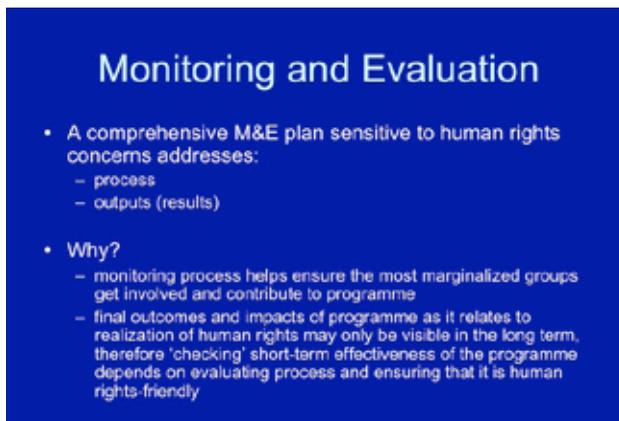


**Session Overview**

- Discussion of process and outputs (results)
- Addressing participation, non-discrimination and accountability
- Discussion of how to measure a HRBA
- Working with mini-indicators

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## Slide 2



**Monitoring and Evaluation**

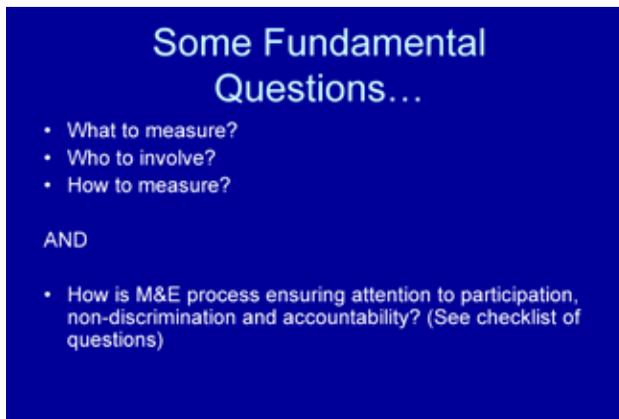
- A comprehensive M&E plan sensitive to human rights concerns addresses:
  - process
  - outputs (results)
- Why?
  - monitoring process helps ensure the most marginalized groups get involved and contribute to programme
  - final outcomes and impacts of programme as it relates to realization of human rights may only be visible in the long term, therefore 'checking' short-term effectiveness of the programme depends on evaluating process and ensuring that it is human rights-friendly

1. Monitoring and evaluation of activities are essential for tracking whether activities are being carried out as planned and whether they are having the anticipated impact. A coherent and coordinated monitoring and evaluation system can ensure that:
  - relevant, timely and accurate data are made available to programme leaders and managers at each level of the programme;
  - selected quality data are reported to national programme leaders; and
  - the national programme is able to meet donor and international reporting requirements.
2. A comprehensive monitoring and evaluation plan sensitive to human rights concerns will address process, outcome and impact data as a means of assessing programme progress and effectiveness. A human rights-based monitoring and evaluation plan will also be culturally sensitive, because it requires some introspection on your part as to how and why you are supporting this national programme and whether it is

an appropriate programme for the context in which you are working. Continuous monitoring and evaluation can help you determine if the programme is taking on the cultural nuances that may be necessary in order to ensure success in the long term.

3. Why does a HRBA focus so much on process?
  - because it helps to ensure that the most marginalized people are getting involved and contributing to the programme;
  - because in development, the effectiveness of a programme is seen not only in its outputs, but also in its processes;
  - because the final outcomes of a programme as it relates to realization of human rights may only be visible in the long term, a good way of checking the effectiveness of the programme is to ensure the process is human rights-friendly.

### Slide 3



1. A M&E system can be designed around a number of fundamental questions:
  - What to measure?
  - How to measure?
  - Who to involve?
2. As a UNFPA staff member you are probably already aware of UNFPA's Programming Guidelines found in The Programme Manager's Planning, Monitoring, and Evaluation Toolkit (<http://www.unfpa.org/monitoring/toolkit.htm>). The guidelines in this Manual are not intended to replace any of your current M&E guidelines, but just to point out the added importance of applying human rights principles to your M&E methodology.

#### Slide 4

What to Measure?

- Ideally:
  - Programme process
  - Outputs
  - Outcomes and impacts (where feasible/ possible, although these are harder to measure)

A HRBA gives importance not only to the intended results of a programme, but also to the processes by which the programme is implemented. Therefore, a HRBA and RBM call for monitoring the implementation process as well as the outputs. Ideally, a HRBA should be implemented when measuring outcomes and impacts as well - although understandably, these are much harder to measure.

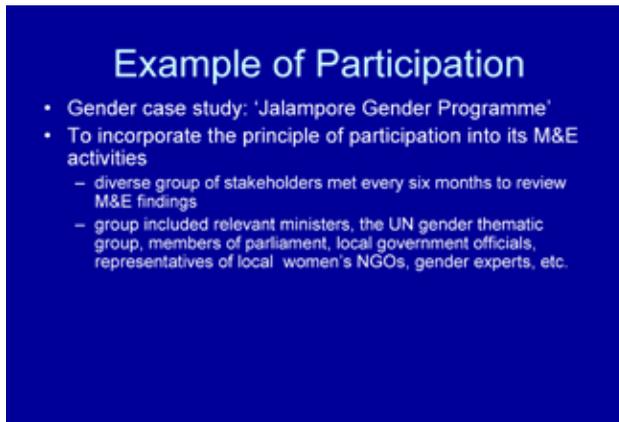
#### Slide 5

Who to Involve?

- Another way of thinking about how to apply principles of 'participation and inclusion' to M&E process
- A HRBA calls for ensuring that both rights-holders and duty-bearers are involved in M&E, as well as individuals or groups, such as NGOs, who are external to the project and can give an objective perspective

1. Who to involve?
2. This refers to the principle of participation. A HRBA calls for ensuring that both rights-holders and duty-bearers are involved in monitoring and evaluation, as well as individuals or groups, such as NGOs, who are external to the project and can give an objective perspective. Reaching disadvantaged groups may require partnering with local groups or adopting specific techniques for reaching the marginalized and excluded. All of these stakeholders should be actively involved in the processes of monitoring and evaluation; they should also be part of workshops where the findings of such work are disseminated.

## Slide 6



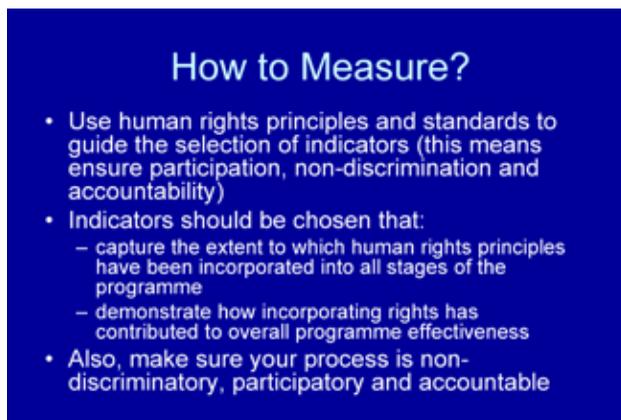
**Example of Participation**

- Gender case study: 'Jalampore Gender Programme'
- To incorporate the principle of participation into its M&E activities
  - diverse group of stakeholders met every six months to review M&E findings
  - group included relevant ministers, the UN gender thematic group, members of parliament, local government officials, representatives of local women's NGOs, gender experts, etc.

### For example:

- In the gender case study, we describe the 'Jalampore Gender Programme'.
- As part of the attempt to incorporate the principle of participation into its M&E activities, a diverse group of stakeholders met every six months to review M&E findings. This group included relevant ministers, the UN gender thematic group, members of parliament, local government officials, representatives of local women's NGOs, gender experts, etc.

## Slide 7



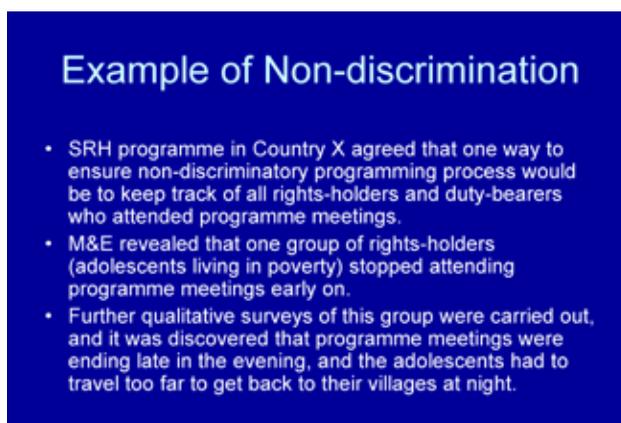
**How to Measure?**

- Use human rights principles and standards to guide the selection of indicators (this means ensure participation, non-discrimination and accountability)
- Indicators should be chosen that:
  - capture the extent to which human rights principles have been incorporated into all stages of the programme
  - demonstrate how incorporating rights has contributed to overall programme effectiveness
- Also, make sure your process is non-discriminatory, participatory and accountable

1. The best indicators are those that are clear and simple. Examples of UNFPA indicators include some of the MDG indicators, such as ratios of girls to boys in primary, secondary and tertiary education; maternal mortality ratio; contraceptive prevalence rate; HIV prevalence rate; and so forth. Other UNFPA indicators, such as those used in programmes focusing on maternal mortality, include: proportion of all births in basic and comprehensive emergency obstetric care facilities; Caesarean sections as a proportion (%) of all births; obstetric case fatality rate; and amount of basic and comprehensive emergency obstetric care facilities available per population, etc.

2. Indicators should be chosen that capture the extent to which human rights have been incorporated into all stages of the programme (from the situation assessment and analysis to the monitoring and evaluation), and demonstrate how incorporating rights has contributed to overall programme effectiveness.
3. However, you must also ensure that your process of monitoring and evaluation is participatory, non-discriminatory, and open and transparent for the purposes of accountability.

### Slide 8

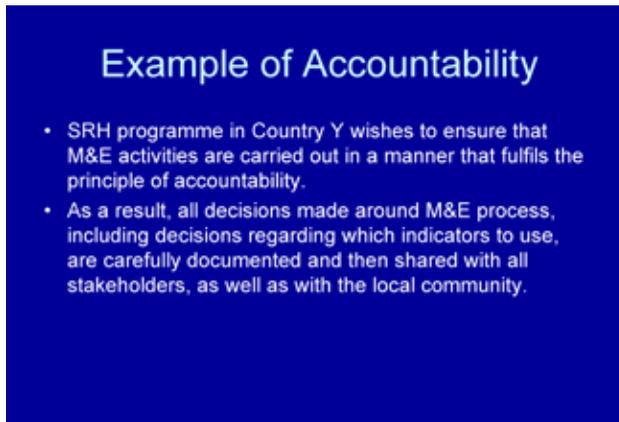


**Example of Non-discrimination**

- SRH programme in Country X agreed that one way to ensure non-discriminatory programming process would be to keep track of all rights-holders and duty-bearers who attended programme meetings.
- M&E revealed that one group of rights-holders (adolescents living in poverty) stopped attending programme meetings early on.
- Further qualitative surveys of this group were carried out, and it was discovered that programme meetings were ending late in the evening, and the adolescents had to travel too far to get back to their villages at night.

1. A SRH programme in Country X agreed that one of the ways it would ensure a non-discriminatory programming process would be by keeping track of all the rights-holders and duty-bearers who attended programme meetings.
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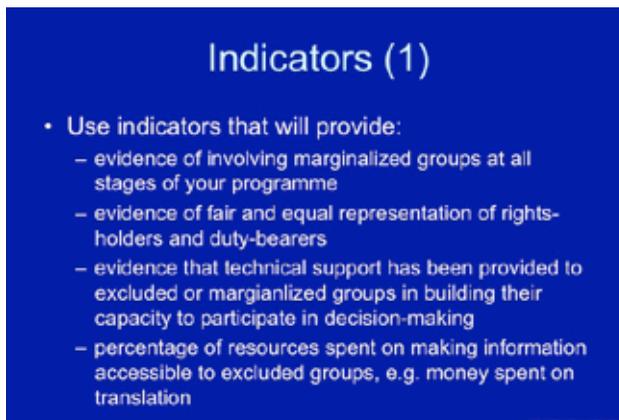


**Example of Accountability**

- SRH programme in Country Y wishes to ensure that M&E activities are carried out in a manner that fulfils the principle of accountability.
- As a result, all decisions made around M&E process, including decisions regarding which indicators to use, are carefully documented and then shared with all stakeholders, as well as with the local community.

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## Slide 10



**Indicators (1)**

- Use indicators that will provide:
  - evidence of involving marginalized groups at all stages of your programme
  - evidence of fair and equal representation of rights-holders and duty-bearers
  - evidence that technical support has been provided to excluded or marginalized groups in building their capacity to participate in decision-making
  - percentage of resources spent on making information accessible to excluded groups, e.g. money spent on translation

1. Human rights principles and standards should guide the selection of indicators. Both quantitative and qualitative indicators should be set to monitor the realization of human rights through development programmes. Indicator selection and monitoring should be participatory, allowing stakeholders to assess progress.
2. In order to capture the extent to which human rights principles have been incorporated into all stages of the programme, use indicators that will capture:
  - evidence of involving marginalized groups at all stages of your programme;;
  - evidence of fair and equal representation of rights-holders and duty-bearers;
  - evidence that technical support has been provided to women (and other excluded groups) in building their capacity to participate in decision-making; and
  - percentage of resources spent on making information accessible to excluded groups, e.g. money spent on translation.

## Slide 11

### Indicators (2)

- In order to demonstrate how incorporating rights has contributed to overall programme effectiveness, use indicators that will capture:
  - evidence of strengthened capacities of rights-holders to claim their rights, and evidence of them actually claiming their rights
  - evidence of strengthened capacities of duty-bearers to fulfil their duties, as well as evidence of them actually fulfilling their duties

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## Slide 12

### Example (1)

- UNFPA is supporting a programme in Country A that aims to combat violence against women
- One indicator used for M&E purposes is the number of gender-sensitive training programmes that have been carried out for police officers

This is not a bad indicator. Adding a human rights-based approach does not necessarily require you to change or get rid of this indicator. Instead, it asks you to 'strengthen' or 'tweak' the indicator to reflect more human rights principles.

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### Example (2)

- One way to capture more human rights elements is to 'disaggregate' the indicator and include information, such as:
  - percentage of gender-sensitive training programmes that were carried out in poor, rural police stations
  - percentage that were carried out in minority languages
  - qualitative feedback from police officers as to the quality of these training programmes

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## Slide 14

### Example (3)

- Instead of counting how many police units introduced new 'gender-sensitive protocols' to respond to violence against women, gather evidence that shows duty-bearers can continue to provide gender-responsive services to women.
  - How many police units implemented action plan to continuously train new recruits in gender-sensitive protocols?
  - What action plan does government have to prove it will continue making resources available to police units for purpose of promoting gender sensitivity?

Instead of just counting how many police units have introduced new 'gender-sensitive protocols' to respond to violence against women, gather evidence that shows that duty-bearers can continue to provide gender-responsive services to women. For instance, how many police units have implemented an action plan to continuously train new recruits in gender-sensitive protocols? What action plan does the government have in place to prove that it will continue making resources available to police units for the purpose of promoting gender sensitivity?

