

# Human Rights in UNDP



## PRACTICE NOTE

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***“Human Rights are the foundation of human existence and coexistence. They are universal, indivisible and interdependent. And they lie at the heart of everything the UN aspires to achieve in its global mission of peace and development.”***

**Kofi Annan, Secretary-General of the United Nations**

***“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***

**Report of the Secretary-General, “In larger Freedom: towards development, security and human rights for all”, 2005**

## Acronyms and abbreviations

ACT	Assisting Communities Together
A2I	Access to Information
BDP	Bureau for Development Policy (UNDP)
CAT	Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
CBO(s)	Community-Based Organization(s)
CCA	Common Country Assessment
CEDAW	Convention on the Elimination of Discrimination All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSO(s)	Civil Society Organization(s)
DG/DGG	Democratic Governance/Democratic Governance Group (UNDP/BDP)
DGTTF	Democratic Governance Thematic Trust Fund
(UN) GA	(United Nations) General Assembly
GOLD	Governance for Livelihoods and Development (in Asia-Pacific)
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRBA	Human Rights-Based Approach
HURIST	Human Rights Strengthening Programme
HURITALK	Human Rights Talk/electronic knowledge network
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
MDG(s)	Millennium Development Goal(s)
MoU	Memorandum of Understanding
NGO(s)	Non-Governmental Organization (s)
NHDR(s)	National Human Development Report(s)
NHRAP(s)	National Human Rights Action Plan(s)
OHCHR	Office of the (UN) High Commissioner for Human Rights
PARAGON	Participatory Action Research to Advance Governance Options and Networks
POGAR	Programme on Governance in the Arab Region
SURF(s)	Sub-regional Resource Facility (ies)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNSSC	United Nations System Staff College
VDA	Virtual Development Academy (UNDP)
WHO	World Health Organisation

## EXECUTIVE SUMMARY

Over the past years, the promotion and protection of human rights and the application of a human rights-based approach to development programming have gained prominence in the work of the United Nations. This is largely due to the ongoing efforts of the Secretary General as part of his UN Reforms. The Secretary General has repeatedly reiterated his call on all agencies, funds, and programmes of the UN system to mainstream human rights into their various activities, and he has consistently emphasised the promotion and protection of human rights as the bedrock requirement for the realisation of the Charter's vision of a just and peaceful world. UNDP's own Human Development Reports, and the Millennium Declaration have further solidified human rights centrality in the development discourse.

UNDP issued its policy of integrating human rights with human development in January 1998. Since then, human rights have emerged as a key concern of the organisation's development activities. Underlying UNDP's commitment to the integration of human rights with human development is the international human rights machinery. It is comprised of legally binding human rights instruments adopted at the global and regional levels; the various bodies and mechanisms that have been set up to monitor compliance with these instruments; and the human rights-related output of various world conferences convened by the United Nations, as well as human rights resolutions of the UN General Assembly and the UN Commission on Human Rights.

With this Note, UNDP confirms its original policy position and elaborates, on the basis of experience, how this policy is to be implemented in the three *strategic areas of intervention* covering UNDPs work on human rights and human rights mainstreaming.

- (1) Supporting the strengthening of national human rights systems;**
- (2) Promoting the application of a human rights-based approach to development programming; and**
- (3) Greater engagement with the international human rights machinery**

The Practice Note links the implementation of the policy to the framework definition of a human rights-based approach to programming as captured in the “*UN Common Understanding on a Human Rights-based Approach*”, and explores opportunities and possibilities that arise during the programming cycle. The Practice Note moreover stresses that human rights are the business of every staff member, and that partnerships with other actors, notably the UN Office of the High Commissioner for Human Rights, must be a defining characteristic of UNDP support with respect to human rights.

A final feature of this particular Practice Note is its role to serve an umbrella function, facilitating a comprehensive and coherent process towards genuine human rights-based programme development in all policies and programmes supported and implemented by UNDP.

# 1. INTRODUCTION

Human development and human rights are interrelated, inter-dependent and indivisible. Human rights norms provide a framework for equality and non-discrimination that, when objectively applied, ensures that the benefits of human development reach even the most disadvantaged people. They moreover add the critical aspect of **legitimacy** to the focus on efficiency and delivery. As such, human rights provide the important ‘why’ question in addition to the ‘what’ and ‘how’ when dealing with development and programming.

In January 1998, the United Nations Development Programme (UNDP) issued its [policy on integrating human rights with sustainable human development](#). Since then, human rights have emerged as a key area of UNDP support. The promotion and protection of human rights and the application of the human rights-based approach to development programming have also gained prominence in the work of the United Nations as a whole, particularly in the context of the UN reforms, initiated by the Secretary-General. Human rights moreover constitute a significant part of the agenda of most bilateral and multilateral development cooperation agencies, and have been firmly embedded into the Millennium Declaration.

## Human Rights and the MDGs

*“Human rights and human development are profoundly tied and lie at the heart of the Millennium Development Goals. Each goal can best be achieved when we address the rights-related issues of equality, non-discrimination, participation, inclusion, accountability and social justice-as well as international solidarity and cooperation. This means that approaches to achieve the MDGs must be based on human rights, with attention not only to development results, but also to the ways in which development is pursued”*

Mark Malloch Brown, UNDP Administrator

As recently reiterated in the Secretary-General’s Report [“In larger Freedom: towards development, security and human rights for all”](#), we need to see the Millennium Development Goals as part of an even larger development Agenda, which will only be realized unless supported by States with transparent, accountable systems of governance, grounded in the rule of law, encompassing civil and political as well as economic and social rights, and underpinned by accountable and efficient public administration.

The above quote signifies and reaffirms UNDP’s commitment to sustainable human development at its best in this respect. It sums up the need to be aware of **what** is to be done, **how** one is providing development assistance, as well as **with whom** one is dealing in achieving the MDGs. As such the discourse on human rights and the MDGs is taken beyond its generic static level of aligning the one with the other (and each of the MDGs aims to fulfil a particular civil, economic or social right) by analyzing processes and outcome, which by themselves must be reflective of the requirements of human rights law (<http://www.unhcr.ch/development/mdg.html> ).

The modality chosen to reach the MDGs is thus as important as reaching the goals. Any MDG strategy must be concerned with the questions of who is affected by MDG progress and how targets are reached. It is simply not good enough to reach national MDG targets if those who are poor and disadvantaged are not reached. This would defeat the fundamentals on which the UN Millennium Declaration was built, and would ignore our common knowledge that peace, development and human rights are intimately interrelated and indivisible. In the words of the Secretary-General in his latest Report:

*‘ Even if he can vote to choose his rulers, a young man with AIDS who cannot read or write and lives on the brink of starvation is not truly free. Equally, even if she earns enough to live, a woman who lives in the shadow of daily violence and has no say in how her country is run is not truly free. Larger freedom implies that men and women everywhere have the right to be governed by their own consent, under law, in a society where all individuals can, without discrimination or retribution, speak, worship and associate freely. They must also be free from want- so that the death sentences of extreme poverty and infectious disease are lifted from their lives- and free from fear- so that their lives and livelihoods are not ripped apart by violence and war.’*

UNDP’s assertion that all actors should adopt a human rights-based approach in tailoring and customising the MDG targets to the local context, as reflected in its Practice Note on [Poverty Reduction and Human Rights](#), therefore remains critical.

With this Note, UNDP is confirming its original policy position but, drawing upon the progress made and experiences gained since 1998, it also provides a framework for practical steps, and seeks to serve as an umbrella guidance note for the corporate process of human rights mainstreaming. A series of practice-oriented tools are being developed to supplement this particular note to deepen the exact human rights related issues pertaining to our practice areas. These will focus on the human rights-based approach as applicable to specific programme areas and themes (poverty, access to justice, police reform, parliamentary development, local governance, public administration reform, etc.). Examples of such tools are the Practice Notes on "*Human Rights and Poverty Reduction*" (2003) and the Practice Note on "*Access to Justice*" (2004).

