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ETHIOPIAN CIVIL SOCIETY ORGANIZATIONS COUNCIL

APPLYING A HUMAN RIGHTS-BASED APPROACH

**Training Manual for Local Civil Society
Organizations in Ethiopia**

December 2024

Addis Ababa

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ABBREVIATIONS

CAT	Convention against Torture
CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CERD	Convention for the Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
CSO	Civil Society Organizations
FDRE	Federal Democratic Republic of Ethiopia
HRBA	Human Rights-Based Approach
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
IOM	International Organization for Migration
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
RBA	Rights Based Approach
SIDA	Swedish International Development Cooperation Agency
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund

INTRODUCTION

Civil Society Organizations (CSOs) have a long history in Ethiopia, emerging as early as the 1950s. Until the early 1990s, the primary focus of most CSOs in Ethiopia was emergency relief and responses to humanitarian crises. Following the fall of the *Derg* regime, Ethiopia saw an increase in the number and diversity of CSOs engaging in both socioeconomic and political participation. However, the enactment of Proclamation No. 621/2009 significantly reduced the political space for civil society, causing many CSOs to reposition themselves as service providers and weakening their direct work in the field of human rights. In fact, many human rights groups either changed their mandate or ceased working on human rights altogether.

The repeal of the repressive civil society law in 2019 and the introduction of a new civil societies' proclamation provided Ethiopian CSOs with the opportunity to actively engage in human rights advocacy and protection, including employing a Human Rights-Based Approach (HRBA) regardless of the nature of their work. Despite this progress, many CSOs have yet to fully integrate HRBA into their operations due to gaps in orientation, understanding, and capacity.

This Training Manual on Integrating a Human Rights-Based Approach (HRBA) into Programs and Projects for Civil Society Organizations (CSOs) in Ethiopia is designed to enhance the capacity of CSOs to effectively incorporate HRBA principles into their work.

OBJECTIVES OF THE TRAINING:

After completing this training, trainees are expected to:

- Understand the international, regional, and national human rights framework.
- Define the concept of HRBA.
- Appreciate the importance of HRBA.
- Identify and explain the core principles of HRBA.
- Develop the knowledge and skills necessary to integrate HRBA at each stage of the project cycle.

METHODOLOGY

This training is designed with a participatory approach that promotes the sharing of personal knowledge and experience. Participants and trainers commit to engaging in a process of mutual teaching and learning. The training will be facilitated in both English and the local language preferred by trainees. A wide variety of training methods, including brainstorming, participatory lectures, group work, and experience sharing, will be employed.



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1. BASIC HUMAN RIGHTS CONCEPTS

Before delving into the meaning, core principles, and implementation of the human rights-based approach (HRBA), it is essential to clarify some basic concepts about human rights. Since the goal of HRBA is to use human rights standards as the foundation of development work in all sectors and phases of programming and the project cycle, understanding human rights is key to incorporating HRBA into the work of CSOs. Accordingly, in this unit, trainees will be introduced to the meaning and basic characteristics of human rights, the nature of state obligations to human rights, and important notions such as limitations and derogations.

Training Objectives

By the end of this unit, trainees will be able to:

- Define human rights and understand their basic characteristics.
- Identify the major international, regional, and national human rights instruments.
- Understand the nature of state human rights obligations emanating from international, regional, and national legal frameworks.
- Learn about the meaning of rights-holders and duty bearers in international human rights law.

1.1. Meaning and Nature

This section provides trainees with the definition of human rights and its basic characteristics.

What are Human Rights?

Discussion question: All Participants Should take a few moments to respond to the questions below.

- ✓ What are human rights to you?
- ✓ Is there a song, a proverb or a historical event that you know in your language or culture that talk about or explain the idea of human rights?
- ✓ Mention the human rights that you know.



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Human rights are commonly understood as those rights and freedoms ... that everybody has from the moment of birth, simply because they are human beings. They are not privileges, which need to be won, and they apply equally to everybody, regardless of age, sex, race, ethnicity, wealth or social standing. Because they are rights, they cannot be taken away from anyone by the government.¹

What are the basic characteristics of Human Rights?