## Example (4)

- Indicator: Total change in the number of survivors of violence receiving gender-sensitive support services
  - Disaggregate data!
  - Examine proportion of women who access the police and receive gender-sensitive services and are:
    - living in poverty?
    - migrants?
    - minorities?
  - What is the quality of the gender-sensitive support being provided? Is it acceptable to women?

1. Instead of looking at the total change in the number of survivors of violence receiving gender-sensitive support services:
  - Disaggregate data.
  - Examine proportion of women who access the police and receive gender-sensitive services and are:
    - Living in poverty?
    - Migrants?
    - Minorities?
  - What is the quality of the gender-sensitive support being provided? Is it acceptable to women?

## Mini-Indicators Exercise

- Consider the following indicators for a UNFPA maternal mortality intervention:
  - contraceptive prevalence rate
  - proportion of all births attended by skilled birth attendants
  - met need for emergency obstetric care
- Which human rights principles and standards are reflected in these indicators (if any)?
- Which human rights principles and standards should be reflected in these indicators, but are not?

### INSTRUCTIONS:

- Give two minutes to consider
  - Solicit examples.
1. For example, doesn't it make sense that the human rights standards of availability, accessibility, acceptability and quality should be reflected in these indicators? Otherwise, we don't know 'how' contraceptive prevalence rate has changed. A higher contraceptive prevalence may indicate an increase in forced sterilization, for example.
  2. What about the principles of equality or non-discrimination? How do we know whether the proportion of births attended by skilled birth attendants is including the most marginalized groups in the country? And so on...

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### Mini-Indicators Exercise

- M&E results reveal that in Country X:
  - contraceptive prevalence rate has increased
  - proportion of all births attended by skilled birth attendants has increased
  - met need for emergency obstetric care has increased
- What additional indicators, focusing on process, might be relevant to understanding these outcomes?
- What human rights principles are relevant and should be reflected in these process indicators?

#### INSTRUCTIONS:

- Give two minutes to consider
- Solicit examples.

May want qualitative indicators: we don't know if the skilled birth attendants are culturally acceptable in different populations, for example. We want to know how emergency obstetric care has increased. Is it because the city centers got better qualified physicians? Which groups participated in the programmes that led to these changes? Who is being left out? And so on...

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### Conclusion

- Use human rights principles and standards to guide the selection of indicators (this means ensure participation, non-discrimination and accountability)
- Indicators should be chosen that:
  - capture the extent to which human rights principles have been incorporated into all stages of the programme
  - demonstrate how incorporating rights has contributed to overall programme effectiveness

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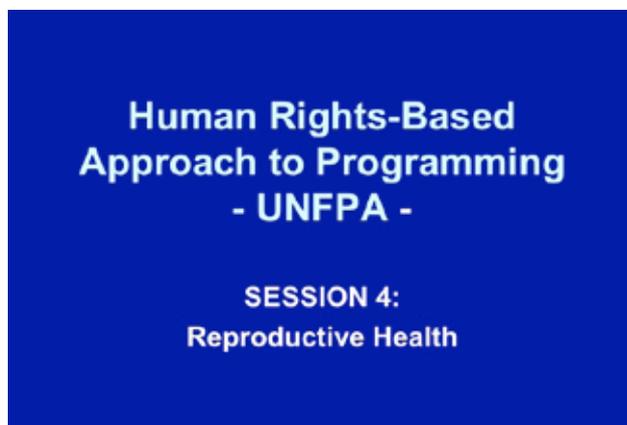
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

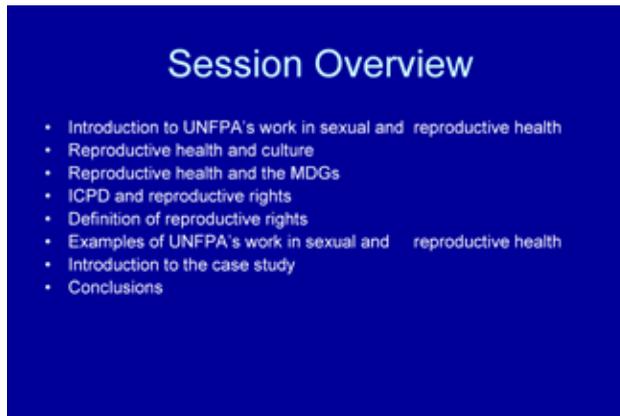
Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 4:

Reproductive Health



## Slide 1

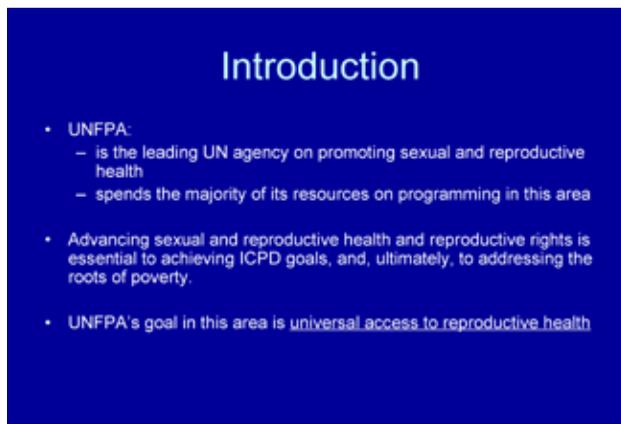


**Session Overview**

- Introduction to UNFPA's work in sexual and reproductive health
- Reproductive health and culture
- Reproductive health and the MDGs
- ICPD and reproductive rights
- Definition of reproductive rights
- Examples of UNFPA's work in sexual and reproductive health
- Introduction to the case study
- Conclusions

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## Slide 2



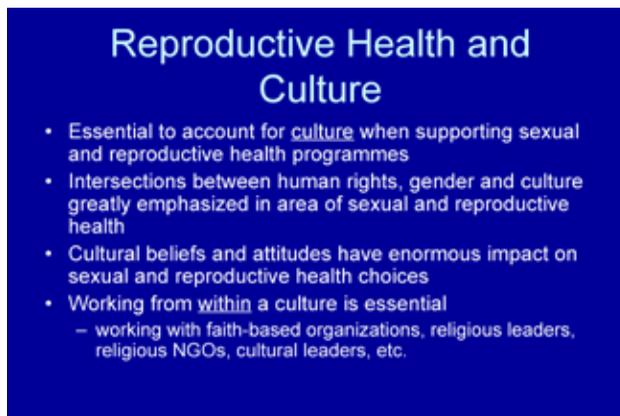
**Introduction**

- UNFPA:
  - is the leading UN agency on promoting sexual and reproductive health
  - spends the majority of its resources on programming in this area
- Advancing sexual and reproductive health and reproductive rights is essential to achieving ICPD goals, and, ultimately, to addressing the roots of poverty.
- UNFPA's goal in this area is universal access to reproductive health

1. UNFPA is the leading UN agency on promoting sexual and reproductive health, and spends the bulk of its resources on programming in this area. Advancing sexual and reproductive health and reproductive rights is essential to achieving ICPD goals, and, ultimately, to addressing the roots of poverty.
2. UNFPA's activities in sexual and reproductive health deal with a number of sensitive issues (such as the contraceptive needs of adolescents and young people). Nonetheless, over the past few years, governments have made a number of powerful commitments that promote the fulfilment of sexual and reproductive health:
  - Most of the world's governments have ratified the ICCPR, ICESCR, and CEDAW – all treaties that support sexual and reproductive health and reproductive rights (see the definition of 'reproductive rights' below).
  - In 1994, the world's governments made a commitment at ICPD to advance women's and men's sexual and reproductive health and reproductive rights.

- In addition, the importance of sexual and reproductive health to achieve the MDGs was recognized at the 2005 World Summit with the addition of a new target on universal access to sexual and reproductive health by 2015 under MDG 5 (improve maternal health).

### Slide 3

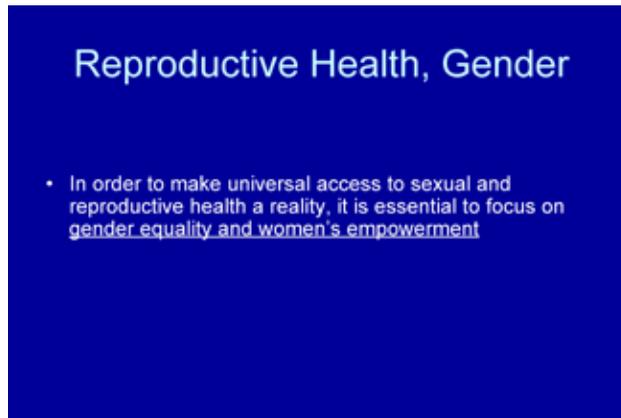


**Reproductive Health and Culture**

- Essential to account for culture when supporting sexual and reproductive health programmes
- Intersections between human rights, gender and culture greatly emphasized in area of sexual and reproductive health
- Cultural beliefs and attitudes have enormous impact on sexual and reproductive health choices
- Working from within a culture is essential
  - working with faith-based organizations, religious leaders, religious NGOs, cultural leaders, etc.

1. ASK PARTICIPANTS to share examples of the links between reproductive health and culture from their own work.
2. The intersections between human rights, gender and culture are greatly emphasized in the area of sexual and reproductive health, where cultural beliefs and attitudes often have an enormous impact on an individual's sexual and reproductive health choices. Working from within a culture (for example, by working with faith-based organizations, religious leaders, religious NGOs, cultural leaders, etc.) is essential to attaining sexual and reproductive health for all.

#### Slide 4



Reproductive Health, Gender

- In order to make universal access to sexual and reproductive health a reality, it is essential to focus on gender equality and women's empowerment

In order to make universal access to sexual and reproductive health a reality, it is essential to focus on gender equality and women's empowerment. Gender equality is a cross-cutting theme in all sexual and reproductive health programmes, especially as a critical gap remains in the area of sexual and reproductive health and reproductive rights when it comes to fulfilling gender equality. Many governments around the world have shown their commitment to gender equality by ratifying CEDAW. This means they are legally bound to promote women's human rights. Gender mainstreaming has become an essential part of UN country programmes, and many governments are integrating gender budgeting into their national strategic plans, including their poverty reduction strategies. This focus on gender equality helps to create an enabling environment for the achievement of universal access to sexual and reproductive health.

#### Slide 5



Reproductive Health and the MDGs

- Importance of reproductive health for achieving the MDGs recognized at the 2005 World Summit with the addition of a new target on universal access to reproductive health by 2015 under MDG 5 (improve maternal health)

1. At the 2005 World Summit, world leaders have committed themselves to “achieve universal access to reproductive health by 2015, as set out at the International Conference on Population and Development, integrating this goal in strategies to attain the internationally agreed development goals, including those contained in the Millennium Declaration, aimed at reducing maternal mortality, improving maternal health, reducing child mortality, promoting gender equality, combating HIV/AIDS and eradicating poverty.”

2. Leaders also agreed to ensure equal access to reproductive health as a means to promote gender equality and eliminate pervasive discrimination.
3. Message of the ED of 10 April 2008:
  - “In terms of increased health spending, our challenge is to continue strong advocacy and policy dialogue to increase and improve funding for sexual and reproductive health. In terms of health partnerships, we need to continue to be active and trusted partners who make a contribution that others value in terms of our technical expertise, clarity and ability to mobilize and leverage resources and engagement. “
  - “Clearly the work on strengthening health systems is a priority for our collaboration. It is now much more widely understood that the marker of a health system’s strength is maternal mortality. A functioning health system is a system that can deliver to women when women are ready to deliver. Some have interpreted that the new impetus behind strengthening health systems will mean a shift in funding towards investing in health systems as a whole at the expense of the better funded individual disease-focused programmes.

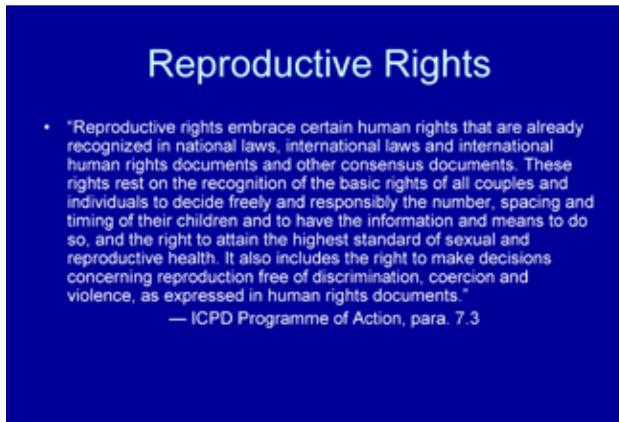
[...T]his impetus is an opportunity to improve health outcomes, including sexual and reproductive health. We must keep the attention on what is important – helping countries rapidly scale up health interventions to reach poor people. We will continue to support country led processes that align stakeholders with national health and AIDS policies, plans, budgets, and national monitoring and evaluation systems.”

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**ICPD & Reproductive Rights**

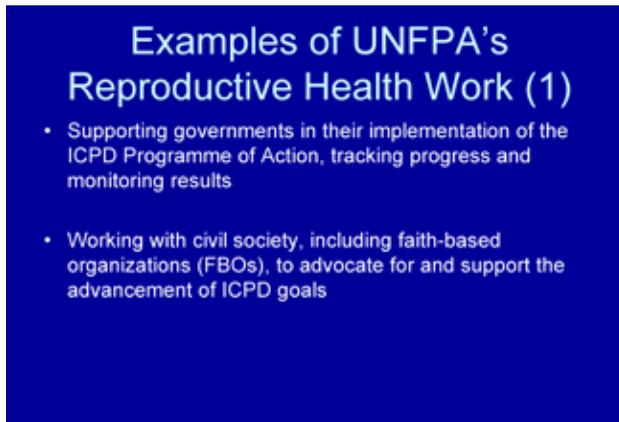
- ICPD Programme of Action articulated and affirmed idea that reproductive rights embrace rights established in national laws and earlier international human rights documents and other consensus documents

Although ‘reproductive rights’ are not specifically stated in international human rights documents, the ICPD Programme of Action articulated and affirmed the idea that reproductive rights embrace rights that have been established in national laws and earlier international human rights documents and other consensus documents.



1. As can be seen from the quote above, UNFPA's work in sexual and reproductive health and reproductive rights is inextricably tied to the promotion and protection of many other human rights. SRH and RR therefore, more than anything else, highlight the indivisibility, interdependence and interrelatedness of human rights.
2. Question to the participants: Could you give examples of other related human rights and briefly explain why?
3. Reproductive rights are not new rights. They relate to an individual woman's or man's ability to control and make decisions about her or his life/her or his body, which will impact on her or his sexual and reproductive health.
4. ICPD did not create new rights: the constellations of rights that together make up what we call reproductive rights have been identified from within the existing human rights instruments.
5. Reproductive rights mean considering other human rights recognized in other human rights instruments. For example, maternal mortality can be caused by violation of the rights to education, to information, to be free from harmful practices and violence, to health, to social services, and so on.