This Note has seven sections. Following the Introduction, Section 2 examines the relationship between human rights and development, situates human rights within the mandate and work of the United Nations and presents an overview of the international machinery for the promotion and protection of human rights. Section 3 identifies UNDP's *niche* in the area of human rights. Section 4 highlights UNDP's three strategic areas of intervention. Section 5 focuses on approaches and techniques, whilst operational guidance is provided in Section 6, which outlines various opportunities in the programming cycle. Section 7 finally guides the reader to some key internal and external human rights resources available to UNDP development practitioners.

## **2. ISSUE AND ITS DIMENSIONS**

*“All human beings are born free and equal in dignity and rights....”*

*Article 1, UDHR*

### **2.1. Human Rights in the mandate of the United Nations**

Human Rights are at the heart of the work of the United Nations. Promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion is one of the purposes of the United Nations.

The 1993 World Conference on Human Rights held in Vienna, and resolutions of the General Assembly and the Commission on Human Rights, have called upon the United Nations to offer, at the request of governments concerned, programmes to assist in reforming national legislation, in establishing and/or strengthening national institutions and related structures to uphold human rights, the rule of law and democracy, in providing electoral assistance and in promoting human rights awareness through training, teaching and education, popular participation and the involvement of a vibrant civil society.

The Secretary-General’s reform programme, launched in 1997, subsequently called for the integration of human rights throughout the activities of the United Nations system and the development of practical tools to implement the Vienna Programme of Action. Several United Nations agencies and programmes have, as a result, advanced their human rights policies and activities.

The United Nations Millennium Declaration has been the most recent authoritative document to celebrate the primacy of human rights in the development system. Member States pledged “respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character”. They further 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 and girls, the rights of the child and the rights of migrants.

### **2.2. Human Rights and Human Development**

[The human person is at the centre of both human rights and human development.](#) The realisation of the dignity and worth inherent in every human being is the common goal of human development and human rights. Human rights express the bold idea that all people, men and women alike, have claims to human capabilities and social arrangements that protect them from the worst abuses and deprivations and enable them to enjoy their dignity as human beings. Human development, in turn, is a process of achieving the necessary capabilities—the range of things that a person can do and be in leading a life. When human development and human rights advance together, they reinforce each other—expanding people’s capabilities and protecting their fundamental rights and freedoms.

Human rights add significance to the agenda of development. They draw attention to accountability for the delivery of development benefits to all people, and lend legal and moral legitimacy, and a sense of social justice to the objectives of human development. This perspective directs attention in setting development goals to the rights and needs of

the most deprived and excluded members of society, especially where deprivations are the result of discrimination. It also highlights the right to information, political voice for all, and other civil and political rights as an integral part of the development process. As such human rights provide for an important and objective normative tool to address the inherent power issues underlying many of the contemporary development problems.

Human rights are expressed in terms of principles and norms related to human dignity. They establish legal entitlements and obligations. Wherever there is a right, there is a corresponding duty to fulfil that right. Every particular right, therefore, entails the existence of those who hold the legal entitlement to it (the '**right-holders**' or '**claim-holders**') and those who are under a duty to take appropriate measures to uphold the right (the '**duty-bearers**'). Such measures may be in the form of action that the duty-bearer should take — for example, passing legislation to help ensure a healthy environment or decent conditions of work — or action that the duty-bearer should **not** take, such as permitting the use of torture or denying access to education on grounds of race or gender.

#### WHAT DOES HUMAN RIGHTS LAW REQUIRE OF STATES?

Under international human rights law, States Parties have specific obligations to (i) respect, (ii) protect, and (iii) fulfil the rights contained in the conventions. Failure to perform these obligations constitutes a violation of such rights.

- i. The obligation to **respect** requires State Parties to refrain from interfering with the enjoyment of rights. For example, the right to housing is violated if the State Party engages in arbitrary forced evictions.
- ii. The obligation to **protect** requires State Parties to prevent violations of rights by third parties. For instance, the failure to ensure that private employers comply with basic labour standards may amount to a violation of the right to just and favourable conditions of work. Also, when there is a conflict between culture and women's rights, the human rights of women prevail.
- iii. The obligation to **fulfil** requires State Parties to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realisation of rights. This includes the duty to promote human rights.

States are obliged to move as expeditiously and effectively as possible toward the implementation of these obligations. The entire UN system — including the funds, programmes and specialised agencies — has a responsibility to support State Parties in these efforts: "*States have to undertake steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to achieving progressively the full realisation of the rights recognised.*" (Article 2.1 ICESCR)

### 2.3. The International Human Rights Machinery

Human rights are reflected in legally binding covenants, conventions, treaties and other instruments adopted at the global and regional levels and/or enacted at the national level. States become parties to international human rights instruments voluntarily and thereby obligate themselves to comply with their legal provisions, and to report periodically to independent monitoring bodies on their implementation.

The international machinery for the promotion and protection of human rights is so vast that it would be impossible to provide an overview of the **entire** spectrum of human rights law in this Practice Note. The main elements of the international human rights framework include the United Nations human rights system; labour standards adopted under the auspices of the International Labour Organization and regional human rights conventions.

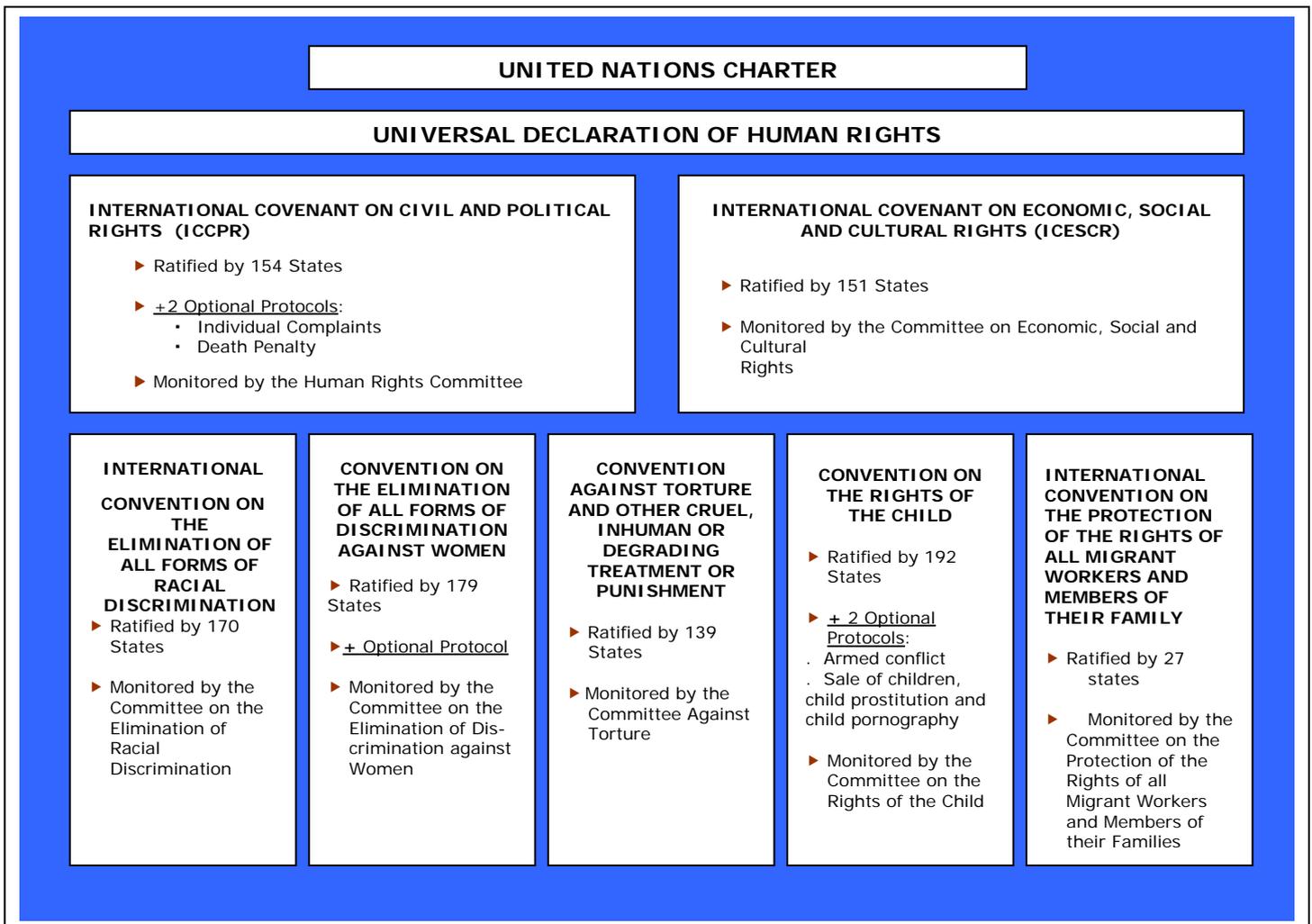
The normative framework for human rights protection is grounded in the UN Charter and the [Universal Declaration of Human Rights](#) (UDHR). Since the adoption of the UDHR in 1948, the international community has developed, through the United Nations, a