Human rights are founded on several core principles that guide their standards and implementation. These principles are not standalone rights but are integral to the broader framework of human rights. Below is a brief summary of these basic characteristics/principles:

Basic Characteristics of Human Rights

Key Element	Description
Universality	Human rights belong to all people equally regardless of status. Everyone is born free and equal in dignity and rights. This principle affirms that human rights are inherent to all human beings everywhere in the world and must be protected.
Inalienability	The rights that individuals have cannot be taken away, surrendered, or transferred. People still have human rights even when their governments violate those rights.
Indivisibility	Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.
Interdependence and interrelatedness	Human rights concerns appear in all spheres of life -- home, school, workplace, courts, markets -- everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights. The fulfillment or violation of one right affects the fulfillment of other rights

¹ Building a Culture of Human Rights Workshop Manual, South African Human Rights Commission British Council and Humanitas Educational.



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Non-Discriminatory

Human rights should be respected without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

1.2. Human Rights Instruments

In this sub-section, trainees will be introduced to various UN and African human rights instruments. The trainer can tailor the discussion to the relevant instruments based on the target group's needs and interests.

Discussion question: Mention some of the UN and African Human Rights Instruments that you know.

The first significant human rights instrument adopted under the auspices of the United Nations is the **Universal Declaration of Human Rights (UDHR)**, in 1948. Initially adopted as a General Assembly resolution and non-binding in nature, the UDHR encompasses crucial civil, political, and socio-economic rights. In the ensuing decades, numerous human rights treaties have been adopted.

MAJOR UN HUMAN RIGHTS TREATIES

- ✓ ICCPR: International Covenant on Civil and Political Rights (1966)
- ✓ ICESCR: International Covenant on Economic, Social, and Cultural Rights (1966)
- ✓ ICERD: International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- ✓ CEDAW: Convention on the Elimination of All Forms of Discrimination against Women (1979)
- ✓ CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- ✓ CRC: Convention on the Rights of the Child (1989)
- ✓ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- ✓ CRPD: Convention on the Rights of Persons with Disabilities (2006)
- ✓ CED: Convention for the Protection of All Persons from Enforced Disappearance

In addition to the UN treaties, there are several human rights treaties that are adopted under the auspices of the OAU/AU. Below is a list of some of these treaties.

MAJOR AFRICAN HUMAN RIGHTS INSTRUMENTS

- The African Charter on Human and Peoples' Rights (Banjul Charter)



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- African Charter on the Rights and Welfare of the Child
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

1.3. What is the nature of States' human rights obligations?

In this section trainees will be introduced to the different types of States' human rights obligations.

Discussion question: Who is responsible for upholding human rights? What are the types of obligations?

Under human rights treaties, States have the primary responsibility for protecting and promoting human rights. States have three levels of obligation: to respect, protect, and fulfill every right.

- **To respect a right** means refraining from interfering with the enjoyment of the right.
- **To protect a right** means enacting laws that create mechanisms to prevent violations of the right by state authorities or non-state actors. This obligation requires measures by the State to ensure that third parties (individuals, armed groups, enterprises, etc.) do not deprive right-holders of their access to their rights.
- **To fulfill a right** means taking active steps to establish institutions and procedures, including allocating resources, to enable people to enjoy the right.

1.4. When are restrictions to rights permitted?

This section provides trainees with an introduction regarding the requirements of permissible limitations.

Discussion question: Do you know any right which cannot be restricted in any circumstance? What about those that can be limited? When are restrictions to rights permitted?

Only a few human rights entitlements, such as the right to be free from torture, inhumane, and degrading treatment, are absolute. Most human rights can be restricted under certain circumstances. However, for these restrictions to be permissible, international human rights law requires three separate requirements to be satisfied cumulatively: the principle of legality, a legitimate aim or purpose, and necessity and proportionality.

Requirement of Permissible Limitation	Description
Legality	Limitations on rights should be determined by law. The domestic law should be compatible with human rights conventions and exhibit the qualities of accessibility, specificity and precision.
Legitimate aim or purpose	The restriction should be justified by a legitimate aim such as ‘national security’, ‘public safety’, ‘public order’ , ‘public health and morals’ and ‘rights and freedoms of others’ etc.
Necessity and Proportionality	The restriction should be necessary and proportional to the legitimate objective pursued.

1.5. Derogations

Discussion question: Do human rights apply at time of war? Can all human rights be suspended during a state of emergency?

Under international human rights law, a State is allowed to take derogation measures in some exceptional circumstances. For example, Article 4 of the ICCPR and Article 93 of the FDRE Constitution address this issue.

What substantive and procedural requirements are imposed on States during a state of emergency?