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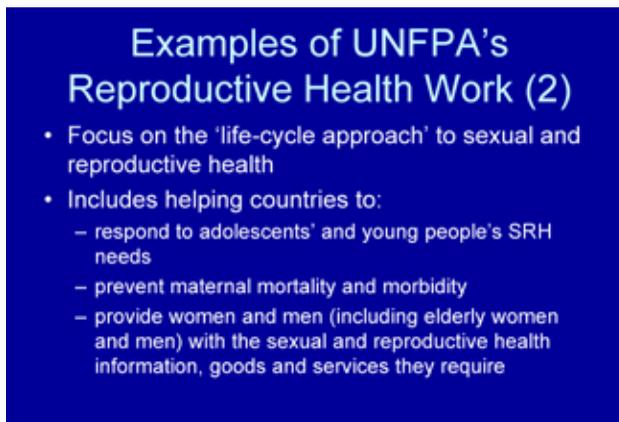


**Examples of UNFPA's Reproductive Health Work (1)**

- Supporting governments in their implementation of the ICPD Programme of Action, tracking progress and monitoring results
- Working with civil society, including faith-based organizations (FBOs), to advocate for and support the advancement of ICPD goals

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## Slide 9



**Examples of UNFPA's Reproductive Health Work (2)**

- Focus on the 'life-cycle approach' to sexual and reproductive health
- Includes helping countries to:
  - respond to adolescents' and young people's SRH needs
  - prevent maternal mortality and morbidity
  - provide women and men (including elderly women and men) with the sexual and reproductive health information, goods and services they require

1. Focuses on the 'life-cycle approach' to sexual and reproductive health, which includes helping countries to respond to adolescents' and young people's SRH needs; prevent maternal mortality and morbidity; and provide women and men (including elderly women and men) with the sexual and reproductive health information, goods and services they require.
2. This approach implies that programmes should respond to adolescents' and young people's SRH particular needs; support prevention of maternal mortality and morbidity; in general, assist governments to provide women and men (including elderly women and men) with the sexual and reproductive health information, commodities and services they require, according to their age needs.

## Slide 10

**Examples of UNFPA's Reproductive Health Work (3)**

- Invests in addressing cross-thematic and intersecting areas of:
  - population, poverty and development
  - reproductive rights, including HIV/AIDS
  - issues of gender equality and women's empowerment within poverty reduction strategies
- UNFPA is designated **lead** agency for provision of:
  - HIV prevention-related information and education
  - condom programming
  - HIV prevention for young people outside schools
  - prevention efforts targeting excluded groups, which includes leading the UN response in the area of sex work (UNAIDS Division of Labour)

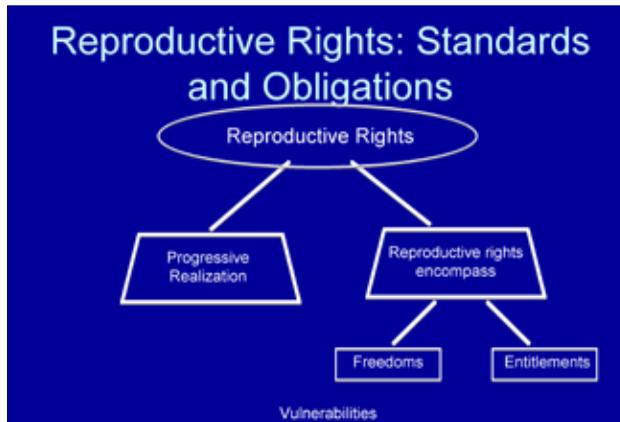
1. Invests in addressing the cross-thematic and intersecting areas of population, poverty and development, reproductive rights including HIV/AIDS, and issues of gender equality and women's empowerment within poverty reduction strategies.
2. According to the UNAIDS Division of Labour, UNFPA is the designated lead agency for the provision of HIV prevention-related information and education, condom programming, HIV prevention for young people outside schools, and prevention efforts targeting excluded groups, which includes leading the UN response in the area of sex work.

## Slide 11

**Examples of UNFPA's Reproductive Health Work (4)**

- **Lead agency** for providing sexual and reproductive health services in emergency response

**ASK PARTICIPANTS: Can you mention any other examples?**



1. Although subject to progressive realization and resource constraints, the international right to health imposes various obligations of immediate effect. These immediate obligations include a duty on the State to respect an individual's freedom to control his or her health and body. For example, there is an immediate obligation on a State not to engage in forced sterilization and not to engage in discriminatory practices. In other words, the freedom components of sexual and reproductive health are subject to neither progressive realization nor resource availability.
2. The right to health, including sexual and reproductive health, encompasses freedoms, such as freedom from discrimination, and entitlements. In the context of sexual and reproductive health, freedoms include a right to control one's health and body. Rape and other forms of sexual violence, including forced pregnancy, non-consensual contraceptive methods (e.g. forced sterilization and forced abortion), female genital mutilation/cutting (FGM/C), and forced marriage all represent serious breaches of sexual and reproductive freedoms and are fundamentally and inherently inconsistent with the right to health.
3. The right to health includes an entitlement to a system of health protection, including health care and the underlying determinants of health, such as water and sanitation, which provides equality of opportunity for people to enjoy the highest attainable level of health. Furthermore, women should have equal access, in law and fact, to information on sexual and reproductive health issues.
4. International human rights law proscribes discrimination in access to health care and the underlying determinants of health, and to the means for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, and civil, political, social or other status that has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health. Nonetheless, discrimination and stigma continue to pose a serious threat to sexual and reproductive health for many vulnerable groups, including women, sexual minorities, refugees, people with disabilities, rural communities, indigenous persons, people living with HIV/AIDS, sex workers, and people held in detention. Some individuals suffer discrimination on several grounds, such as gender, race, poverty and health status.

Notes taken from *The Rights to Sexual and Reproductive Health*, Paul Hunt and Judith Bueno de Mesquita, 2007



1. One framework that is especially useful in the context of policy-making is that health services, goods and facilities, including the underlying determinants of health, shall be available, accessible, acceptable and of good quality.
2. This analytical framework encompasses sexual and reproductive health. For example, sexual and reproductive health services, goods and facilities must be: available in adequate numbers within the jurisdiction of a State; accessible geographically, economically (i.e. be affordable) and without discrimination; culturally acceptable to, for example, minorities and indigenous peoples, as well as sensitive to gender and life cycle requirements, and respectful of confidentiality.
3. When this framework is applied to sexual and reproductive health, it is clear that the key elements of availability, accessibility and so on are frequently absent. For example, in many countries, information on sexual and reproductive health is not readily available and, if it is, it is not accessible to all, in particular women and adolescents. Sexual and reproductive health services are often geographically inaccessible to communities living in rural areas. These services are sometimes not provided in a form that is culturally acceptable to indigenous peoples and other non-dominant groups. Lastly, services, and relevant underlying determinants of health, such as education, are often of substandard quality.
4. Another useful analytical framework is that States have specific obligations under international law to respect, protect and fulfil the right to health. The obligation to respect requires States to refrain from denying or limiting equal access for all persons to sexual and reproductive health services. For example, it requires them to refrain from denying the right to decide on the number and spacing of children. The obligation to protect means that States should take steps to prevent third parties from jeopardizing the sexual and reproductive health of others, including through sexual violence and harmful cultural practices. For example, countries such as Burkina Faso, Ghana, Senegal and the United Kingdom of Great Britain and Northern Ireland have enacted laws that specifically prohibit female genital cutting. The obligation to fulfil requires States to give recognition to the right to health, including sexual and reproductive health, in national political and legal systems.

Notes taken from The Rights to Sexual and Reproductive Health, Paul Hunt and Judith Bueno de Mesquita, 2007

## Slide 14



Another way of looking at standards and obligations is by applying these principles. Are laws, policies, services complying with those principles? Are reproductive health systems reaching the most marginalized women, such as refugees and IDPs? By applying some policies, are some populations not enjoying the same rights than others? Are there any mechanisms to ensure that women victims of human rights violations and reproductive rights violations have access to judicial and extrajudicial mechanisms for protection, redress and reparation?

## Slide 15

The slide has a dark blue background with white text. The title "Example: Indivisibility" is centered at the top. Below it is a single bullet point: "• How can you implement the principle of indivisibility when programming in reproductive health?"

Reproductive rights cannot be separated from other human rights. And, in fact, civil and political rights (such as freedom of information and the right to marry) are as important to the fulfilment of reproductive rights as are economic, social and cultural rights (the rights to health, shelter, education, etc.). So when carrying out your programme, you want to make sure you consider ALL the different human rights that are embedded within 'reproductive rights' that will give rise to all the different possible claims that rights-holders might have, as well as all the different duty-bearers who have the obligation to fulfil those claims.

## Slide 16

### Example: Interrelatedness & Interdependence

- How can you implement the principles of interdependence and interrelatedness in your reproductive health programme?

What these principles mean is that fulfilling reproductive rights depends on the fulfilment of a range of human rights, such as the right to education (e.g. HIV prevention education), or the right to the benefits of scientific progress (e.g. access to modern forms of contraception). This requires SRH programmes to be built upon multisectoral partnerships, and ensures that different duty-bearers, each responsible for fulfilling different aspects of human rights, can work together to advance reproductive rights as a whole.

## Slide 17

### Example: Universality

- How can you implement the principle of universality in your SRH programme?

UNFPA's ultimate goal is universal access to sexual and reproductive health; reproductive rights are universal—every single person has the right to sexual and reproductive health.

## Example: Participation

- How can you ensure attention to the principle of participation throughout your SRH programme?

1. SRH programmes should encourage participation at all stages and inclusion of the most marginalized groups. This is essential to ensure national ownership of the SRH programme, sustainability of the programme, and to ensure that the programme is designed and tailored to fulfil the accurate needs and rights of the marginalized groups. For example, adolescents and young people may have different SRH needs than older population groups; certain refugee populations might be more vulnerable to HIV than others, and so forth. The different needs of different groups can only be properly incorporated into a SRH programme if those groups are included in the programme and given a voice to express those areas where they face the greatest risks to their sexual and reproductive health.
2. ASK PARTICIPANTS to share how they have ensured participation in their programmes in the past.

## Slide 19

### Example: Equality and Non-discrimination

- How can you ensure that your SRH programme does not discriminate?

1. Sexual and reproductive health programmes must not discriminate against any group based on factors such as race, colour, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status, such as sexual orientation and marriage status. Instead, SRH programmes should start by targeting those marginalized and excluded groups that have been historically discriminated against, and thus whose sexual and reproductive health needs are most dire.
2. ASK PARTICIPANTS to share examples of how they have tried to ensure non-discrimination in their programmes in the past. Ask participants to look at the questions in the checklist.

## Slide 20

### Example: Accountability

- How can you ensure accountability in your SRH programme?
  - Accountability of the government?
  - UNFPA's accountability? (To whom?)
  - Accountability of service providers?

1. Reproductive rights are grounded in human rights that are already expressed in international human rights treaties (ICCPR, ICESCR, etc.). Governments that have ratified these treaties should protect reproductive rights in their national laws and policies and implement these laws and policies with sufficient budgets. National human rights commissions and the national legal system can also play a role in holding governments accountable for their reproductive rights obligations. Laws and policies that obstruct the fulfilment of universal access to sexual and reproductive health should be determined and efforts made to abolish them (e.g. laws that mandate spousal consent for the receipt of contraceptive methods; laws that mandate user

fees; laws that make it difficult for adolescents and young people to access sexual and reproductive health services without parental consent, etc.). SRH programmes themselves should also be carried out in a transparent manner, with regular dissemination of results and other information to the public.

2. We will not be able to cover all the different levels and types of accountability here. EXPLAIN TO PARTICIPANTS that a HRBA simply forces you to ask the question of how you will deal with accountability at these levels. It does not provide any ready-made answers!

### Slide 21

Example: the 3AQ

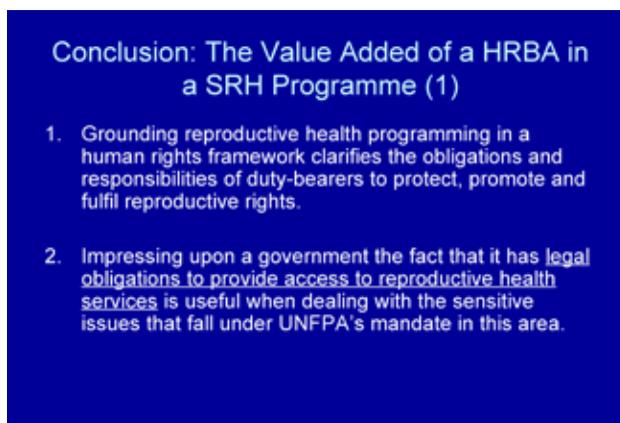
- How can you ensure attention to the standards of:
  - availability
  - accessibility
  - acceptability
  - quality

1. Availability: The national SRH programme should aim to make functioning sexual and reproductive health and health care facilities, goods and services, as well as programmes, available in sufficient quantity within the country. These goods and services include, for example, safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs (including antiretroviral therapy) as defined by the WHO Action Programme on Essential Drugs.
2. Accessibility: Sexual and reproductive health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:
  - Non-discrimination: sexual and reproductive health facilities, goods and services must be accessible to all, especially the most marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
  - Physical accessibility: sexual and reproductive health facilities, goods and services must be within safe physical reach for all sections of the population, especially marginalized groups, such as those living in extreme poverty, especially disadvantaged adolescents and youth, women survivors of violence and abuse, out-of-school youth, women living with HIV, women engaged in sex work, minorities and indigenous peoples, persons living with disabilities, refugees and internally displaced persons, women living under occupation, and ageing populations. Accessibility also implies that medical services and underlying determinants of health, such as safe

and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.

- Economic accessibility (affordability): sexual and reproductive health facilities, goods and services must be affordable for all. Payment for sexual and reproductive health care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
- Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning sexual and reproductive health issues. However,

## Slide 22

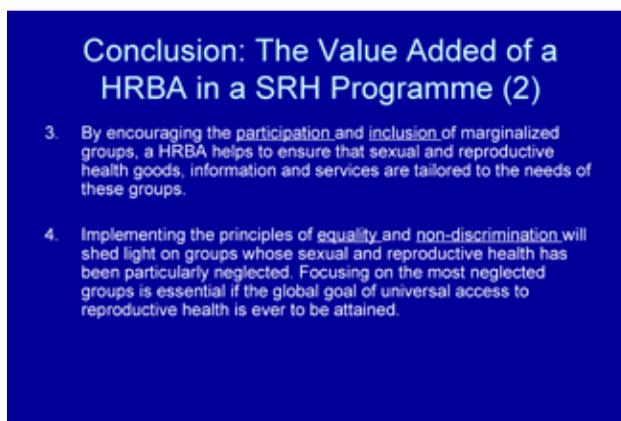


**Conclusion: The Value Added of a HRBA in a SRH Programme (1)**

1. Grounding reproductive health programming in a human rights framework clarifies the obligations and responsibilities of duty-bearers to protect, promote and fulfil reproductive rights.
2. Impressing upon a government the fact that it has legal obligations to provide access to reproductive health services is useful when dealing with the sensitive issues that fall under UNFPA's mandate in this area.