comprehensive and legally binding framework for the promotion and protection of human rights. Along with the UDHR, the [International Covenant on Economic, Social and Cultural Rights](#) and the [International Covenant on Civil and Political Rights](#) constitute the International Bill of Rights. These covenants are complemented by specific [UN Conventions](#) that protect the rights of women, children, migrant workers, etc. or address specific subjects, such as the elimination of racial discrimination and torture.

All States have ratified at least one of the major United Nations human rights conventions, while 80 per cent of them have [ratified](#) four or more. The major human rights treaties are monitored by committees of experts commonly referred to as "treaty bodies," which have been established for that purpose by the respective treaties themselves.

The legal force of the norms and standards of the UN human rights system is buttressed by the moral weight of the declarations, proclamations, platforms, programmes, plans of action and guiding principles adopted either by resolution of the UN General Assembly or at world conferences convened by the UN. Together with the legally binding norms and standards, they provide the platform for international efforts to respect, promote, protect and fulfil human rights.

### THE CORE UN HUMAN RIGHTS TREATIES AND THEIR MONITORING BODIES



## ILO Conventions

The International Labour Organisation (ILO) has developed a large body of [legally binding conventions](#) that address human rights as well. Although sometimes overlooked by human rights and development practitioners, ILO Conventions and Recommendations provide important human rights protection and guarantees, such as: freedom of association; the abolition of forced labour; equality; and the elimination of child labour. [ILO Convention number 169 on Indigenous and Tribal Peoples in Independent Countries](#) is of special significance for [UNDP's engagement with indigenous peoples](#).

## Regional Human Rights Mechanisms

The global human rights system is complemented by regional mechanisms in the Americas, Africa, and Europe. In some instances, treaties with strong monitoring and redress mechanisms have been developed. Asia and the Pacific and the Arab States are the regions where regional human rights mechanisms still have to enter into force.

The following non-exhaustive list of legally binding regional conventions and treaties and their monitoring mechanisms complement the global human rights machinery:

- ▶ [The American Convention on Human Rights](#) and [The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#), monitored by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights;
- ▶ [The African Charter on Human and Peoples' Rights](#) and [The African Charter on the Rights and Welfare of the Child](#), monitored by the African Commission on Human and Peoples' Rights;
- ▶ [The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols](#), [The European Social Charter](#), [The Council of Europe Framework Convention for the Protection of National Minorities](#) and [The Charter of Fundamental Rights of the European Union](#), monitored by the Committee of Ministers of the Council of Europe and the European Court of Human Rights.

### 3. UNDP'S NICHE AND POSSIBLE ENTRY POINTS

UNDP responded to the UN Secretary-General's call to mainstream human rights in all UN activities by issuing its policy of [Integrating human rights with sustainable human development](#) in January 1998. Since then, UNDP's work in human rights has been stepped up considerably.

As a consequence, the Executive Board of UNDP has adopted Service Line 2.4 on "*Justice and Human Rights*" in which UNDP is mandated, *inter alia*, to support the development of national human rights action plans; to apply a human rights-based approach to programming; to assist human rights initiatives involving civic education, awareness-raising campaigns, and to strengthen or create ombudsman offices and the extension of human rights institutions to the sub-national level.

Against this background, UNDP's niche is focused on three *strategic areas of intervention*:

- 1) Support to national systems for the promotion and protection of human rights;
- 2) Promote and apply a human rights-based approach to development programming; and;
- 3) Greater engagement with the international human rights machinery

Within each of these three areas of intervention, several possible entry points are available and have formed the basis of the human rights work of many UNDP country offices. One possible entry point that falls **outside the range of responsibility** of UNDP is the investigation, documentation and reporting of specific human rights violations alleged to have been perpetrated against individuals or groups by state agents or other actors. In the UN system, the monitoring of human rights violations is the responsibility of the Office of the High Commissioner for Human Rights (OHCHR), the UN Human Rights Commission and the latter's special procedures and mechanisms.

#### 3.1 Principles and guidance for action

- *As with other areas of development, the primary responsibility for human rights promotion and protection is with the State; UNDP interventions support States to honour their commitment to strengthen human rights capacity.*

In the [Millennium Declaration](#) (paragraphs 25 and 26), Member States committed themselves to strengthening their capacity at the country level to implement the principles and practices of human rights through national protection systems anchored in law. Programme country governments are expected to take the lead in building their countries' human rights capacities. UNDP's role, although vital, is to support national and local actors in what must be a nationally owned and nationally driven process.

- *There is a system-wide UN commitment to strengthening national human rights capacities; at all levels, UNDP should cooperate and collaborate with other UN entities to fulfil this commitment in a manner that promotes synergy and complementarity, is mutually reinforcing and builds on the comparative advantage of each entity.*

Building strong national human rights promotion and protection systems is at the core of the UN-wide Plan of Action (called "Action 2") on "*Strengthening human rights-related United Nations Action at country level; National Human Rights Promotion and Protection Systems*": All the UN agencies are collectively responsible for the implementation of this Plan, with the Resident Coordinator/Humanitarian Coordinator acting as the driving and catalytic force to spur collaborative action, and UNDP as a whole also responsible as the administering agent of the funds.

- *All UNDP programme staff are mandated to implement the organisation's human rights policy in their development activities*

In headquarter units and country offices that have governance and/or human rights focal points, the task of integrating human rights into the work of the unit's or country office's development programmes and projects should not be left to this focal point alone. Experience to date shows that regions and countries where human rights feature prominently in UNDP development programmes and projects are those in which the Regional Directors and/or Resident Representatives and their Deputies are personally committed to human rights as an integral part of the work of the organisation.

- *Human rights standards must be upheld in the UN work environment*

[The Standard of Conduct for the International Civil Service](#) obliges UN staff to uphold human rights principles in the workplace. It is crucial that UNDP staff foster a work environment based on the values of non-discrimination, equality and accountability.