- ✓ For States to take measures derogating from their human rights obligations, there must *be a public emergency that threatens the life of the nation, and the state of emergency must be officially proclaimed.*
- ✓ Emergency measures should be limited *to the extent strictly required by the exigencies of the situation* (this requires a proportionality assessment).
- ✓ Emergency measures should be compatible with the *States’ other obligations under international law*, such as international humanitarian law (IHL).
- ✓ Under Article 4(2) of the ICCPR, some rights are non-derogable.

2. THE UN, AFRICAN AND ETHIOPIAN HUMAN RIGHTS SYSTEMS

The international human rights system is composed of UN and regional arrangements. This chapter focuses on introducing the UN, African, and Ethiopian Human Rights systems. The goal is to help CSOs identify the basic universal, regional, and national human rights institutions and mechanisms, with an emphasis on those most relevant to their area of work.

Learning Objectives

By the end of this chapter, trainees will be able to:

- Understand the distinction between charter-based and treaty-based bodies and mechanisms in the UN System.
- Learn about the institutions and mechanisms of the African Human Rights System.
- Appreciate the place of human rights in the Ethiopian legal system and its relationship with universal and regional systems.

2.1. The UN Human Rights System

What do you know about the UN human rights system?

In this section, the goal is to introduce the human rights monitoring mechanisms in the UN human rights system. The UN human rights system has two major monitoring mechanisms: Charter-based monitoring mechanisms and treaty-based monitoring mechanisms.

2.1.1. Charter-Based Bodies and Procedures

What is UN Charter Based Bodies?

Charter-based human rights bodies are institutions that have emerged and developed based on the UN Charter provisions on human rights. For example, following the establishment of the UN, the UN Economic and Social Council (ECOSOC) established the former UN Commission on Human Rights based on its mandate from the UN Charter. Until its replacement by the UN Human Rights Council in 2006, the Commission on Human Rights was a major charter-based body.

Human Rights Council

The Human Rights Council is the principal United Nations intergovernmental body responsible for human rights. Established by General Assembly resolution 60/251, it replaced and assumed most mandates, mechanisms, functions, and responsibilities previously entrusted to the **United Nations Commission on Human Rights**. The **Office of the United Nations High Commissioner for Human Rights** (OHCHR) serves as the secretariat for the Human Rights Council, as it did for the Commission on Human Rights. The UN Human Rights Council consists of 47 states elected by the General Assembly, convenes several times a year in Geneva, and assesses the human rights situation in all nations of the world.

Universal Periodic Review

Currently, the most important charter-based human rights monitoring mechanism at the disposal of the UN Human Rights Council is **the Universal Periodic Review (UPR)**. The UPR entails all states being subjected to a periodic review by their peers, that is, other government representatives. Not surprisingly, these monitoring procedures are not free of political motives.

Special Procedures

‘**Special procedures**’ is the general name given to the mechanisms established by the **Commission on Human Rights** and assumed by the **Human Rights Council** to examine, monitor, advise, and publicly report on human rights situations in specific countries or territories (country mandates), or on major phenomena of human rights violations worldwide (thematic mandates).

2.1.2. Treaty-Bodies and Procedures

What are Treaty Bodies?

Treaty bodies are expert bodies set up under human rights treaties by the respective signatory states to supervise compliance with specific treaty duties. Such treaty bodies have been established for the nine core conventions of the United Nations.

- ✓ Committee on the Elimination of Racial Discrimination
- ✓ Human Rights Committee (ICCPR)
- ✓ Committee on Economic, Social and Cultural Rights
- ✓ Committee Against Torture
- ✓ Committee on the Elimination of All Forms of Discrimination Against Women
- ✓ Committee on the Rights of the Child

- ✓ Committee on Migrant Workers and Members of their Families
- ✓ Committee on the Rights of Persons with Disabilities
- ✓ Committee on Enforced Disappearance

What are the major treaty monitoring activities?

Reviewing Periodic State Reports: Treaty bodies receive and review periodic state reports regarding the implementation of their respective treaties. After conducting a constructive dialogue with the State Party, they issue Concluding Observations.

Review of Individual Communications: Treaty bodies review individual communications in situations where States are a party to the optional protocol that establishes such a procedure or have made a declaration under a provision in the treaty that allows for it.

Other Monitoring Activities: Many treaty bodies are also mandated to review inter-state communications and conduct inquiries. They are also known for issuing General Comments or Recommendations, which detail their understanding regarding the interpretation of the provisions of the treaty they monitor. These General Comments/Recommendations serve as important sources of information regarding the content and scope of various human rights provisions.

2.2. African Regional Human Rights System

What do you know about African human rights system?