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## Slide 23



**Conclusion: The Value Added of a HRBA in a SRH Programme (2)**

3. By encouraging the participation and inclusion of marginalized groups, a HRBA helps to ensure that sexual and reproductive health goods, information and services are tailored to the needs of these groups.
4. Implementing the principles of equality and non-discrimination will shed light on groups whose sexual and reproductive health has been particularly neglected. Focusing on the most neglected groups is essential if the global goal of universal access to reproductive health is ever to be attained.

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## Slide 24

### Conclusion: The Value Added of a HRBA in a SRH Programme (3)

5. It is important to keep in mind the human rights principles of universality and inalienability, indivisibility, interdependence and interrelatedness
6. The emphasis on accountability and Rule of Law promotes the creation and implementation of national laws and policies that advance reproductive health and rights.

1. Keeping in mind the human rights principles of universality and inalienability, indivisibility, interdependence and interrelatedness strengthens sexual and reproductive health programmes by emphasizing the intersections between reproductive rights and other human rights—such as the rights to education, information, privacy, food, shelter, and so forth.
2. These intersections require that sexual and reproductive health programmes be built upon multisectoral partnerships, and that the expertise and resources of diverse groups and ministries be combined to create truly comprehensive national sexual and reproductive health programmes.
3. These principles support programmes aimed at having governments respecting the commitments made at ICPD and ensuring that sexual and reproductive health programmes are designed, implemented, and monitored and evaluated in a transparent and participatory manner. These principles also ensure that in case of violations of reproductive rights, victims have access to protection mechanisms, redress and reparation.

## Slide 25

### Conclusion: The Value-Added of a HRBA in a SRH Programme (5)

7. By adopting a HRBA, the message is conveyed that one has the right not only to SRH services, but to quality services, and that these services should not just be made available, but should also be accessible and acceptable to all groups.

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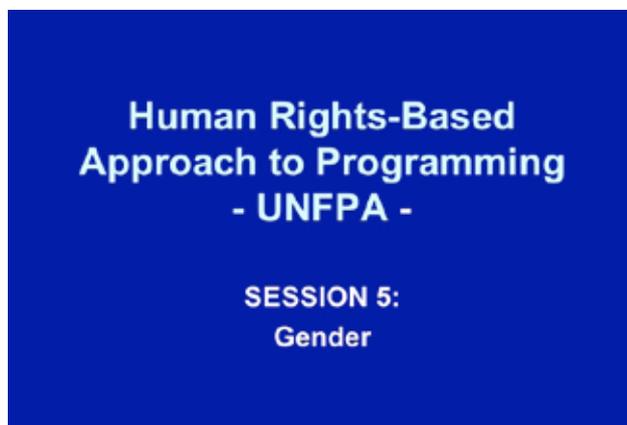
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

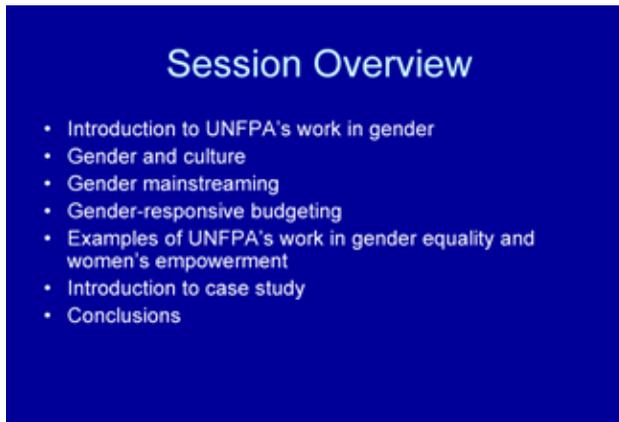
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### POWERPOINT SESSION 5:

Gender



## Slide 1



**Session Overview**

- Introduction to UNFPA's work in gender
- Gender and culture
- Gender mainstreaming
- Gender-responsive budgeting
- Examples of UNFPA's work in gender equality and women's empowerment
- Introduction to case study
- Conclusions

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## Slide 2



**Introduction**

- Gender equality and women's empowerment are vital aspects of UNFPA's mandate, and gender mainstreaming is a cross-cutting approach relevant to all programming and policy areas within UNFPA and within the UN in general.
- UNFPA's goal in this area is:
  - gender equality advanced and women and adolescent girls empowered to exercise their human rights, particularly their reproductive rights, and live free of discrimination and violence.

1. Gender equality and women's empowerment are vital aspects of UNFPA's mandate, and gender mainstreaming is a cross-cutting approach relevant to all programming and policy areas within UNFPA and within the UN in general. (Definitions of 'gender' and 'gender mainstreaming' are provided below.)
2. The concept of bringing gender issues into the mainstream of society has been in existence for a long time and was clearly reaffirmed as a global strategy for promoting gender equality in the Platform for Action adopted at the United Nations Fourth World Conference on Women, held in Beijing (China) in 1995. It highlighted the necessity to ensure that gender equality is a primary goal in all areas of social and economic development.
3. In addition to the Beijing Platform for Action, governments around the world have made a number of other powerful commitments that aim to promote the fulfilment of gender equality and women's empowerment:

- Most of the world's governments have ratified the ICCPR, ICESCR, and CEDAW—all treaties that support gender equality and non-discrimination. CEDAW in particular promotes the empowerment of women in all sectors of society—social, economical, political, cultural.
  - In 1994, the world's governments made a commitment at ICPD to promote gender equality and advance women's rights. It was agreed that advancing gender equality and equity and the empowerment of women is a cornerstone of population and development programming.
  - In 2000, governments from around the world signed the Millennium Declaration and made a commitment to promote gender equality and empower women with the MDGs (Millennium Development Goal 3).
4. The current international climate, therefore, is one where commitment to gender equality has been made by almost all the world's governments. Despite this, gender disparity and discrimination against women continue to prevail, hence the importance of increased effort in this area.

### Slide 3

**Gender and Culture**

- When focusing on gender equality and women's empowerment, it is also essential to take culture into account. Cultural or religious attitudes and beliefs often have an enormous impact on the lives and choices of women and girls. Working from within a culture (for example, by working with faith-based organizations, religious leaders, cultural leaders, etc.) is therefore essential to achieving gender equality and women's empowerment.

1. ASK PARTICIPANTS to provide examples of when they have paid attention to both gender and culture in their own work.
2. When focusing on gender equality and women's empowerment, it is also essential to take culture into account. Cultural or religious attitudes and beliefs often have an enormous impact on the lives and choices of women and girls. Working from within a culture (for example, by working with faith-based organizations, religious leaders, cultural leaders, etc.) is therefore essential to achieving gender equality and women's empowerment.

## Gender and Human Rights

- Key to work in gender equality and women's empowerment programmes is CEDAW
- UNFPA staff should familiarize themselves with this Convention:
  - it provides a definition of 'discrimination against women'
  - use CEDAW articles as well as General Comments and Concluding Observations to provide governments with guidance when designing gender policies and laws

1. Provide some examples to participants where CEDAW has proven useful. Turn to Module 1 for some examples.
2. UNFPA is committed to progress on gender equality from an ethical, results-based, programmatic and financial perspective. A HRBA can greatly support and enhance these commitments because it advances non-discrimination and gender equality on all these fronts.
3. How does applying a HRBA support UNFPA's commitment to gender equality from an ethical perspective? Consider what was said in Module 1 with respect to the intrinsic rationale for implementing a HRBA. A HRBA is the right thing to do—morally, legally and ethically. Human rights form the fundamental, normative basis for development programming, and gender equality is an essential part of this normative basis.
4. A HRBA also supports results-based programmes, because it requires a focus on processes that will ultimately lead to long-term, sustainable development results.
5. Finally, from a financial perspective, a HRBA requires that resources be put into gender equality efforts in order to make them real. While a law prohibiting discrimination is a good first step, that law must be implemented, and resources must be spent to make that implementation a reality. This is essential for good governance and to fulfil the human rights principles of accountability and rule of law. Gender mainstreaming and gender-responsive budgeting both strive to make gender equality efforts real.

## Addressing Gender Across UNFPA's Operations

- Throughout UNFPA's work the promotion of gender equality and women's empowerment is both:
  - a goal in itself
  - central to achieving all the other goals to which it is committed in both the MDGs and UNFPA's Strategic Plan
- UNFPA policies and UNFPA-supported programmes emphasize the importance of addressing gender equality across its operations
- Gender mainstreaming is thus an integral aspect of national development programmes, poverty reduction strategies and other types of development strategies

1. Throughout UNFPA's work the promotion of gender equality and women's empowerment is both a goal in itself and central to achieving all the other goals to which it is committed, in both the MDGs and UNFPA's Strategic Plan. As a result, in collaboration with UNIFEM and other sister UN agencies, UNFPA makes critical contributions to promoting the broader gender equality agenda at global, regional, and country levels using ICPD as the entry point.
2. Supporting governments to fulfil the ICPD agenda entails providing systematic attention to gender equality and women's empowerment. UNFPA regards gender equality as a vital concern for all partners, including governments and NGOs, and remains concerned that gender equality still is not receiving the priority that it requires. Given the centrality of gender to all development policy, UNFPA will always be a strong advocate and supporter of ongoing efforts to ensure system-wide and agency-specific gender-based action consistent with its mandates.

## Slide 6

### Gender Mainstreaming (1)

- Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action—including legislation, policies or programmes—in any area and at all levels.

UNFPA policies and UNFPA-supported programmes emphasize the importance of addressing gender equality across its operations. This has been particularly true since the ICPD and the Beijing Platform for Action in which governments agreed that a gender perspective should be an integral and cross-cutting aspect of all follow up efforts. Gender mainstreaming is thus an integral aspect of national development programmes, poverty reduction strategies and other types of development strategies.

## Slide 7

### Gender Mainstreaming (2)

- UNFPA's Strategic Framework for Gender Mainstreaming and Women's Empowerment 2008-2011 lists six priority areas for gender equality programming:
  - setting policy for ICPD and the MDGs (HR, gender equality, culture)
  - reproductive health
  - gender-based violence
  - adolescents and youth
  - emergency and post-emergency situations
  - men and boys

1. In addition to the above priority areas, four strategic linkages for advocacy are identified:
  - girls' education;
  - economic empowerment;
  - political participation of women; and
  - balancing reproductive and productive roles (UNFPA, *Delivering on the Promise of Equality: UNFPA's Strategic Framework for Gender Mainstreaming and Women's Empowerment 2008-2011*).
2. These strategic linkages are critical areas for furthering gender equality and reproductive health and rights and fall squarely within UNFPA's efforts to develop a holistic, culturally sensitive, gender-responsive, human rights-based approach.

## Slide 8

### Gender-Responsive Budgeting

- Gender-responsive budgeting (GRB) is about ensuring that government budgets and the policies and programmes that underlie them address the needs and interests of individuals who belong to different social groups
- GRB is incredibly important if long-term progress on gender equality and women's empowerment is to be made

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## Slide 9

### Examples of UNFPA's Gender Work (1)

- Mobilizes support for developing and improving gender equality policies and legislation
- Works to eliminate gender-based violence
- Actively engages men and boys as partners and agents in promoting gender equality and ending gender-based violence against women and girls
- Advocates for gender equality and women's empowerment with governments and CSOs, and promotes commitment to ICPD goals and CEDAW

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## Slide 10

### Examples of UNFPA's Gender Work (2)

- Supports capacity development activities that raise awareness of women's rights and provide women with the services they require, especially in the area of sexual and reproductive health
- Promotes gender mainstreaming in all programmes and policies (supported by the UNFPA gender mainstreaming framework), and also promotes gender-responsive budgeting

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## Slide 11

### Examples of UNFPA's Gender Work (3)

- Supports governments in preparing their reports to CEDAW, and thereby helps governments ensure accountability for their international human rights obligations

Ask participants to provide additional examples.

## Slide 12

### Conclusion: Value Added of a HRBA in a Gender Equality & Women's Empowerment Programme (1)

1. Gender equality programmes that integrate the principles of participation and inclusion often result in bringing together State actors with local and national women's groups and gender experts.
2. Bringing these groups together in the same room fosters a sense of collective ownership of the programme and can motivate government agencies, particularly at the local level, to contribute additional resources to promoting women's human rights.

1. Gender equality programmes that integrate the principles of participation and inclusion often result in bringing together State actors with local and national women's groups and gender experts. Bringing these groups together in the same room can create a sense of collective ownership of the programme and can motivate government agencies, particularly at the local level, to contribute additional resources to promoting women's rights.
2. Bringing different groups together also fosters a common dialogue on issues of importance to women's rights. Communication of this sort is useful for reaching solutions on obstacles to implementation of gender equality laws and policies.

### Slide 13

**Conclusion: Value Added of a HRBA in a Gender Equality & Women's Empowerment Programme (2)**

3. Bringing different groups together also fosters a common dialogue on issues of importance to women's human rights. Such communication is useful for reaching solutions on obstacles to implementation of gender equality laws and policies.

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### Slide 14

**Conclusion: Value Added of a HRBA in a Gender Equality & Women's Empowerment Programme (3)**

4. A HRBA in a gender programme requires you to cultivate a synergistic relationship among different stakeholders. Working with both rights-holders and duty-bearers is critical for sustainable accomplishments in women's human rights.
  - For example, working only with rights-holders to empower them to claim their right to be protected from gender-based violence will not be effective if similar efforts are not made among the police and judiciary to ensure that services are in place to respond to women survivors of gender-based violence.

A HRBA to a gender programme requires you to cultivate a synergistic relationship among different stakeholders. Collaborating with both rights-holders and duty-bearers is critical for sustainable accomplishments in women's human rights. Working only with rights-holders to empower them to claim their right to be protected from gender-based violence will not be effective if similar efforts are not made among the police and judiciary to ensure that these duty-bearers have the capacity and the commitment to ensure that the right services are in place to respond to women survivors of gender-based violence.

## Slide 15

### Conclusion: Value Added of a HRBA in a Gender Equality & Women's Empowerment Programme (4)

5. A HRBA can invigorate women's NGOs and human rights NGOs by helping them recognize their roles as duty-bearers, not just as charitable institutions.
6. In addition, learning about their human rights can empower women rights-holders. As a result, both NGOs and women rights-holders have an increased ability to take an active role in articulating the community's needs and assessing the effectiveness of institutional responses.

A HRBA can invigorate women's NGOs and human rights NGOs by helping them recognize their roles as duty-bearers as opposed to seeing themselves as strictly charitable institutions. In addition, learning about their human rights can empower women rights-holders. As a result, both NGOs and women rights-holders increase their ability to take an active role in articulating the community's needs and assessing the effectiveness of institutional responses.

## Slide 16

### Conclusion: Value Added of a HRBA in a Gender Equality & Women's Empowerment Programme (5)

7. Finally, a HRBA ensures that government parties become more aware of their legal obligations and duties to women. This awareness, coupled with specific capacity development activities advances the government's ability to progressively work towards the realization of women's human rights.