### **3.2 Building on UNDPs strengths and comparative advantage**

For the purposes of supporting national systems for the promotion and protection of human rights, promoting and applying a human rights-based approach to development and engaging with the international human rights machinery, UNDP builds upon:

- Its unique and distinctive relationship with governments to enter into dialogue;
- Strategic partnerships with the donor community and civil society;
- Its presence on the ground in 166 countries;
- Its network of "communities of practice" at regional and global levels and its capacity to generate, codify and disseminate knowledge to enable the production and sharing of cutting-edge knowledge in human rights;
- Its role as facilitator/manager of the UN Resident Coordinator System to coordinate actions/interventions of UN agencies.

## 4. UNDPs STRATEGIC AREAS OF INTERVENTION

### 4.1 Support to national systems for the promotion and protection of human rights

The United Nations has identified the building of strong national human rights promotion and protection systems as a principal objective of the organization. Such systems may vary according to the situation in which a Member State finds itself and the human rights challenges it faces. However, as emphasized in the Vienna Declaration and Programme of Action, “*while the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms*”.

In “*Action 2*”, the UN-wide Plan of Action that is the human rights component of the Secretary General’s Reform Programme, some elements were identified as integral to a national promotion and protection system for human rights. These are:

- Laws consistent with international human rights standards
- Effective functioning of courts, judiciary and law enforcement as well as independent human rights institutions or ombudsman offices;
- Procedures for individuals to effectively claim one’s rights;
- Good governance and accountable government institutions that promote and protect human rights;
- Democratic, open, transparent and participatory decision making processes;
- Strong civil society, including a free and independent media.

UNDP support provided over the years aligns very well with these requirements. Entry points that have been used by Country Offices reach from assessments of country situations to supporting access to justice initiatives, and from strengthening parliaments as guardians and promoters of human rights to supporting capacity development of National Human Rights Institutions. Supporting the establishment of National Human Rights Action Plans or similar programmes to enhance national capacity for human rights protection and promotion have been a clear priority in some programme countries. (For more specific descriptions of Country Office activities please go to the [UNDP Human Rights World Map](#))

Based on both the Vienna Declaration, as well as the Millennium Declaration, and notwithstanding great work ongoing in some countries and regions, one area of attention that still merits increased support from UNDP relates to the human rights situation of particularly vulnerable, and/or marginalized individuals and groups in need of special protection such as indigenous peoples, minorities, disabled people, the elderly, internally displaced persons, migrant workers and people living with HIV/AIDS. Supporting human rights education, training and awareness raising remains as critical as ever.

<b>Strategic Areas of Intervention</b>	<b>Selected Entry Points</b>	<b>Illustrative Country Offices</b>
<b>Support to national human rights systems</b>	Human rights advocacy, awareness raising and policy development	Argentina, Armenia, Belarus, Bolivia, Burundi, Brazil, Cambodia, Democratic Republic of Congo, Ecuador, Georgia, Iran, Kyrgyzstan, Madagascar, Maldives, Mozambique, Peru, Philippines, Romania, Saudi Arabia, Tanzania, Vanuatu Yemen
	Human rights education and training for various stakeholders	Bangladesh, Cambodia, Cote d'Ivoire, Ethiopia, Georgia, Guinea-Bissau, Jordan, Moldova, Morocco, Niger, Paraguay, Philippines, Tanzania
	Strengthening parliaments; supporting the establishment and functioning of national human rights institutions and oversight bodies	Armenia, Azerbaijan, Bangladesh, Bolivia, Burundi, Cambodia, Chad, Cote d'Ivoire, Ecuador, Ethiopia, Fiji, Georgia, Ghana, Guinea-Bissau, Iran, Kazakhstan, Kenya, Kyrgyzstan, Lithuania, Malaysia, Maldives, Mauritania, Moldova, Mongolia, Nepal, Peru, Philippines, Romania, Rwanda, Sri Lanka, Togo, Uganda, Uzbekistan, Vanuatu, Venezuela
	Support to the development of national human rights action plans	Benin, Cape Verde, Cote d'Ivoire, Kenya, Lithuania, Mauritania, Moldova, Mongolia, Nepal, Nigeria, Philippines
	Strengthening the human rights capacities of government departments, CSOs, NGOs and CBOs	Brazil, Lebanon, Lithuania, Madagascar, Mauritania, Morocco, Paraguay, Togo

## **4.2 Promotion and application of a human rights-based approach to development programming**

Effective national human rights promotion and protection systems require public policies guided by human rights principles and norms designed to ensure enjoyment of human rights by all people. The success of human rights-based development strategies will primarily rest on the recognition and respect for the primacy of universal human rights by the State. As was highlighted in the Human Development report 2000, respect for human rights is to be reflected in a State's norms, institutions, legal frameworks and enabling economic, political and policy environment. Intrinsic steps in this regard have to be taken through:

- **Advocacy:** sensitisation of all stakeholders in the broadest sense of the word
- **Institutional development:** creation of sustainable institutional systems
- **implementation:** the application of human rights in law and reality
- **monitoring:** effective systems for societal monitoring of human rights enforcement
- **redress:** transparent mechanisms to correct human rights violations
- **specific measures:** affirmative action for addressing structural issues that perpetuate inequality and discrimination.

<b>Promotion and application of a human rights-based approach to development programming</b>	Building Capacity of UNDP staff and their development partners to understand and apply a human rights-based approach to development	Bosnia an Herzegovina, Benin, Bolivia, Brazil, Cambodia, China, Cote d'Ivoire, Kyrgyzstan, Macedonia, Nepal, the Philippines, Sri Lanka, Thailand
	Human rights-based orientation in assessment and analysis of development situation and formulation of development programmes/projects	Bosnia & Herzegovina, Cambodia, Cape Verde, Kenya, Nigeria, the Philippines, Rwanda, Sri Lanka, Thailand, Uganda, Yemen.
	Integration of Human Rights in the CCA, UNDAF, UNDP country programme and other planning processes	Algeria, Ecuador, Kyrgyzstan, Lebanon, Lithuania, Mauritius, Togo, Uganda, Yemen.

Human rights-based approaches promote social transformation by empowering people to exercise their “voice” and “agency” to influence the processes of change. It strengthens democratic governance by supporting the state to identify and fulfil its responsibilities to all under its jurisdiction. And it gives substance to universal ethics by translating the principles of international declarations and conventions into entitlements and concrete action.

In practical terms, the application of the human rights-based approach influences programming in at least four ways:

- *First*, it forces programme staff and policy-makers to reflect upon the **why** and **how** of their actions beyond the questions of **what** should be done;
- *Second*, the global legitimacy of human rights provides an objective starting point for dialogue and discussions with government, the people and external partners;
- *Third*, it helps policy-makers and citizens to recognise the power dynamics of the development process; and
- *Fourth*, the accountability structure pursued through a human rights-based approach facilitates the development of quantitative and qualitative benchmarks and indicators for measuring progress in development planning and delivery.

The human rights-based approach thus provides both a vision of what development should strive to achieve and a set of tools and essential references. Activating the tools and references will lead to better analysed and more strategic interventions; to enhanced ownership by the people, and will forge automatic partnerships between the UN, government and civil society. Development interventions will moreover become more sustainable, through the explicit emphasis on accountability in decision-making and participation.

Since 2003, a clear and practical programming framework for the human rights-based approach to programming is in existence within the UN framework. As a follow-up to the Secretary-General’s call to mainstream human rights into everything the UN is about, UN agencies developed and endorsed the “*UN Common Understanding of a Human Rights based Approach to Development Cooperation*,” which was subsequently integrated into the [guidelines for the CCA/UNDAF processes](#), and is used in UN Country Team Training as well as in UNDP specific capacity development exercises. The UN Common Understanding is of vital importance in that it sets out, in clear and simple terms, what a

human rights-based approach is really about, and moreover has forged a partnership between UN Agencies in addressing human rights in development. It is meant to guide the actual implementation of the human rights-based approach to development programming by all UN entities. It emphasizes the purpose of development cooperation, the use of human rights principles to guide development programming and the methodology to be followed in national capacity development. UNDP is firmly committed to further operationalising the UN Common Understanding in both its inter-agency and its own programming frameworks.