In comparison to other regional human rights systems, the African Human Rights System is a latecomer. The **African Charter on Human and Peoples’ Rights**, adopted in 1981, established a monitoring body known as the **African Commission on Human and Peoples’ Rights**. This Commission, composed of 11 members, is entrusted with the responsibility to protect, promote human rights, and interpret the Charter. The African Commission discharges promotional functions, reviews State reports, and exercises quasi-judicial powers, including entertaining inter-state complaints and individual communications.

The **African Court on Human and Peoples’ Rights** was established by the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples’ Rights in 1998 to complement and reinforce the Commission. The Protocol entered into force in 2004, and the Court is based in Arusha, Tanzania. The Court has both contentious and advisory jurisdictions. The African Commission on Human and Peoples’ Rights and Member States can



file cases to the Court. Individuals and NGOs can also file cases if the State makes an additional declaration accepting this.

The **African Committee of Experts on the Rights and Welfare of the Child** is a treaty body established by the African Charter on the Rights and Welfare of the Child, adopted in 1999. The Committee was established to promote and protect the rights and welfare of children. This body collects and documents information, undertakes interdisciplinary assessments of problems in Africa, formulates and establishes principles and rules aimed at protecting children, and cooperates with international and regional institutions. The Committee can also receive individual communications.

2.3. The Ethiopian Human Rights System

Discussion Questions: Which human rights treaties are ratified by Ethiopia?

What is the place of human rights in the Ethiopian legal system?

Ethiopia is a founding member of the United Nations and one of the original countries that adopted the Universal Declaration of Human Rights (UDHR). The Convention on the Elimination of All Forms of Racial Discrimination and CEDAW were ratified in 1976 and 1981 (Gregorian Calendar), respectively. Additionally, during the Derg era, some other human rights instruments were ratified. In the post-1991 era, human rights have been given an important place in the Ethiopian legal system. Both the Transitional Charter and the FDRE Constitution make clear references to the UDHR.

The importance of human rights in the Ethiopian legal system has significantly increased after the adoption of the 1995 Constitution:

1. Respect for human and democratic rights is considered one of the fundamental principles of the Constitution (see Article 10 of the FDRE Constitution).
2. The Constitution includes a very extensive list of human rights provisions in Chapter 3. This chapter encompasses the three generations of rights: civil and political rights, socio-economic rights, and solidarity/group rights.
3. Although the status of international human rights instruments in the Ethiopian legal system is controversial, to the extent that human rights are included in the Constitution, they form part of the supreme law of the land. Additionally, ratified human rights treaties are considered an integral part of the law of the land (see Article 9(4) of the FDRE Constitution). The basic international human rights instruments are also supposed to be used as interpretative guides



when interpreting the human rights provisions of the Constitution (see Article 13(1) of the FDRE Constitution).

4. The constitutional provisions in the chapter detailing human rights are not susceptible to easy amendment (see Article 105 of the FDRE Constitution).

3. WHAT IS HRBA?

This chapter explores the meaning, historical development, and importance of the human rights-based approach (HRBA) and its application in the CSO sector. The aim of the chapter is to introduce trainees to the notion of HRBA and help them appreciate its importance.

Learning Objectives

By the end of this chapter, trainees will be able to:

- ✓ Define the human rights-based approach (HRBA)
- ✓ Understand its historical development
- ✓ Appreciate the importance of HRBA
- ✓ Understand the prevalence of the approach in various fields, including the CSO sector

3.1. Meaning and Development

Discussion Questions:

What is a Human Rights-Based Approach to you?

What do you think is the importance of human rights-based approach?

The notion of a Human Rights-Based Approach (HRBA) emerged in the late 20th century as a framework for mainstreaming human rights into various activities and programs in the field of international development cooperation. For example, in the UN Sustainable Development Guidance, HRBA is defined as follows:

The Human Rights-Based Approach to Development (HRBA) is a conceptual framework for the process of sustainable development that is normatively based on international human rights standards and principles and operationally directed to promoting and protecting human rights. Under the HRBA, the plans, policies, and processes of development are anchored in a system of rights and corresponding obligations established by international



law, including all civil, cultural, economic, political, and social rights, and the right to development. HRBA requires human rights principles (equality and non-discrimination, participation, accountability) to guide UN development cooperation and focus on capacity development of both ‘duty-bearers’ to meet their obligations and ‘rights-holders’ to claim their rights.

The main guiding principles elaborating the key definitional elements of HRBA were provided in the UN Common Understanding on HRBA to Development Cooperation and Programming, which was adopted in 2003 by the UN Sustainable Development Group (UNSDG).