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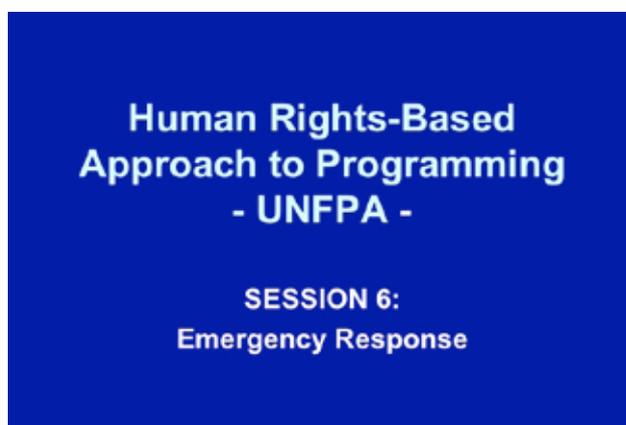
# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

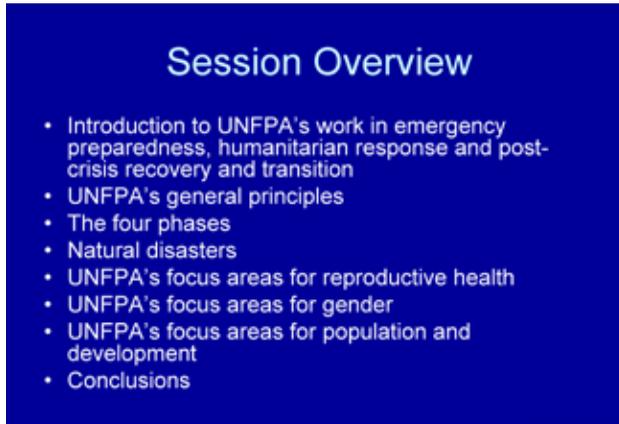
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### POWERPOINT SESSION 6:

Emergency Response



## Slide 1



**Session Overview**

- Introduction to UNFPA's work in emergency preparedness, humanitarian response and post-crisis recovery and transition
- UNFPA's general principles
- The four phases
- Natural disasters
- UNFPA's focus areas for reproductive health
- UNFPA's focus areas for gender
- UNFPA's focus areas for population and development
- Conclusions

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## Slide 2



**Introduction**

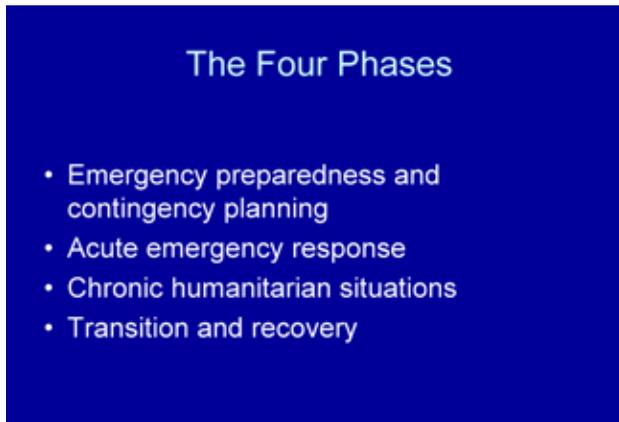
- Central role of promoting data collection, reproductive health and rights, gender equality and women's empowerment in humanitarian emergencies
- Goals to build knowledge of and commitment to:
  - importance of gender and reproductive health and reproductive rights issues in crisis and transition
  - improve technical and institutional capacities to incorporate principles from ICPD into emergency preparedness, response and recovery

1. UNFPA acknowledges its central role in promoting data collection, reproductive health and rights, gender equality and women's empowerment in humanitarian emergencies.
2. UNFPA's goals are to build knowledge of and commitment to the importance of gender and reproductive health and reproductive rights issues in crisis and transition, and improve technical and institutional capacities to incorporate principles from ICPD into emergency preparedness, response and recovery.

## UNFPA's General Principles

- Committed to promotion and protection of human rights during emergency response, regardless of the type of emergency
- Whether political crisis, natural disaster, or post-conflict situation, UNFPA guided by human rights and principles noted in CEDAW, the ICPD Programme of Action, and Resolutions 1308, 1325 and 1820 of the Security Council

1. UNFPA is committed to the promotion and protection of human rights during emergency response.
2. This commitment holds true regardless of the type of emergency.
3. Whether a political crisis, a natural disaster, or a post-conflict situation, UNFPA is guided by the human rights and principles noted in CEDAW, the ICPD Programme of Action, and Resolution 1325 of the Security Council.
4. Remind participants about ICPD and CEDAW.
5. Adopted unanimously by the United Nations Security Council in 2000, Resolution 1308 is the first ever by the Council to focus on a health issue. Focusing specifically on the potentially damaging impact of HIV/AIDS on the health of international peacekeeping personnel, including support personnel, Resolution 1308 requests the Secretary-General to take further steps to provide training for peacekeeping personnel on the prevention of the spread of HIV/AIDS and to continue the further development of pre-deployment orientation and ongoing training on those questions for all peacekeeping personnel.
6. Provide some background on resolution 1325: Security Council Resolution 1325 was passed unanimously on 31 October 2000. It invited Secretary-General Kofi Annan to “carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.” Resolution (S/RES/1325) is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women and women’s contributions to conflict resolution and sustainable peace.
7. Adopted unanimously by the United Nations Security Council in 2008, Resolution 1820 follows up on, and complements, Security Council Resolution 1325. It describes sexual violence as a tactic of war and a matter of international security and demands an immediate and complete halt to all acts of sexual violence against civilians in conflict zones.



1. Emergency preparedness and contingency planning: The time period before a disaster or conflict occurs, which may or may not be anticipated.
2. Acute emergency response: The initial phase after the onset of an emergency—usually involving immediate humanitarian relief, and which may vary in duration depending on the crisis.
3. Chronic humanitarian situations: Long-term crises, often marked by repeated disruptions such as yearly droughts, repeated displacement or long-term refugee populations. Often requires simultaneous humanitarian support and development work while preparing for more acute crises.
4. Transition and recovery: Occurs after the period of necessary immediate relief, and focuses on shifting towards planning for long-term development. While this phase may apply to disasters, it usually refers to post-conflict periods.
5. THE SAME PRINCIPLES APPLY REGARDLESS OF THE PHASE OF THE EMERGENCY!!

## Slide 5

### A HRBA to Emergency Response

- Added value of a HRBA to emergency response:
  - strengthening UN and government accountability to affected populations
  - promoting participation and inclusion, thereby reinforcing a culturally sensitive approach
  - responding in a non-discriminatory manner to reduce disproportionate impact of emergencies on most vulnerable subpopulations

1. Overall, the added value of applying a HRBA to emergency response lies in strengthening UN and government accountability to those affected populations receiving humanitarian assistance, promoting participation and inclusion and thereby reinforcing a culturally sensitive approach, and responding in a non-discriminatory manner to reduce the disproportionate impact of emergencies on the most vulnerable subpopulations.
2. Accountability: A HRBA helps to ensure governments and other duty-bearers are accountable to those receiving aid.
3. Participation and inclusion: Help ensure that the cultural context and the particulars of an emergency are considered in the response.
4. Equality and non-discrimination: Emergencies have a disproportionate impact on those who are already most vulnerable. For example, women and children often make up the majority of displaced persons. Men and adolescent boys are more likely to engage and be injured in conflict.

## Slide 6

### UNFPA's Role in Humanitarian Reform

- Three elements of humanitarian reform
  - cluster approach
  - humanitarian coordinators
  - Central Emergency Response Fund (CERF)
- UNFPA is co-responsible for three areas in existing clusters
  - reproductive health (Cluster health)
  - gender mainstreaming (Cluster Early recovery)
  - prevention and response to gender-based violence (with UNICEF) (Protection Cluster)
- UNFPA is also a lead agency for mainstreaming gender across all clusters

1. When responding to emergencies, UNFPA does not work alone, but in partnership with governments, UN agencies and non-governmental actors. UNFPA is a member of the Inter-Agency Standing Committee (IASC) for Humanitarian Affairs, which is the primary mechanism for inter-agency coordination of humanitarian assistance.

The IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in response, and advocates for effective application of humanitarian principles. UNFPA is actively involved in the ongoing humanitarian reform throughout the UN. Humanitarian reform seeks to improve emergency response capacity, accountability and partnership in three major ways.

2. A major aspect of humanitarian reform is the cluster approach, which seeks to strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies by ensuring there is predictable leadership and accountability in the main sectors or areas of humanitarian response. This is achieved through assigning specific lead responsibilities to UN and non UN agencies under the eleven topical clusters noted below.
3. A cluster is a group comprising organizations and other stakeholders, with a designated lead, working in an area of humanitarian response in which gaps have been identified. In essence, the cluster approach involves strengthening humanitarian response in three main ways:
  - ensuring that roles and responsibilities among humanitarian partners are worked out through transparent, inclusive, consultative processes, in line with the Principles of Partnership developed by the Global Humanitarian Platform;
  - ensuring leadership and responsibilities are established at the sectoral level, thereby clarifying lines of accountability and providing counterparts (or a first port of call) for national authorities, local actors, humanitarian partners and other stakeholders; and
  - ensuring that all relevant sectors and cross-cutting issues for the humanitarian operation in question are covered.
4. The 11 clusters include some traditional relief and assistance sectors (water and sanitation, nutrition, health, emergency shelter, agriculture, education); support services (emergency telecommunications, logistics) and cross-cutting sectors (camp coordination, early recovery and protection). Clusters are organized at both global and field level.
5. Each cluster can have sets of corresponding sub-working groups and areas of responsibility (AoR). (UNFPA has specific responsibilities for reproductive health (under the health cluster); gender mainstreaming (under the early recovery cluster); and, along with UNICEF, prevention and response to GBV (under the protection cluster). UNFPA is also a lead agency for mainstreaming gender as a cross-cutting issue across all clusters.
6. Second, through the appointment of a humanitarian coordinator (HC) in countries, humanitarian reform aims to strengthen strategic leadership and coordination at the intersectoral and sectoral levels.
7. Finally, humanitarian reform aims to strengthen financing for humanitarian response through the establishment of a Central Emergency Response Fund that complements existing humanitarian funding mechanisms.
8. Think about how to use these mechanisms for accountability and partnership in a way that is synergistic with a HRBA.

## Accountability and Rule of Law in Humanitarian Response

- Disseminating and sharing findings with rights-holders and duty-bearers
- Establishing redress mechanisms for survivors of sexual and other forms of violence
- Zero-tolerance policy: Supporting the obligation of the UN to those receiving humanitarian assistance

1. Accountability is a fundamental human rights principle that is instrumental to the process of applying a HRBA. This holds true in emergency settings as well as in times of peace.
2. Here are some examples of existing accountability mechanisms that should be taken into account when implementing a HRBA to emergency response work:
  - In emergency situations, extensive data collection may simply not be possible and is often replaced by rapid population assessments. For example, in a refugee setting where access to emergency obstetric care may be limited, UNFPA works with its partners to disseminate the results of rapid population assessments and fact-finding missions to the government and local organizations. This helps ensure that the government, as the primary duty-bearer, is aware of the sexual and reproductive health situation facing refugees. By sharing findings with local organizations, UNFPA supports their capacity to demand accountability for the lack of emergency obstetric care for refugee populations.
  - UNFPA also encourages the implementation of existing national laws prohibiting sexual violence by advocating for budgetary allocation for law enforcement and independent tribunals to investigate sexual violence and war crimes committed during the civil war.
3. Given the violence associated with human-generated conflicts, a second key aspect of accountability in UNFPA's humanitarian response is working to establish redress mechanisms for survivors of sexual and other forms of violence.
4. A final aspect of accountability in humanitarian response lies in the responsibilities and obligations of the UN and other humanitarian actors to those persons receiving humanitarian assistance. Humanitarian relief workers and peacekeepers have a responsibility not to violate the human rights of those they are protecting or commit other crimes. In response to allegations of sexual abuse by UN peacekeepers, former UN General-Secretary Kofi Annan issued a 2003 bulletin entitled Special Measures for the Protection from Sexual Exploitation and Sexual Abuse, which defines sexual exploitation and abuse on the part of any UN personnel as acts of misconduct subject to disciplinary action. This bulletin is more commonly known as the zero-tolerance policy.

## HRBA and Natural Disasters

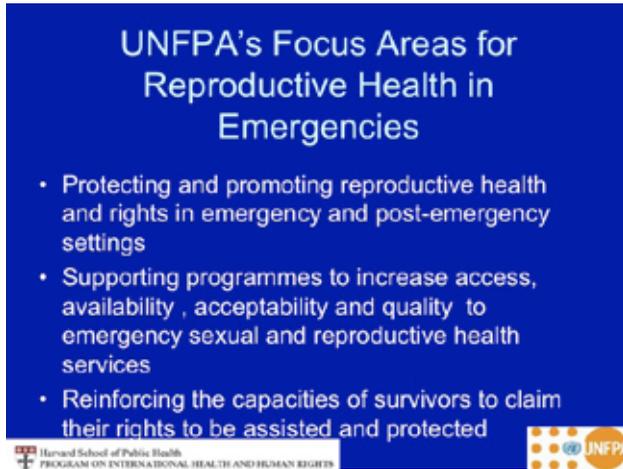
- Applying same fundamental HR concepts and principles when supporting a family planning programme or assisting in a post-conflict setting
- Participatory and inclusive HRBA promotes understanding of local knowledge and traditional warning systems—a critical aspect of natural disaster response
- Be familiar with available guidelines and tools for natural disasters, such as the IASC Operational Guidelines on Human Rights and Natural Disasters

1. A HRBA to natural disasters means applying the same fundamental HR concepts and principles as you would when supporting a family planning programme or assisting in a post-conflict setting.
2. A participatory and inclusive HRBA promotes understanding of local knowledge and traditional warning systems—a critical aspect of natural disaster response:
  - Understanding local knowledge and traditional warning systems and how individuals, families, and communities respond to natural disasters is critical to the effectiveness of emergency preparedness and response. In its emphasis on making programming cycles participatory, inclusive and non-discriminatory, a HRBA can contribute to improving understanding of the social factors that influence decision-making during natural disasters. This is also an example of the synergy between a HRBA and culturally sensitive programming.
  - Traditional warning systems adapt to modern times. Warnings can be disseminated in many ways. In Indochina, fireworks are often used to alert people that flood notices have been posted. Flags are used in some Philippine and Indonesian communities, among others. In Latin America, the ringing of church bells is a common flood warning. It is important to work with these systems and not undermine them in emergency response. A HRBA and culturally sensitive approach help you do this.
3. Be familiar with available guidelines and trainings, especially the Inter-Agency Standing Committee's (IASC) Protecting Persons Affected by Natural Disasters. IASC Operational Guidelines on Human Rights and Natural Disasters:
  - These guidelines provide an overview of the negative impact of natural disasters on human rights, and outline strategies for the protection of rights during humanitarian response, such as allowing persons to move freely in and out of IDP camps, and ensuring the availability, accessibility, acceptability and adequacy of health, food and water services. The United Nations Disaster Assessment and Coordination (UNDAC) teams also hold trainings in natural disaster response.