The key tenets of the **UN Common Understanding** are:

- (1) All programmes of development cooperation, policies and technical assistance should further the realisation 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 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 duty-bearers to meet their obligations and/or rights-holders to claim their rights.

**The human rights principles to guide programming are:**

- **Universality and inalienability:** All people everywhere in the world are entitled to human rights. They cannot be given up or taken away.
- **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 one cannot be ranked a priority in a hierarchical order.
- **Inter-dependence and Inter-relatedness.** 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 the realization of the right to education, or of the right to information.
- **Equality and Non-discrimination:** All human beings are entitled to their human rights without discrimination of any kind, on the grounds of 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.
- **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.
- **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 initiate proceedings for appropriate redress before a competent court or other adjudicator, in accordance with the rules and procedures provided by law.

### 4.3 Greater engagement with the international human rights machinery

The legitimacy of the promotion and protection of human rights at the national level depends, to a large extent, on the effectiveness of the international human rights machinery led by the United Nations. As an agency of the UN, UNDP has a corporate responsibility to promote and strengthen this machinery at both the global and country levels.

Many country offices already provide support to the international human rights system, and this should be institutionalized. At the corporate level UNDP engages in national, regional and global human rights policy discussions, but it can benefit greatly from a more active role. UNDP has much to offer to, and learn from, the debates in the Third Committee of the General Assembly, the UN Commission on Human Rights and its subsidiary organs. Their focus is after all touching directly upon standard setting and operational guidance for programming at either the national or international level.

UNDP also provides critical support in facilitating the implementation and observance of universal standards of human rights. Support for fulfilling country reporting obligations, as required under the respective UN human rights conventions, and support to civil society to draft alternative or ‘shadow’ reports to UN treaty bodies have all proven to be effective. Follow up to treaty body recommendations, such as those of the Committee on the Elimination of All Forms of Discrimination against Women has also contributed in securing the observance of human rights.

<b>Support to the promotion and strengthening of the international human rights machinery</b>	Advocacy for ratification and implementation of, and awareness raising about, regional and international human rights treaties	Bhutan, China, Ecuador, East Timor, Guatemala, Guinea-Bissau, Jordan, Kenya, Kazakhstan, Laos, Madagascar, Nepal, Philippines, Serbia and Montenegro, Sri Lanka, Turkey, Uzbekistan, Venezuela, Viet Nam, Zambia
	Advisory, technical and financial support in the production and submission of State party reports to UN treaty bodies	Albania, Burundi, Cambodia, Cote d'Ivoire, Laos, Maldives, Nepal, Niger, Sri Lanka, Tanzania, Togo, Yemen
	Supporting measures to harmonise national policies and legislation with regional and international human rights norms and standards	Burundi, China, Ecuador, Nepal, Tanzania
	Facilitating national participation in regional and international human rights conferences and meetings	Cambodia, Cote d'Ivoire, Kenya, Nigeria, Togo, Uruguay, Yemen
	Support to dissemination, application/implementation of outputs and follow-up of regional and UN human rights conferences, treaty bodies and other monitoring mechanisms	Algeria, Cambodia, Sri Lanka
	Backstopping and facilitating country-level visits and missions of OHCHR, special rapporteurs and other regional and international human rights monitoring mechanisms	Argentina, Bhutan, Brazil, China, Iran, Kenya, Kyrgyzstan, Laos, Maldives, Nepal, Nigeria, Rwanda, Uzbekistan, Viet Nam

The work of UN treaty bodies is also of direct relevance to programming exercises. Dialogues with these monitoring bodies are important, whilst direct interaction with UN

Special Rapporteurs and Independent Experts can assist UNDP Country Offices in determining possible new programme areas in a particular country. For these purposes, UNDP has reason to enhance its capacities of networking and outreach between Headquarters, Regional Resource Centers, SURFs, and Country Offices. The electronic network, HURITALK, will have an important role to play in this respect.

## APPROACHES AND TECHNIQUES

### ❖ *Advocacy and awareness raising*

In countries where the environment is not yet supportive of human rights integration in development processes, advocacy and awareness raising may be the only feasible entry point for UNDP. But even in those that offer a favourable environment, advocacy and awareness raising are a valid form of UNDP engagement. Opportunities for such interventions may arise in the context of UNDP's participation in the preparation of development planning tools and frameworks, such as national and sectoral development plans, PRSPs, CCA/UNDAFs and its own country programme documents.

#### **Towards Torture Prevention: The Role of UNDP Uzbekistan in Human Rights Advocacy**

After widespread allegations of torture, the UN Special Rapporteur on Torture visited Uzbekistan in 2002, at the invitation of the Government to assess the situation regarding torture and other forms of ill treatment, and to recommend to the Government a series of measures to be undertaken to end those practices. After the visit, the Government of Uzbekistan responded by stating that it was ready to co-operate with the international community in Uzbekistan to implement the twenty-two recommendations of the Special Rapporteur. UNDP then convened a donor meeting to share thoughts on drafting a joint position paper on how the international community would like to support the Government to implement the recommendations, and defining possible appropriate advocacy strategies. UNDP was requested to take a lead role in coordinating the efforts of the international community; including drafting a joint position paper with concrete interventions and advocating for a high level meeting between the international community and the relevant high government officials. The government expressed commitment to draft a National Action Plan to Combat Torture and requested UNDP to provide support, both technical and financial. The process of drafting the Plan started in mid 2003 with the participation of all stakeholders, including the human rights civil society representatives, and concluded with the approval of the Plan by the Prime Minister of Uzbekistan in March 2004.

A UNDP Umbrella Project on Human Rights was subsequently developed to establish a framework within which human rights initiatives can be operationalised in Uzbekistan. Its key focus will be the implementation of the recommendations of the UN Special Rapporteur on Torture. The improvement of the human rights situation, particularly the eradication of torture and other forms of ill-treatment, is only possible if the above Action Plan is effectively implemented and a mechanism for continuous dialogue between the authorities and the civil society on the improvement of the human rights situation developed. Therefore, the project aims at:

- 1) Strengthening the capacity of human rights civil society to be engaged in constructive dialogue and to foster partnerships with the government authorities; and
- 2) Building the capacity of human rights civil society to effectively monitor the implementation of human rights initiatives.

### ❖ *Training and capacity building*

Success in the practical application of the human rights-based approach to development depends largely on the capacity of UNDP staff and its development partner institutions and organisations to understand and apply this approach in their development activities. Focused training and capacity building are vital to strengthening human rights at the country level.

UNDP country offices also support human rights capacity-building interventions through institutional development. Important partners for UNDP in many countries are human

rights commissions and offices of ombudspersons. Support is also provided to strengthen the capacity of local human rights NGOs.

Human Rights education is vital for the improvement of the human rights situation in a country. It is only when people know their rights and are aware of the commitments that their country has made that they will be empowered to claim their rights and actively influence the decisions about the life of the community. UNDP is supporting human rights education both in the formal educational system and as a framework for local and municipal development.

#### **Human rights training and capacity building in Kenya**

Monitors drawn from various regions in Kenya have been trained to monitor and report on women's rights violations. Training participants, who are influential and respected members of their local communities, were mobilised with the help of religious institutions, CBOs, NGOs, the District Social Development Officers and political party representatives. The training aims to create awareness among participants and equip them with tools and skills to adequately address women's rights issues. It strengthens the participants' ability to monitor and document the violation of women's rights in their areas. An annual report capturing all reported and documented cases, is produced to serve as a lobbying and advocacy tool with policy-makers as part of the strategy to address women's rights violations.

#### **❖ Partnership building**

Strategic partnerships, internally and externally, are fundamental to development effectiveness. UNDP can leverage its relatively limited financial and human resources to enhance the impact of its work in human rights by working in partnership with other development actors.