## UNFPA's Focus Areas for Population and Development in Emergencies

- Collection of data on partners' capacities and available service providers
- Rapid assessments
- Post-conflict evaluation

1. Now we will go into the specific focus areas for UNFPA in emergencies, one pillar at a time. Keep in mind how emergencies impact human rights in terms of reproductive health and rights, gender equality and population and development.
2. Understanding the population-level dynamics of disruption and displacement is critical to an effective and coordinated human rights-based response to emergencies. This information is also critical to protecting the rights of crisis-affected populations. HRBA principles can guide the collection of both quantitative and qualitative assessments and can contribute to this UNFPA goal. For example, numbers and profiles of those most affected, disaggregated appropriately, can help guide the emergency response.
3. Qualitative data, such as the perceptions and needs of a specific population as it relates to the conflict, should also be considered. Take, for example, the perceptions and situation of people living with disabilities during an emergency. How do you ensure that their rights are adequately considered in designing an earthquake response plan? What about women living in refugee camps?
4. Note how a HRBA helps emphasize both process and outcome of data collection in emergencies. In the process of collecting data, adopting a HRBA means ensuring that attention is given to marginalized groups and that people's voices are heard as part of the analyses. In terms of outcomes, these population analyses are used to promote and protect the rights of affected populations by ensuring that their needs, desires and concerns are addressed as part of the emergency response.



The slide features a dark blue background with white text. At the top, the title 'UNFPA's Focus Areas for Reproductive Health in Emergencies' is centered. Below the title, three bullet points are listed. At the bottom left, there is a small logo for the Harvard School of Public Health and the Program on International Health and Human Rights. At the bottom right, there is a small UNFPA logo.

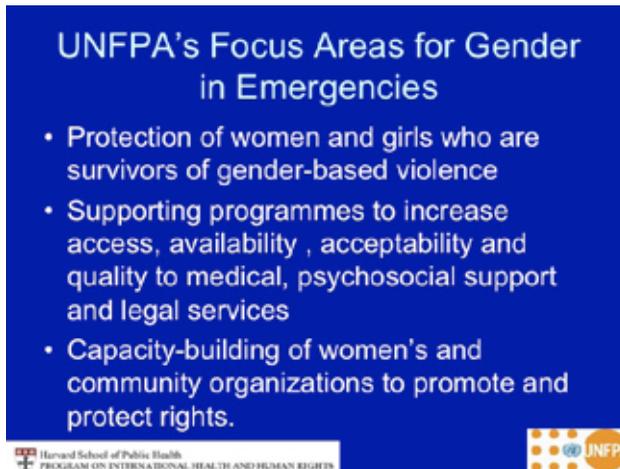
### UNFPA's Focus Areas for Reproductive Health in Emergencies

- Protecting and promoting reproductive health and rights in emergency and post-emergency settings
- Supporting programmes to increase access, availability, acceptability and quality to emergency sexual and reproductive health services
- Reinforcing the capacities of survivors to claim their rights to be assisted and protected

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UNFPA

1. Keep in mind how the principles of a HRBA relate to these objectives and how they can help further UNFPA's work in these focus areas.
  - UNFPA procedures recognize that it remains especially important to safeguard reproductive rights in emergencies, particularly the rights of women, adolescents and young people. Reproductive health, rights and needs must be addressed during emergencies.
  - Additionally, certain vulnerabilities may be exacerbated during a crisis situation. For example, excess stress and trauma can lead to early onset of labour. Further, emergencies often result in a loss of access to sexual and reproductive health services.
  - While in some cases human-made conflicts have been found to lead to increased incidence of sexual exploitation and violence against women and adolescents and young people.
2. Note how these strategies align with UNFPA's work in its reproductive health thematic area in Module 4 that we discussed this morning/earlier.



**UNFPA's Focus Areas for Gender in Emergencies**

- Protection of women and girls who are survivors of gender-based violence
- Supporting programmes to increase access, availability, acceptability and quality to medical, psychosocial support and legal services
- Capacity-building of women's and community organizations to promote and protect rights.

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1. Emergencies can have very different impacts on men and women. Differential impacts may be heightened when people are young. For instance, women, girls and boys almost always make up a large majority of displaced persons. Similarly, chronic humanitarian situations can weaken the foundations of healthy social structures and human security, ultimately contributing to protracted gender-based and sexual violence as well as other human rights violations. At the same time, differentiations between 'women' and 'girls' and 'men' and 'boys' may vary from one setting to the next and must be taken into account during emergency response. The significance of understanding and addressing these gender dimensions of emergencies and the ways in which they relate to culture and human rights is reflected in Security Council Resolutions 1308, 1325 and 1820.
2. Therefore, UNFPA is committed to: [READ THE TEXT IN THE SLIDE]
3. A HRBA to addressing gender during emergency work calls for active recognition and analysis of changing roles and vulnerabilities of women and men to mitigate the negative effects of a crisis situation. Let's take the example of reproductive health after a major earthquake, where access to basic medical supplies is significantly disrupted. In this situation, women's unique vulnerabilities to vitamin deficiencies and anaemia, which can be fatal for women during pregnancy and for infants, are exacerbated. As another example, lack of services in times of occupation increase risk of dying from pregnancy complications because of lack of access to RH services.
4. Integrating the principles of a HRBA throughout an emergency response results in systematically paying attention to shifts in gender roles and vulnerabilities. The attention to gender can then be integrated into activities, such as capacity-building efforts with local groups. It is especially important to note that humanitarian assistance and support during the transition and recovery phase can provide an opportunity for UNFPA to promote positive changes in gender roles.

## Slide 12

### Conclusion: The Value Added of a HRBA in Emergency Response (1)

1. UNFPA recognizes and accounts for different emergency phases and types of emergencies at hand.
2. Fundamental elements of a HRBA apply to the response regardless of the phase or type of crisis or activity.
3. Challenges are raised for programming in emergency/chronic humanitarian situations—BUT a HRBA can still be implemented.

1. In applying a HRBA to its humanitarian response work, UNFPA recognizes and accounts for the different emergency phases and types of emergencies at hand.
2. At the same time, the fundamental elements of a HRBA apply to the response regardless of the phase or type of crisis or activity.
3. Challenges are raised for programming in emergency/chronic humanitarian situations—BUT a HRBA can still be implemented.

## Slide 13

### Conclusion: The Value Added of a HRBA in Emergency Response (2)

4. UNFPA supports government efforts to promote accountability and transparency by working with its partners to quickly disseminate the findings of rapid health and mortality assessments and fact-finding missions to the government and local organizations.
5. Ensuring the inclusion and participation of local groups in emergency response activities helps UNFPA promote a more culturally sensitive response by providing valuable insight about the value systems and social hierarchies of those communities living in humanitarian crises.

1. UNFPA supports government efforts to promote accountability and transparency by working with its partners to quickly disseminate the findings of rapid health and mortality assessments and fact-finding missions to the government and local organizations.
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## Slide 14

### Conclusion: The Value Added of a HRBA in Emergency Response (3)

6. UNFPA assists partners in taking steps to recognize and combat social stigmas and other forms of inequality faced by vulnerable groups that are often exacerbated in emergency situations to ensure equality and non-discrimination.

UNFPA assists its partners in taking steps to recognize and combat social stigmas and other forms of inequality faced by vulnerable groups that are often exacerbated in emergency situations to ensure equality and non-discrimination.

## Slide 15

### Conclusion: The Value Added of a HRBA in Emergency Response (4)

- Some of the biggest challenges faced by UNFPA in humanitarian emergencies:
  - the limited capacity and unwillingness of the government to commit resources to sexual and reproductive health and other services
- Important long-term components:
  - increasing budgets for excluded groups
  - working to translate this commitment into available, accessible, acceptable and high quality services

The limited capacity and unwillingness of the government to commit resources to sexual and reproductive health and other services can be some of the biggest challenges faced by UNFPA in humanitarian emergencies. Advocating for a political commitment to increasing budgets for excluded groups, and working to translate this commitment into available, accessible, acceptable and high quality services, are important long-term components of a HRBA to humanitarian response.

## Conclusion: The Value Added of a HRBA in Emergency Response (5)

- UNFPA collaborates with large number of NGOs/CSOs, UN agencies, government offices and international humanitarian groups when responding to emergencies
- Given indivisibility, interdependence and interrelatedness of human rights, diverse group of actors are required to respond to the different but linked human rights that require protection
- Application of the key HR principles, as well as the 3AQ elements, can facilitate and strengthen UNFPA's humanitarian response work

1. UNFPA collaborates with a large number of NGOs/CSOs, UN agencies, government offices and international humanitarian groups when responding to emergencies. Given the indivisibility, interdependence and interrelatedness of human rights, a diverse group of actors are required to respond to the different but linked human rights that require protection.
2. While there are many unique challenges in both emergency and post-emergency settings, careful application of the key human rights principles, as well as the 3AQ elements, can facilitate and strengthen UNFPA's humanitarian response work.

# UNFPA

## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

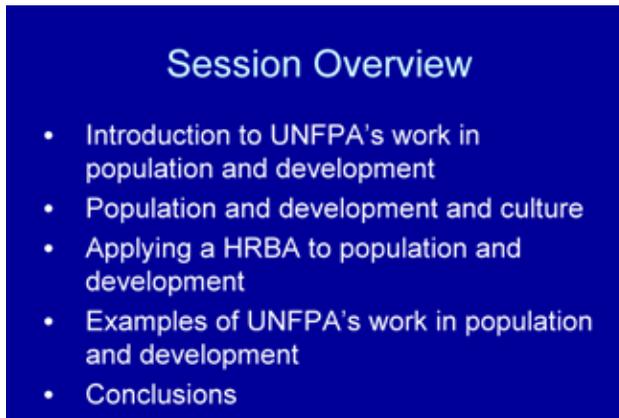
### POWERPOINT SESSION 7:

Population and Development

**Human Rights-Based  
Approach to Programming  
- UNFPA -**

**SESSION 7:  
Population and Development**

## Slide 1



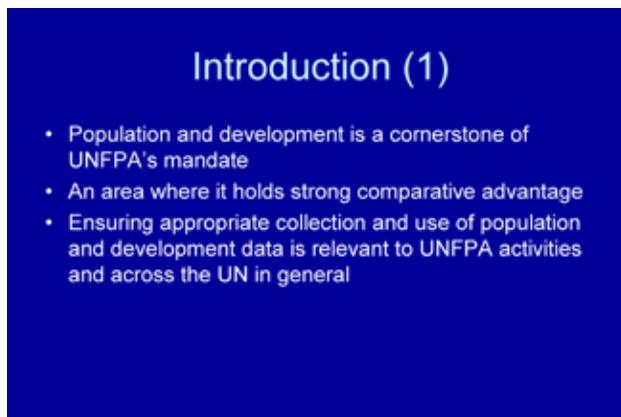
A blue rectangular slide with white text. The title 'Session Overview' is centered at the top. Below it is a bulleted list of five items.

### Session Overview

- Introduction to UNFPA's work in population and development
- Population and development and culture
- Applying a HRBA to population and development
- Examples of UNFPA's work in population and development
- Conclusions

No notes for this slide.

## Slide 2



A blue rectangular slide with white text. The title 'Introduction (1)' is centered at the top. Below it is a bulleted list of three items.

### Introduction (1)

- Population and development is a cornerstone of UNFPA's mandate
- An area where it holds strong comparative advantage
- Ensuring appropriate collection and use of population and development data is relevant to UNFPA activities and across the UN in general

1. The thematic area of population and development is a cornerstone of UNFPA's mandate and an area where it holds strong comparative advantage. Ensuring appropriate collection and use of population and development data is an area that is particularly relevant to UNFPA activities and across the UN in general.
2. UNFPA is a leader in collecting data and information on fertility, mortality, migration, displacement and other population dynamics that impact all aspects of human and economic development.

### Slide 3

Introduction (2)

- UNFPA's goal in this thematic area is:
  - systematic use of population dynamics analyses to guide increased investments in gender equality, youth development, reproductive health and HIV/AIDS for improved quality of life, sustainable development and poverty reduction

1. UNFPA's goal in this thematic area is: systematic use of population dynamics analyses to guide increased investments in gender equality, youth development, reproductive health and HIV/AIDS for improved quality of life, sustainable development and poverty reduction.
2. UNFPA supports data collection, as well as its use, to advocate for the above issues and for human rights. Equally important is UNFPA's work to promote the use of this data to drive evidence-based policies and programs.
3. It is clear that the population and development pillar is fundamental to the other two thematic areas.

### Slide 4

Population and Development and Culture

- Population and development work must pay attention to culture
- Need for improved appreciation of linkages between population and poverty, and such appreciation requires sensitivity to the cultural context
- Culture, religion and tradition can have major impacts on individual reproductive choices, and thus on broader population and development matters
- UNFPA understands the importance of culture, and thus promotes a culturally sensitive, gender-responsive human rights-based approach to population and development activities

1. Remember, UNFPA implements a culturally sensitive, gender-responsive, HRBA. The links between population and culture are important. For example, when working with nomadic communities such as Bedouin, it is important to understand how cultural norms impact their migratory choices when conducting a survey or census. Cultural values also shape population dynamics like desired fertility rates.

2. Remember the synergy between participation and inclusion (HRBA principles) and the culturally sensitive approach.
3. Overall, understanding culture enriches the population and development pillar.

### Slide 5



1. Definition of a HRBA to population and development work: Establishing that the processes of collecting and using information are in line with human rights principles, and applying human rights principles systematically to ensure that this is the case.
2. A HRBA also requires taking into account the extent to which existing services are available, accessible, acceptable and of high quality to the population. For example, in designing a survey on access and utilization of HIV services, it is important to look at availability, or how many services (clinics, hospitals, mobile centers) are available in different geographic areas, and it is equally as important to look at informed consent and confidentiality issues to measure acceptability.
3. The principles of participation and inclusion are critical to all population and development activities. For example, when you are preparing for a census, you want to make sure you capture all individuals and communities in the country, including homeless persons and street children, who will not have a stable address. Similarly, when working among different ethnic minorities, you want to ensure that the results of your census are trusted by all in order to avoid political and other disputes about the results after the data is processed. The principles of participation and inclusion help promote a sense of ownership when collecting data on population and development.
4. The principle of accountability is crucial: Through data collection, an evidence base is created for use in shaping development policies and programmes. For example, ensuring that programs and policies are evidenced-based is a form of accountability. It is also important to ensure clarity as to where the evidence-based data comes from and how subsequent decisions were made. If a government is promoting an abstinence-only SRH program, it should be questioned because there is a lack of evidence about the effectiveness of these programs. In such a situation, informing the public about why a comprehensive SRH program works best may be one way of rectifying the problem of poor accountability.

5. Census and other types of data are instrumental for the construction of human rights indicators—to evaluate to what extent the state is meeting its obligations with regard to human rights, especially social, economic and cultural rights.

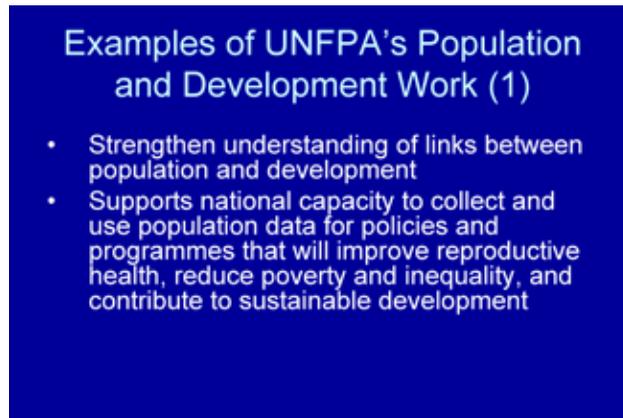
### Slide 6

**A Human Rights Based Approach to Population and Development (2)**

- Principles of universality and inalienability, indivisibility, interdependence and interrelatedness can strengthen population and development programmes by emphasizing intersections between human rights.
- Principles of equality and non-discrimination can contribute to increasing equity and to improving effectiveness of poverty reduction strategies in the long term.

1. Keeping in mind the human rights principles of universality and inalienability, indivisibility, interdependence and interrelatedness can strengthen population and development programmes by emphasizing the intersections between human rights. For example, considering all rights means being holistic in data collection. Because of the links between the right to health and the right to privacy, when looking at SRH services from a HRBA, you must look at privacy and confidentiality issues—and not just at the presence and use of these services.
2. Implementing the principles of equality and non-discrimination can contribute to increasing equity and to improving the effectiveness of poverty reduction strategies in the long term. For example, these principles are critical in thinking about what data is collected, and also how it is collected, and how it is being used. In choosing what to collect, equality and non-discrimination require adequate disaggregation to understand differences between groups and sub-groups. In the process of data collection, it is important not to worsen discrimination—do not advertise publicly that you are conducting a focus group on GBV among men who have sex with men if these are taboo issues in a society, as this compromises the privacy and safety of those participating. In choosing how to use the data, make sure, for instance, that data on clean water among different ethnic communities is used to channel resources to those communities in an equitable fashion, and that it is not used by those in power to discriminate against those communities by taking water resources away from them.

## Slide 7

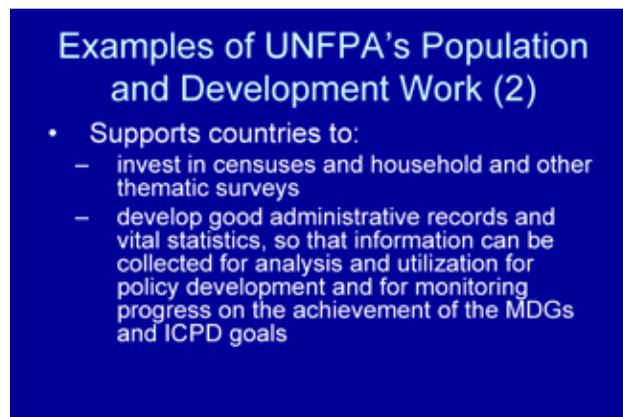


Examples of UNFPA's Population and Development Work (1)

- Strengthen understanding of links between population and development
- Supports national capacity to collect and use population data for policies and programmes that will improve reproductive health, reduce poverty and inequality, and contribute to sustainable development

UNFPA seeks to strengthen understanding of the links between population and development and supports national capacity to collect and use population data for policies and programmes that will improve reproductive health, reduce poverty and inequality, and contribute to sustainable development. Remember our discussions on building the capacity of duty-bearers to fulfil their obligations—this is an example of that.

## Slide 8

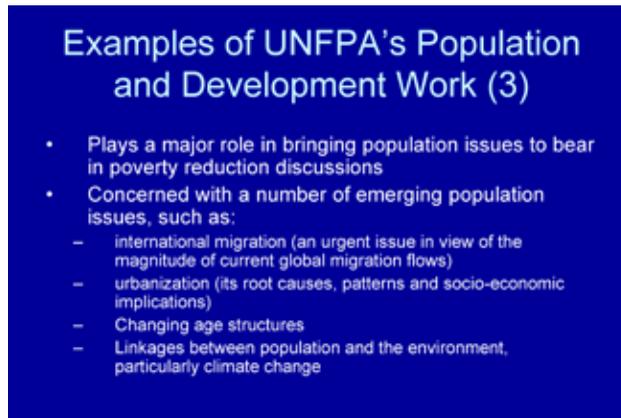


Examples of UNFPA's Population and Development Work (2)

- Supports countries to:
  - invest in censuses and household and other thematic surveys
  - develop good administrative records and vital statistics, so that information can be collected for analysis and utilization for policy development and for monitoring progress on the achievement of the MDGs and ICPD goals

UNFPA supports countries to invest in censuses and household and other thematic surveys and to develop good administrative records and vital statistics, so that information can be collected for analysis and utilization for policy development and for monitoring progress on the achievement of the MDGs and ICPD goals.

## Slide 9

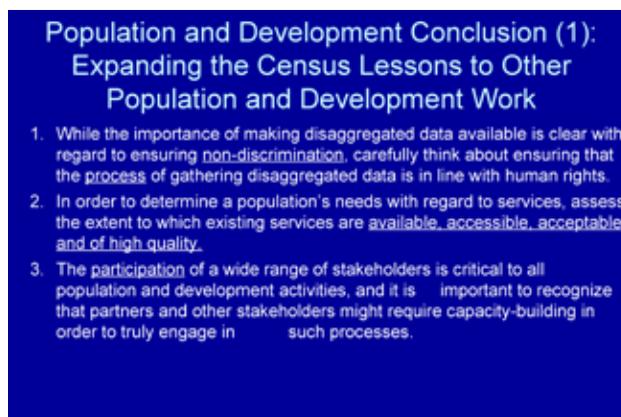


### Examples of UNFPA's Population and Development Work (3)

- Plays a major role in bringing population issues to bear in poverty reduction discussions
- Concerned with a number of emerging population issues, such as:
  - international migration (an urgent issue in view of the magnitude of current global migration flows)
  - urbanization (its root causes, patterns and socio-economic implications)
  - Changing age structures
  - Linkages between population and the environment, particularly climate change

1. UNFPA plays a major role in bringing population issues to bear in poverty reduction discussions.
2. UNFPA is also concerned with a number of emerging population issues, such as international migration (an urgent issue in view of the magnitude of current global migration flows), as well as urbanization (its root causes, patterns and socio-economic implications), changing age structures and linkages between population and the environment, particularly climate change.
3. Ask participants to provide more examples of their work in population and development. How have they considered human rights in their work?

## Slide 10



### Population and Development Conclusion (1): Expanding the Census Lessons to Other Population and Development Work

1. While the importance of making disaggregated data available is clear with regard to ensuring non-discrimination, carefully think about ensuring that the process of gathering disaggregated data is in line with human rights.
2. In order to determine a population's needs with regard to services, assess the extent to which existing services are available, accessible, acceptable and of high quality.
3. The participation of a wide range of stakeholders is critical to all population and development activities, and it is important to recognize that partners and other stakeholders might require capacity-building in order to truly engage in such processes.

Note: Link these conclusions to the results of the groups after they have completed this Module's exercise(s).

## Slide 11

### Population and Development Conclusion (2): Expanding the Census Lessons to other Population and Development Work

4. The concept of accountability, and especially government accountability, is crucial in the whole area of population and development.
5. Understanding duty-bearers' existing capacities and capacity gaps can help you target your technical support or training to where it is most needed.
6. Advocating for the use of good quality data can help to ensure an informed and appropriate response to all population and development issues.

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# UNFPA

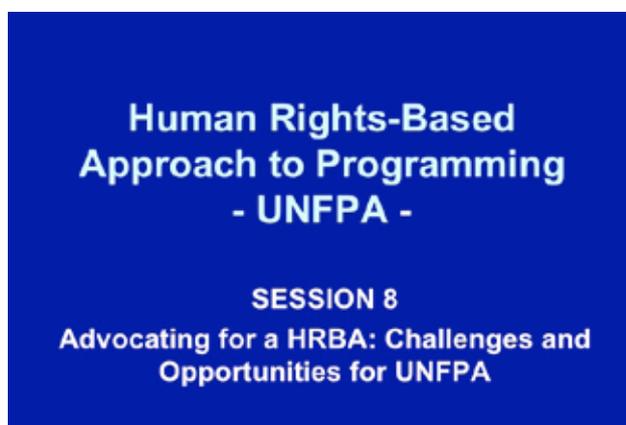
## A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING:

Practical Implementation Manual and Training Materials

### POWERPOINT SESSION 8:

Advocating for a HRBA:

Challenges and Opportunities for UNFPA



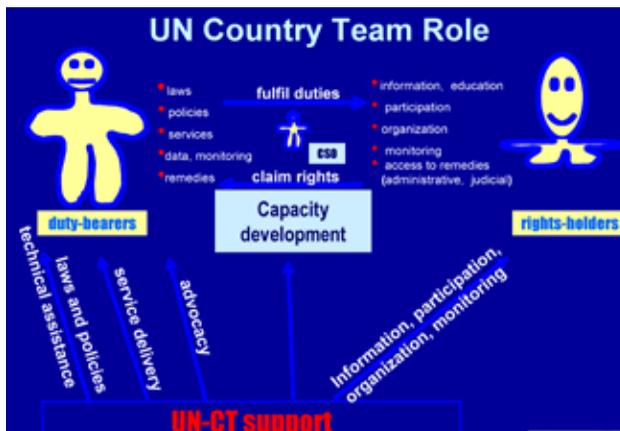
Slide 1

## Session Overview

- UNFPA's advocacy role
- Advocacy strategies
- Obstacles and challenges
- Strategies for challenging contexts
- Importance of cultural sensitivity
- Conclusion

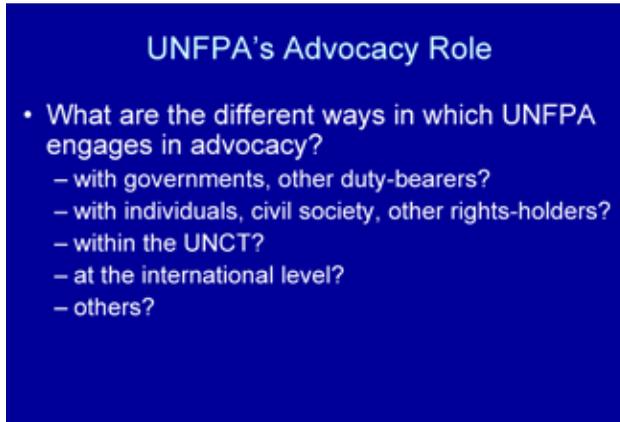
1. General discussion of UNFPA's advocacy role
2. Discussion of advocacy strategies
3. Obstacles and challenges to advocating for a HRBA
4. Strategies for advocating in challenging contexts
5. The importance of cultural sensitivity
6. Conclusion

Slide 2



Ask participants: Can we make the duty-bearer look a little happier about complying?

### Slide 3

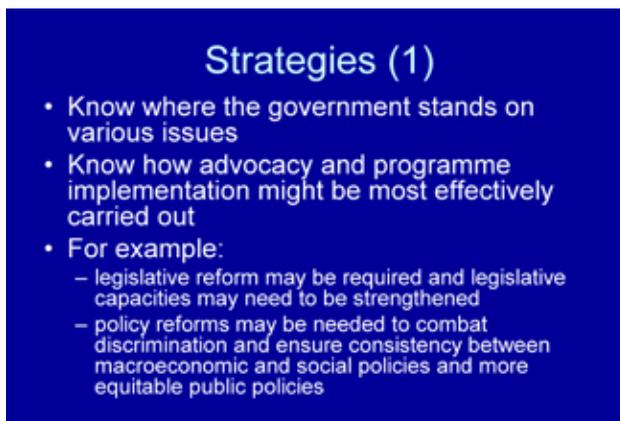


UNFPA's Advocacy Role

- What are the different ways in which UNFPA engages in advocacy?
  - with governments, other duty-bearers?
  - with individuals, civil society, other rights-holders?
  - within the UNCT?
  - at the international level?
  - others?

1. Ask participants: What are the different ways in which UNFPA engages in advocacy?
  - with governments and other duty-bearers?
  - with individuals, civil society and other rights-holders?
  - within the UNCT?
  - at the international level?
  - others?

### Slide 4



Strategies (1)

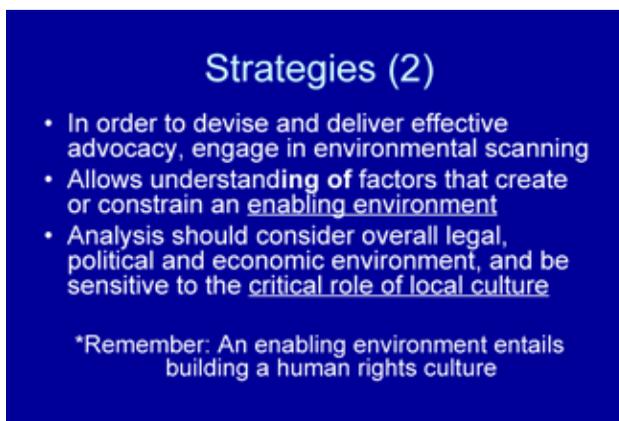
- Know where the government stands on various issues
- Know how advocacy and programme implementation might be most effectively carried out
- For example:
  - legislative reform may be required and legislative capacities may need to be strengthened
  - policy reforms may be needed to combat discrimination and ensure consistency between macroeconomic and social policies and more equitable public policies

1. As a UNFPA staff member, you want to make sure you know where the government stands on various issues and how advocacy and programme implementation might be most effectively carried out.
2. For example:
  - Legislative reform may be required and legislative capacities may need to be strengthened to bring national laws into compliance with treaty obligations and to

ensure the creation of appropriate mechanisms, procedures, roles and capacities for the domestic application of human rights principles and standards.

- Policy reforms may be needed to combat discrimination and to ensure consistency between macroeconomic and social policies and more equitable public policies.

### Slide 5



**Strategies (2)**

- In order to devise and deliver effective advocacy, engage in environmental scanning
- Allows understanding of factors that create or constrain an enabling environment
- Analysis should consider overall legal, political and economic environment, and be sensitive to the critical role of local culture

\*Remember: An enabling environment entails building a human rights culture

1. In order to devise and deliver effective advocacy, you will need to engage in environmental scanning.
2. This allows you to understand the factors that create or constrain an enabling environment.
3. Your analysis should consider the overall legal, political and economic environment, and be sensitive to the critical role of local culture.
4. All of these are factors that may facilitate or hinder the enjoyment of human rights.
5. An enabling environment entails building a human rights culture.

## Slide 6

**Obstacles and Challenges (1)**

Challenging contexts include places where there is:

- Lack of political will to deal with issues seen as especially sensitive or controversial
- Overt resistance to the concepts and methods of human rights (including for ostensible cultural, religious or other reasons)
- Open political resistance to human rights

1. Challenging contexts include places where there is:
  - A lack of political will to deal with issues seen as especially sensitive or controversial—such as family planning, contraception, gender equality, gender-based violence, child marriage, killings in the name of honour, etc. These issues are all directly relevant to UNFPA!
  - Overt resistance to the concepts and methods of human rights (including for ostensible cultural, religious or other reasons), especially with respect to the ‘sensitive’ topics dealt with under UNFPA’s mandate.
  - Open political resistance to human rights, for example in the context of sharp ethnic divisions where providing education in minority languages is not considered politically acceptable.
2. Ask participants to provide an example for each bullet point. Or provide examples of your own—tailor them to the country context in which the training is taking place.

## Slide 7

**Obstacles and Challenges (2)**

Challenging contexts include places where there is:

- Lack of political commitment and/or weak capacity to develop and implement a HRBA
- Resistance to acknowledging certain populations, and therefore resistance to ensuring the human rights of those populations
- Cultural or religiously sanctioned subordination of women, and where negative attitudes towards women and stereotypes are deeply entrenched

Again, ask participants to provide an example for each bullet point:

- A lack of political commitment and/or weak capacity to develop and implement a human rights-based approach.