Partnerships with a multitude of in-country development actors should particularly be cultivated, also in what looks like straightforward institution building. For instance, in order for national human rights institutions to enjoy widespread legitimacy, the process of establishing them must involve critical stakeholders, such as parliament, the judiciary and the police; as well as local civil society organizations and the media.

#### **UNDP-OHCHR partnership**

UNDP's main partner in both policy making and human rights programming is the Office of the UN High Commissioner for Human Rights (OHCHR). UNDP and OHCHR signed a [Memorandum of Understanding](#) in March 1998 (New York), with a significant increase in human rights programming as a result. Two concrete programming activities that have followed the conclusion of the MoU are HURIST and the ACT-programme. Both parties have agreed to deepen the partnership in coming years and strengthen programming modalities in the field of human rights without duplicating efforts. The Action 2 Programme serves as a solid indicator in this respect.

The private sector can, under specific and strict normative conditions and circumstances, also be an important UNDP partner at country level in the field of human rights. In Venezuela, UNDP has partnered with the Statoil, the oil-company, and Amnesty International to train magistrates in the application of international human rights norms, standards and regulations in the daily administration of justice. The private sector has thus contributed directly to the promotion and protection of human rights. The role of human rights in dealing with the private sector should however always be clear. UNDP stands firmly behind its normative foundation as a UN Programme, and will exclusively develop partnerships that respect and promote the realization of human rights as contained in the

provisions of the core UN Human Rights Conventions, and the UN Global Compact. Partnerships that do not pass the test will be terminated.

UNDP works closely with civil society organizations, international research institutions and implementing agencies to further the work on human rights in development. As such, UNDP is collaborating with, for example, the Geneva-based Centre on Housing Rights and Evictions to develop its policy on *land rights and development*; with the London-based Minority Rights Group International to develop its policy on *minorities in development*; with the Danish Institute for Human Rights to develop its policy of *engagement with national human rights institutions*, and with PDHRE, People's Movement for Human Rights Learning on human rights education. UNDP will further enhance its outreach to human rights and development NGOs to dialogue on human rights in development.

UNDP will also deepen its partnerships with civil society at country level, with a view to strengthen the substantive interaction between human rights and development practitioners. UNDP-facilitated civil society forums and/or civil society advisory committees, similar to the existing Global CSO Advisory Committee to the Administrator that advises senior management on UNDP policy direction and programme initiatives, are perfect vehicles for this, and can help develop, implement and monitor legitimate programme delivery, and strengthen accountability in programme implementation at the local level.

#### ❖ *Community of Practice and knowledge networking*

A Human Rights Community of Practice that brings together UNDP programme staff from country offices, the SURFs, the Regional Resource Centres and headquarters is essential for building synergies and for the practical implementation of UNDP's policy of integrating human rights with human development. Such a community provides its members a platform for knowledge networking, for sharing experiences and lessons learned and for strengthening individual and collective capacity to apply the human rights-based approach to development.

"Human Rights Talk" (HURITALK), UNDP's electronic discussion forum dedicated to human rights, serves as a vehicle for interaction among members of the UNDP Human Rights Community of Practice involving also external actors such as human rights academics, practitioners, advocates and activists from other UN entities, bilateral development cooperation agencies, international and national CSOs and NGOs and academic and research institutions. In the context of Action 2, HURITALK will expand further to serve the whole UN system.

#### ❖ *Support from Global and Regional Programmes*

Support in the implementation of UNDP's policy of integrating human rights with human development is provided to country offices through a number of on-going global and regional programmes, and several Trust Funds. The programmes include: [Human Rights Strengthening](#) (HURIST), "*Assisting Communities Together*" (ACT), *Human Rights Cities*, and the *Programme on Governance in the Arab Region (POGAR)*. Until recently two large Regional Programmes were operational in the Asia-Pacific Region which both had strong human rights components: *Participatory Action Research to Advance Governance Options and Networks in the Asia-Pacific region (PARAGON)*, *Governance*

for *Livelihoods and Development in Asia-Pacific (GOLD)*. For more information, see part 7 of this Note.

## **6. The Programming Process**

### **❖ *Policy and Programme Dialogue***

Human rights are often perceived as sensitive political issues. Notwithstanding the sentiments behind such assertions, this should not deter UNDP staff, based on the UN mandate and the explicit UNDP policy, from engaging governments in discussions about strengthening national human rights promotion and protection systems, implementing a human rights-based approach to development and engaging with the international human rights machinery. It is important for UNDP to remind Governments of their moral and legal obligations that have come with the ratification of human rights treaties. And it is equally important to explain human rights as understood by the United Nations and as an integral part of its mandate as a UN programme. In this respect, and whenever possible, the UDHR and the UN Common Understanding should be used as comprehensive and generic advocacy tools.

Lack of capacity is often at the root of inadequate fulfilment of human rights. UNDP support should therefore above all aim at strengthening national and local capacities for the realisation of human rights. A capacity development approach to further the realisation of human rights allows for constructive dialogue with public officials and other stakeholders that could lead to appropriate solutions and actions. This requires transparency and clarity about the rationale for using the human rights-based approach, and pragmatism with respect to what is realistically achievable, given the prevailing political context as well as financial and other constraints.

### **❖ *CCA, UNDAF and country programming processes***

Integration of human rights into the CCA, UNDAF and country programming processes provides an over-arching entry point for human rights in the work of UNDP. As a member of the UN Country Team, UNDP is mandated to integrate human rights in the CCA and UNDAF. Doing so in this wider UN context sets the framework for reinforcing the integration of human rights in its own work, including its Country Programme Documents and project documents/Annual Workplans.

### **❖ *Situation analysis; programme formulation, implementation, monitoring***

A human rights-sensitive assessment should be a broad examination of people's access to their full range of rights. Ideally, a human rights-sensitive assessment of a development situation should involve multidisciplinary teams to ensure that account is taken not only of legal aspects but also of social, political, economic cultural and other issues affecting the development of the country. But, there is obviously no one magic bullet in terms of human rights-based assessments and analyses. What might work in one country doesn't necessarily work in another.

Several modalities have been developed over the years, such as the RMAP Programme in Bosnia and Herzegovina, the Speak out on Poverty Hearings (with additional human rights

assessment attached) in South Africa and several Report Card system methodologies. All merit appropriate and specific study and subsequent adaptation to the local context.

### HUMAN-RIGHTS BASED ASSESSMENTS IN BOSNIA-HERZEGOVINA

In Bosnia and Herzegovina (BiH), OHCHR and UNDP, in cooperation with the State Ministry for Human Rights and Refugees, are implementing a four-year project, the Rights-based Municipal Assessments Project (RMAP). RMAP is a pilot project to design and field-test methodologies on human rights-based approaches to development situation assessment, analysis and planning. The Project arose from a concern that grassroots human rights information was fragmented, undocumented or not publicly available, thereby inhibiting action to concretely overcome problems. RMAP operates through six municipal-level assessment teams of three to four members each, residing in particular municipalities for a five-month period. They are supported substantively, administratively and logistically by Project staff, OHCHR and UNDP. With the ultimate aim of improving the enjoyment of human rights locally, the RMAP project builds the capacity of the municipality and civil society to base local strategic development planning on human rights-based development assessments and analyses.

Forty-eight human rights-based municipal assessments will be undertaken. Central to each assessment is an analysis of the root causes of problems, identifying gaps between human rights entitlements and State delivery, and assessing the capacity of individuals and groups to claim their rights; of duty-bearers to meet their obligations and the relationship between these two groups

One thing that has however become clear and mandatory under a human rights-based approach, is the development and application of an assessment and analysis methodology that looks at causes, obligations, and capacities, sometimes complemented by a so-called “forces at work” analysis. The causal analysis aims to achieve consensus on the causes of the problems, the obligation analysis establishes the responsibility of the duty-bearer, whilst the capacity analysis identifies why duty-bearers do not seem to be able to perform their duties properly, and why claim-holders are not able to claim their rights.

By identifying the causes, obligations and capacities, the relationship between them becomes the crucial determinant for programming. It is through this analysis that programme objectives, a mix of strategies and priority interventions will become clearer in the new programme.

Active, free and meaningful participation and [Access to information](#) is of course vital in this respect, and mechanisms to ensure transparency must be included in the programme/project design. Every effort must be made in ensuring the participation of those people and communities whose lives will be affected by the decisions made on their behalf. Programmes should specifically strive to include forward-looking capacity development activities and strategies that will strengthen the capacities of these stakeholders to participate meaningfully in future development processes. This in itself is a guiding principle of human rights-based programming. UNDP should of course also adhere to its [Public Information and Disclosure Policy](#) (which is outlining all documents that are to be made available to the public) to ensure full transparency in its programming processes.

A human rights-based approach calls for monitoring not only the outcomes but also the *process* of development. This requires establishing both outcome and process indicators and baselines that shed light on the degree of realisation of human rights, particularly for the poorest and the most disadvantaged people. Assistance to further data disaggregation in country is an absolute must in this regard. Objective criteria for disaggregation are found in the legally applicable human rights framework of the country (particularly the grounds for non-discrimination).

The choice of a particular execution modality during programme or project formulation should depend on the existence of national capacities for implementation. Wherever capacities exist, national execution can improve programme implementation and strengthen ownership. However, in certain situations, and particularly where national human rights institutions are denied direct access to donor funding or are politically or institutionally weak, direct execution may be a better option. NGO execution may be useful for targeted activities that seek to reach particular vulnerable groups.

### **Identifying Duty-bearers and Claim-holders**

Human rights-based development strategies will, above all, depend on the determination, acceptance and implementation of the interrelated aspects of duty-bearers to fulfil their obligations, and of claim-holders to claim their rights.

#### **1. Identifying duty-bearers**

The most recent CCA/UNDAF Guidelines go a long way in integrating human rights with the development process. In fact, the systematic integration of human rights principles and gender equality features prominently among the guiding principles for the programming process. The operational guidelines advocate the application of a “causality tree analysis” to identify root causes and their inter-linkages, the differentiated impact of selected development challenges, as well as the roles and responsibilities of different national and international partners.

The tree analysis is divided in three parts: the causal analysis, the obligation analysis, and the capacity analysis. The causal analysis aims to achieve consensus on the causes of the problems, the obligation analysis establishes the responsibility of the duty-bearer, whilst the capacity analysis identifies why duty-bearers do not seem to be able to perform their duties properly.

##### Causality Analysis

While the causes of a problem may be different at the immediate and underlying levels, the *basic causes* are often the same; for example, lack of capacity, form of social organisation, gender discrimination etc. The implication is that addressing the basic causes of any of the problems is likely to result in creating enabling conditions for solving a number of other problems at the same time.

##### Obligation Analysis

Under the obligation analysis those who hold particular rights and those who are to take appropriate measures on them are identified. The obligation analysis is a means to understand the complex web of relationships between claim-holders (subjects) and duty-bearers (objects).

##### Capacity Analysis

After the key claim-duty relationships have been identified, the next step will be to analyse why duty-bearers do not seem to be able to perform their duties properly, and why claim-holders are not claiming their rights. Capacity analysis from the human rights perspective will look at the following issues: Responsibility/motivation/leadership; Authority; Resources; Capability to communicate; and the Capability for rational decision-making and learning. For duty-bearers this means answering questions as to whether the duty-bearer feels that he *should* do something about a specific problem; whether he feels or knows that he *may* take action; and whether he *can* act. For this last aspect he would need the adequate human, economic and organisational resources.

#### **2. Empowering claim-holders**

Of the same crucial as the identification of duty-bearers, is the need to identify and empower claim-holders. If men and women, households and communities are to assert their rights, they must first be knowledgeable and able to communicate effectively with duty-bearers, in order to negotiate for a share of the resources. Awareness of human rights and good communication are essential to the process of asserting rights. Thus, advocacy, learning, capacity building and social mobilisation are necessary strategies to pursue human rights.

### ❖ *Reviews and evaluation*

Periodic review of ongoing UNDP programmes and projects offers a valuable starting-point for human rights-based programming. During such review, country offices scan existing development programmes or projects and their related activities with a view to re-orienting them to take human rights principles and applicable norms into account in all relevant phases of the programme cycle. [\*Draft Guidelines on Human Rights-Reviews of UNDP Country Programmes\*](#), including a checklist for human rights-based programme review have already been developed, and countries are invited to benefit from their use.

Human rights-based evaluation of development programmes and projects must finally seek to assess results in terms of:

- (a) Its impact on empowerment and capacities for effective participation (disaggregated analysis);
- (b) The impact of capacities to respect, protect and fulfil human rights
- (c) Human rights outcomes, particularly for poor and disadvantaged groups and individuals;
- (d) Unintended results (positive or negative) on human rights;
- (e) Ownership of the process and results by claim-holders and duty-bearers involved; and
- (f) Sustainability, risk of setbacks and efficiency of mechanisms for monitoring and redress.

## 7. KEY RESOURCES

### A. Select UNDP Policy Documents

- [UNDPs Policy on Integrating Human Rights with Sustainable Human Development](#) (1998)
- UNDPs Practice Note on [Poverty Reduction and Human Rights](#) (2003)
- [UNDP Training Manual on Human Rights and Human Development](#) (2001)
- [Administrator's Note on Implementing Human Rights in the New Millennium](#) (2000)
- [Survey of UNDP activities in human rights](#) (1999)
- Report of the Oslo Symposium on Human Development and Human Rights (1998)

### B. Resources from UNDP global and regional human rights programmes

- Bureau for Development Policy, Democratic Governance Group website on human rights: <http://www.undp.org/governance/humanrights.htm>.
- UNDP Oslo Governance Centre <http://www.undp.org/oslocentre/>
- *The Democratic Governance Thematic Trust Fund (DGTTF)*  
Justice and Human Rights is one service line of UNDPs Democratic Governance Trust Fund. The DGTTF supports projects to the maximum amount of \$350,000. The project must be completed within one year. For more information contact <http://www.undp.org/dpa/publications/TTFGovernance0105.pdf> and the Governance Advisor in your Regional Centre or Surf. <http://www.undp.org/policy/surf.htm>.
- Virtual Development Academy (VDA) practitioner and community-level courses in human rights.
- 'Human Rights Talk (HuRiTALK)': Contact [humanrights-talk@groups.undp.org](mailto:humanrights-talk@groups.undp.org)

#### ❖ Global programmes

- *Strengthening UN Support for the Promotion and Protection of Human Rights Worldwide (Action 2)*  
Action 2 is a UN wide global programme designed to strengthen the capacity of UN Country Teams to support the efforts of Member States, at their request, in strengthening their national human rights promotion and protection systems.
- *The Human Rights Strengthening (HURIST) Programme:*  
**[HURIST- the Human Rights Strengthening Programme](#)**  
HURIST, a joint programme of UNDP and OHCHR, supports the implementation of UNDP's policy on integrating human rights with human development. Priority attention is given to methodology development, documentation and implementation of the human rights-based approach in UNDP's practice areas. Activities include: [National Action Plans for the Promotion and Protection of Human Rights](#); [Human Rights Programme Reviews](#); [Poverty Reduction and Human Rights](#); Parliamentary Development and Human Rights; Human Rights and the Environment; [Decentralised Governance and Human Rights](#); Human Rights and the Police; and a human rights-based approach to Access to Justice. HURIST,

in cooperation with UNV, is also providing Human Rights Specialists to selected country offices.