- Resistance to acknowledging certain populations, and therefore resistance to ensuring the human rights of those populations such as drug users, sex workers, indigenous peoples, refugees, etc.—again, all populations that fall under UNFPA's mandate. For example, if the training is taking place in Africa, you may want to bring up the example of certain African presidents who have claimed that there are no 'gay men' in their countries.
- Cultural or religiously sanctioned subordination of women—and where negative attitudes towards women and stereotypes are deeply entrenched. This can include cultural practices that are harmful to women's human rights but that have broad support among the population.

### Slide 8

**Obstacles and Challenges (3)**

Challenging contexts include places where there is:

- Government that operates in a highly centralized manner, with limited public accountability
- Violent conflict, widespread poverty or extremely weak capacity, where basic survival or institution building is seen as a priority
- Generally weak governance or other significant structural and political barriers

1. Once again, ask participants to volunteer examples for each of these bullet points.
  - A government that operates in a highly centralized manner, with limited public accountability. Where there is little public accountability, there is often little public participation in the development of policies/programmes/interventions, as well as broad inequalities within the population.
  - Violent conflict, widespread poverty or extremely weak capacity—where basic survival or institution-building is seen as a priority.
  - Generally weak governance or other significant structural and political barriers.

## Slide 9

### Strategies for Advocating in Challenging Contexts

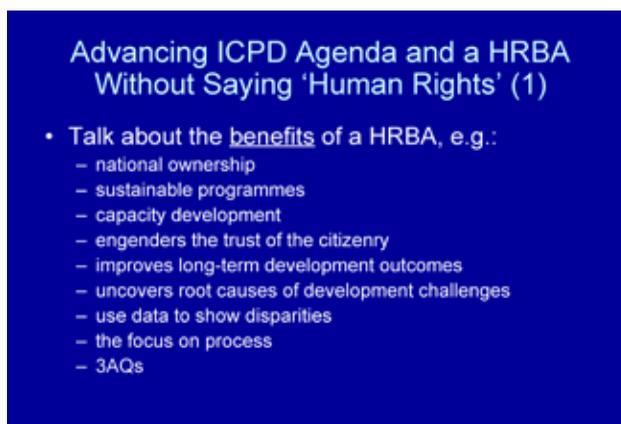
- Work with culture
- Emphasize that a HRBA is synonymous with national ownership
- Show that human rights are not a foreign concept
- Demonstrate that you know the value of a HRBA
- Emphasize capacity development
- Do the best you can in each specific situation
- Be patient, and work progressively towards change

1. Instructors: Use the examples provided in the 'Advocacy in Challenging Contexts' Information Card for illustration as you go through this slide.
2. Work with culture:
  - When applying a HRBA in contexts where local culture has seemed to be in conflict with human rights, UNFPA has been able to successfully work with traditional and religious leaders to use human rights as a tool to influence harmful and discriminatory practices—which might otherwise have remained unchallenged.
  - In the area of health and reproductive rights, UNFPA has been able to identify culturally sensitive ways of promoting human rights—for example, by drawing on Islamic sources in Muslim countries and distinguishing between culture at large and harmful practices that violate women's rights.
3. Emphasize that a HRBA is synonymous with national ownership:
  - It is vital to understand and address the links between government action and human rights promotion and protection. One way this can be done is by reconciling human rights with the national ownership and leadership of strategies upon which development programming is based. UNFPA is committed to promoting and ensuring national ownership in all country programmes. The focus on national ownership is a key aspect of UNFPA's Strategic Plan 2008-2011.
  - National ownership is essential to a HRBA—this is why the human rights principles of participation and inclusion are so vital.
  - One approach that has been successful in engaging reluctant governments has been to stress that it is their development goals that you are aiming to help them realize.
4. Show that human rights are not a foreign concept:
  - Sometimes a human rights-based approach is viewed with suspicion as an external conditionality or the latest development fad or donor import. These concerns are often voiced in good faith, although sometimes they may also mask a desire to avoid human rights obligations.
  - Remind governments that States parties to the international human rights treaties are required to harmonize their national legislation with international standards.
  - Suggest examination of their domestic legislation to determine the extent to which human rights norms and standards are already incorporated in their efforts.

- Hint: Remember the legal and policy analysis we talked about in Module 2? Carrying out such an analysis can help you and your government partners become familiar with the laws and policies of the country in which you are working, and can thus show to what extent international human rights standards have already been integrated into domestic legislation.
  - Make sure to refer to nationally entrenched rights in constitutions and domestic legal standards, as well as the (freely entered into) international human rights obligations when in conversation with reluctant partners.
5. Demonstrate that you know the value of a HRBA:
    - Clear communication is needed on the distinctive meaning, value and requirements of a human rights-based approach, within the framework of a genuine development partnership.
    - It is critical that the United Nations and all those involved in implementing a human rights-based approach walk the talk in order to have credibility in policy dialogues on these issues. Hence, capacity development of your own staff—with use of a training manual such as this one—can go to great lengths towards providing reassurance to governments that you understand and can explain the value of a human rights-based approach to programming for national development, and that you see a HRBA as central to the achievement of your goals and objectives as well.
  6. Emphasize capacity development:
    - Resistance to human rights can sometimes be lessened if you emphasize the key role given to capacity development of both rights-holders and duty-bearers in a HRBA.
    - Because a HRBA offers the opportunity to develop the capacity of duty-bearers to fulfil their obligations in a manner that is sustainable, governments may be more receptive when they understand that what is being offered to them is technical assistance to meet their development goals.
    - UNFPA is committed to the capacity development of both rights-holders and duty-bearers in all of the programmes it supports.
  7. Do the best you can in each specific situation:
    - Some country contexts present great challenges, such as in the midst of a war. In these situations, it may of course be impossible to fully engage the participation of the government in this effort.
    - This does not mean that it is impossible to apply a HRBA in emergency situations (see Module 6). It just means you have to be aware of any limitations that may hinder your ability to support full implementation of a HRBA.
    - Even if international humanitarian law is in operation, do the best you can to provide help to the most marginalized and excluded groups, ensure the programmes you support do not discriminate, and engage the participation of your targeted groups and other stakeholders to the extent possible.
    - It may be difficult to ensure accountability during such situations, but you can at least ensure internal accountability for your own efforts by being transparent, disseminating results, and sharing decision-making processes with the public in whatever manner possible.
    - Turn to the case study in Module 6 to see how UNFPA tries to ensure accountability in emergency response.

8. Be patient, and work progressively towards change:
  - In many cases, convincing a government of the utility of a HRBA requires patience and commitment.
  - Progressively engage the government and other actors (civil society organizations, human rights commissions, NGOs) in dialogue about development goals. Remember the concept of progressive realization.
  - Do not use 'rights' language if it is not appropriate. Instead, begin by focusing on discussing the data behind the main development challenges, such as maternal mortality ratios, levels of unmet need, HIV prevalence, and so forth. In one African country, UNFPA staff found that demonstrating sensitivity in the choice of language and topics for discussion, especially in the early stages of programme formulation, helped to get a joint initiative off to a good start. The concept of family planning, for instance, may have negative associations. Instead, frame the issues in the larger—and more positive—context of reproductive health and healthier families.

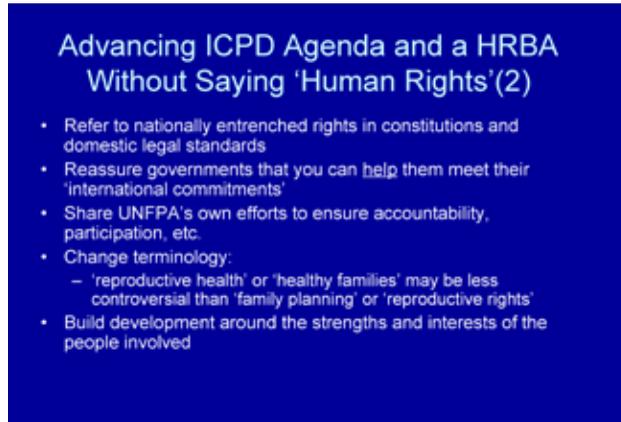
#### Slide 10



Advancing ICPD Agenda and a HRBA  
Without Saying 'Human Rights' (1)

- Talk about the benefits of a HRBA, e.g.:
  - national ownership
  - sustainable programmes
  - capacity development
  - engenders the trust of the citizenry
  - improves long-term development outcomes
  - uncovers root causes of development challenges
  - use data to show disparities
  - the focus on process
  - 3AQs

1. There are different ways of promoting a HRBA without actually saying that is what we are doing.
2. How can we advance the ICPD agenda and a HRBA without saying 'human rights'?
3. Remember, however, that although in some circumstances you might make more progress without using the term 'human rights', in general, the language of human rights is very powerful and we WANT to use the term 'human rights' if we can. The term 'human rights' makes it clear that we are talking about binding legal obligations, and that we are not just focusing on needs or charity. Governments must understand their human rights obligations, and it is UNFPA's mandate to support governments in fulfilling their obligations.



**Advancing ICPD Agenda and a HRBA Without Saying 'Human Rights'(2)**

- Refer to nationally entrenched rights in constitutions and domestic legal standards
- Reassure governments that you can help them meet their 'international commitments'
- Share UNFPA's own efforts to ensure accountability, participation, etc.
- Change terminology:
  - 'reproductive health' or 'healthy families' may be less controversial than 'family planning' or 'reproductive rights'
- Build development around the strengths and interests of the people involved

1. Remember to refer to nationally entrenched rights in constitutions and domestic legal standards.
2. Reassure governments that you can help them meet their 'international commitments'.
3. Share UNFPA's own efforts to ensure accountability, participation, etc.
4. 'Reproductive health' or 'healthy families' may be less controversial than 'family planning' or 'reproductive rights'.
5. Build development around the strengths and interests of the people involved.

## Slide 12

### Importance of Cultural Sensitivity

- Cultural or religious traditions and practices can be in opposition to UNFPA's efforts
- Working to change behaviours and attitudes is extremely time-consuming with limited immediate obvious impact
- Incremental changes are possible and may be more enduring in the long run. This is the reason why UNFPA promotes a culturally sensitive HRBA
- Essential to design and implement programmes that work from within a culture

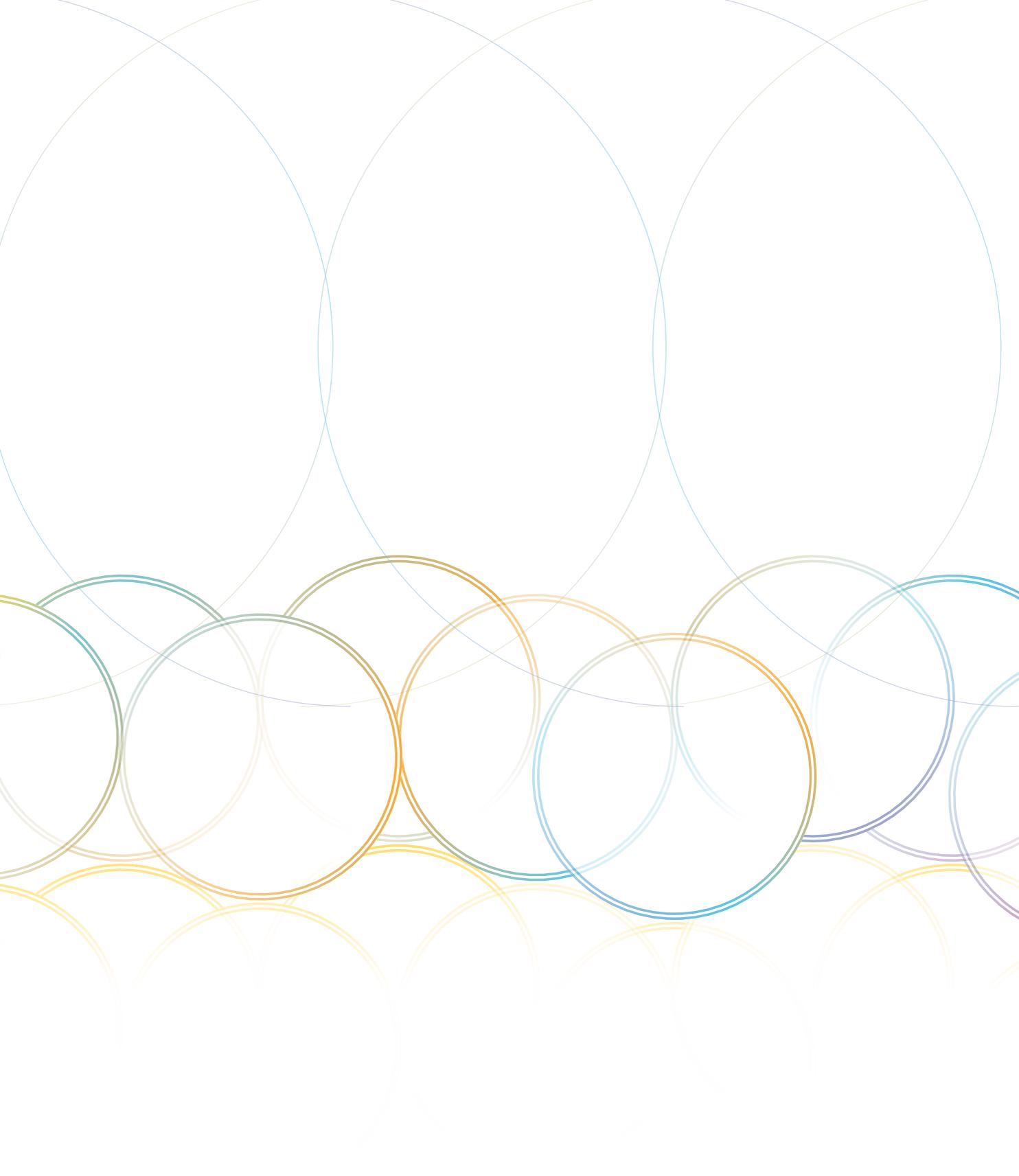
1. Cultural or religious traditions and practices can be in opposition to UNFPA's efforts. Cultural practices can be harmful to human rights, but may be deeply entrenched within a society and have powerful support in the country.
2. Working to change behaviours and attitudes that view human rights negatively (especially those that view the human rights of women in a negative light) can be extremely time-consuming with limited immediate obvious impact.
3. Incremental changes are possible, however, and may be more enduring in the long run. This is the reason why UNFPA promotes a culturally sensitive HRBA.
4. Because culture and religion are of such importance, it is essential to design and implement programmes that work from within a culture.

## Slide 13

### Conclusion

- Integrating human rights into development assistance is not simply a technical matter resolved by adequate training or better tools and procedures
- In addition to knowledge of what a HRBA means in practice, it requires negotiation with governments, consensus-building, and adapting to potentially difficult and unfriendly contexts

Integrating human rights into development assistance is not simply a technical matter resolved by adequate training or better tools and procedures. In addition to knowledge of what a HRBA means in practice, it requires negotiation with governments, consensus-building, and adapting to potentially difficult and unfriendly contexts.



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