- [ACT](#) - *The Assisting Communities Together (ACT) Project*  
Assisting Communities Together (ACT) is a joint UNDP/OHCHR project that supports grassroots CSO and CBO initiatives to promote and protect human rights. Supported activities range from workshops and cultural events to preparing human rights education materials.
- *Human Rights Cities Programme*  
*The Human Rights Cities Programme* supports grassroots initiatives that promote the influence of human rights on the life of local communities. It is implemented in cooperation with the DDHRE, People's Movement for Human Rights Learning ([www.pdhre.org](http://www.pdhre.org)), an NGO network that promoted the UN Decade for Human Rights Education, developed the concept of *human rights cities* and is supporting the first human rights cities.

#### ❖ **Regional Programmes**

- [POGAR](#)  
The Programme on Governance in the Arab Region (POGAR) aims to assist government actors, civil society and the private sector to improve governance processes in the Arab states. Programme activities relate to Rule of Law, Participation, and Transparency and Accountability. These activities include policy advice, engaging in institutional capacity building, and testing policy options through pilot projects.
- *The Participatory Action Research to Advance Governance Options and Networks (PARAGON)*  
The programme focused on rights and development, decentralization and community participation and peace and development as its key components. PARAGON included HRBA strategies in several programme areas.
- *GOLD – Governance for Livelihoods and Development in Asia-Pacific*  
GOLD worked to strengthen governance systems in Pacific Island Countries by encouraging transparency, accountability and participation in decision-making, increasing awareness and commitment to human rights treaties among decision-makers, NGOs and the public about rights-based development.

#### **C. Other UN Entities: Documents and Web Sites**

- **UN portal on human rights:** <http://www.un.org/rights/index.html>
- The Standard of Conduct for the International Civil Service (<http://icsc.un.org/csd.asp>)

#### [OHCHR](#)

- Human rights in Development: <http://www.unhchr.ch/development/>
- OHCHR's Human Rights and the Millennium Development Goals website linking each MDG to their corresponding human rights standard: <http://www.unhchr.ch/development/mdg.html>

- Resource Database on Rights-Based Approaches to Development for Development Practitioners in Asia-Pacific <http://www.un.or.th/ohchr/database/database.asp>

### UNICEF

- “Rights and results focus”: <http://www.unicef.org/rightsresults/index.html>
- UNICEF's documents on children's rights can be accessed here: [http://www.unicef.org/publications/index\\_pubs\\_rights.html](http://www.unicef.org/publications/index_pubs_rights.html)
- Urban Jonsson *Human Rights Approach to Development Programming*, UNICEF 2003, ISBN 9789280637908
- Guidelines for Human Rights-Based Programming Approach (1998) CF/EXD/1998-04.21 April 1998
- UNICEF Innocenti Research Centre in Florence research project on the [application of human rights instruments](#) aims to improve understanding of child rights issues and support the full implementation of the Convention on the Rights of the Child (CRC).

### UNIFEM

- Women's Human Rights page [http://www.unifem.org/index.php?f\\_page\\_pid=24](http://www.unifem.org/index.php?f_page_pid=24)

### ILO

- International Labour Standards and Human Rights site <http://www.ilo.org/public/english/standards/norm/index.htm>
- International Labour Standards and Human Rights Programme of the International Training Centre of the ILO (Turin) <http://www.itcilo.it/english/bureau/turin/ils/index.htm>

### UNAIDS

- Work on human rights: <http://www.unaids.org/humanrights/index.html>
- Interesting documents:
  - ✓ HIV / AIDS and Human Rights – International Guidelines (1998) <http://www.unaids.org/publications/documents/human/law/JC520-HumanRights-E.pdf>
  - ✓ HIV / AIDS and Human Rights – International Guidelines; Revised Guideline: Access to prevention, treatment, care and support (October 2002) [http://www.unaids.org/publications/documents/care/general/JC905-Guideline6\\_en.pdf](http://www.unaids.org/publications/documents/care/general/JC905-Guideline6_en.pdf)

### WHO

- Health and human rights publication series: [http://www.who.int/hhr/activities/publication\\_series/en/](http://www.who.int/hhr/activities/publication_series/en/). The first publication of the series was 25 Questions and Answers on Health and Human Rights, issued in July 2002: [http://www.who.int/hhr/information/25\\_questions\\_hhr.pdf](http://www.who.int/hhr/information/25_questions_hhr.pdf)

## **D. Human Development Reports on Human Rights**

- [Human Development Report 2000](#) on *Human rights and human development*
- [Human Development Report 2002](#) on *Deepening Democracy in a Fragmented World*

## **E. National Human Development Reports (NHDRs)**

Over the past six years, a number of human rights-centred National Human Development Reports (NHDRs) have discussed policy implications for integrating human rights and human development, including the role of the State and the civil society in this context. Examples include:

- Somalia (2001): Human Rights and Governance <http://www.so.undp.org/hdr.htm>
- Armenia (2000) Human rights and human development <http://www.undp.am/publications/nhdr00/>
- Colombia (2000) Human rights and human development <http://www.un.org.kh/undp/publications/nhdr/2000.pdf>
- Colombia (1999) Violence and human development <http://www.pnud.org.co/indh2003/>
- Czech Republic (1998) Human rights, liberties and elections – quest for democracy
- Hungary (1999) Population, demographic trends and human rights
- Lithuania (1998) State and human development – the human rights-approach
- Macedonia (1998) Role of state in providing social environment that supports human rights
- Slovak Republic (1998) Human rights and minorities issues
- Turkey (1998) Human development and moving towards a rights-based approach to development

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## Annex 1.

### **Some basic points to facilitate human rights-based programme development**

#### ***The Legal Framework***

- To which international human rights treaties is the country a party?
- Are the rights referred to in the human rights treaties protected in the Constitution or other legislation?
- Which judicial, administrative or other authorities have jurisdiction affecting the promotion and protection of human rights?
- What remedies are available to an individual who claims that any of his/her rights have been violated? Is there special legal protection for disadvantaged groups?
- Do non-formal judicial, administrative and other mechanisms respect human rights principles?

#### ***Human Rights-based Assessment***

- Are human rights reflected in the State's norms, institutions, legal frameworks and enabling economic, political and policy environment? If so, is there capacity and political willingness to promote and protect these rights?
- Is attention paid to the reviews carried out by the UN human rights treaty monitoring bodies, such as the CEDAW Committee and to their comments, observations and recommendations?
- Is the principle of non-discrimination in law or in practice in any field regulated and protected by public authorities?
- Who are the most disadvantaged and vulnerable groups?
- What is the status of the human rights of women?
- Are relevant human rights data accurate and available and disaggregated by sex, age, ethnicity, geographic origin, and urban/rural location?

#### ***Human Rights-based Analysis***

- Who are the duty-bearers and what rights are they mandated to promote, protect and fulfil? Do they have the capacity to uphold these rights and is there political will to do so?
- Who are the claim-holders? Do they have the capacity to claim their rights, i.e. the ability to access information, organise, advocate policy change, and obtain redress?
- Is there an alignment between international and national laws and practices?

#### ***Country Programme Process and Outcome***

- Do programmes and projects incorporate human rights standards as set out in international and regional conventions? Are recommendations from human rights treaty bodies taken as focus for strategic interventions?
- Do both duty-bearers and claim-holders participate in the design, implementation, monitoring and evaluation of programmes and projects?
- How have the overall programmes and projects built capacities to realize human rights in the country? Do they address the structural causes for the non-realization of human rights? Which human rights have been realized?
- How is progress monitored and evaluated? Do indicators capture perceptions on the enjoyment of human rights and other qualitative aspects, such as accountability of public authorities?