Under the Common Understanding to HRBA three key points were identified:

- 1. All programmes of development co-operation, 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 documents.**
- 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 ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights.**

HRBA represents a shift in thinking from charity-based and needs-based approaches to development. The table below explains the differences between traditional charity- and needs-based approaches and HRBA.

Charity Approach	Needs Approach	Rights-Based Approach
Focus on input not outcome	Focus on input not outcome	Focus on process and outcome
Emphasizes increasing charity	Emphasizes meeting needs	Emphasizes realizing rights
Recognizes moral responsibility of rich towards poor	Recognizes needs as valid claims	Recognizes individual and group rights as claims toward legal and moral duty bearers
Individuals are seen as victims	Individuals are objects of development interventions	Individuals and groups are empowered to claim their rights
Individuals deserve assistance	Individuals deserve assistance	Individuals are entitled to assistance
Focuses on manifestations of problems	Focuses on immediate causes of problems	Focuses on structural causes and their manifestations



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Though HRBA first emerged in the development sector, it has over the years transcended to wider areas and has been used by a whole host of actors such as donor organizations, international and local NGOs, and social movements. Therefore, in its broader sense, HRBA can be understood as a way of using human rights in everyday work. HRBA encompasses the conscious and systematic enhancement of human rights in all aspects of project and program development and implementation.

Adopting an HRBA means incorporating human rights and human rights principles into every working project. It goes beyond focusing on outcomes and draws attention to the entire process, implementing human rights principles in every step of project design, planning, and operations. By applying this method, the result will also have a positive effect in strengthening human rights.

3.2. Importance of HRBA

Discussion question: What benefits do you think adopting HRBA offer?

What challenges can you envisage in adopting HRBA?

What is the importance of adopting a human rights-based approach?²

There are two main rationales for adopting 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

Intrinsic rationale for adopting HRBA

A HRBA is the right thing to do, morally and legally for several reasons. First, it is grounded in international human rights principles and standards. Second, it moves development efforts from charity to legal obligations. Third, it promotes active participation of individuals as rightsholders in their development, ensuring better and more sustainable outcomes.

Instrumental rationale for adopting HRBA

² UNFPA & Harvard School of Public Health (2010). A Human Rights–Based Approach to Programming: Practical Implementation Manual and Training Materials.



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A HRBA leads to better and more sustainable human development outcomes because it focuses on addressing root causes like inequalities, discriminatory practices and unjust relations; on marginalized and disadvantaged groups; and ensures both processes and outcomes are equally important. HRBA also offers a flexible framework for diverse contexts and needs, enhancing situation assessment, design, implementation, monitoring, and evaluation.

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; and is more likely to lead to sustained change as human rights-based programmes have greater impact on norms and values, structures, policy and practice

What are the possible challenges to adopting HRBA?

One of the main obstacles is that HRBA can be very time-consuming. To develop HRBA effectively and have a people-centered approach, a lot of time needs to be dedicated to capacity-building initiatives and raising awareness about human rights. CSOs need continuous support throughout the adaptation process.

Since HRBA requires the participation of different actors at every stage, working with a diverse group of stakeholders can also pose challenges. Moreover, participants may have different opinions about how things should be done, which can delay the entire process. For these reasons, it is important to have experts with negotiation and mediation skills present to ensure that specific phases of HRBA unfold smoothly and in a timely manner.

3.3. HRBA in the Work of CSOs

Discussion question: Have your organization applied or is applying a HRBA? Is HRBA relevant to all CSOs?

As a methodological framework that aims to integrate human rights into every development program, project, and service provision, HRBA is important to all CSOs. Therefore, CSOs should be familiar with the fundamentals of applying HRBA. The systematic integration of this



approach in the everyday work of civil society organizations will improve the respect and protection of human rights within the country.

HRBA requires a shift in focus and motives from the satisfaction of needs to the realization of rights. HRBA recognizes people not as passive beneficiaries of services, but as rights-holders entitled to demand the realization and protection of their rights from duty-bearers, who are obliged to ensure these rights are realized.

4. CORE PRINCIPLES OF HRBA

This chapter introduces the core principles of HRBA. These principles are usually represented by the acronym PANEL, which stands for Participation, Accountability, Non-discrimination and Equality, Empowerment and Capacity Building, and Legality.

Learning Objectives

By the end of this chapter, trainees will be able to:

- ✓ Understand the core principles of the human rights-based approach (HRBA)
- ✓ Appreciate why the core principles of HRBA matter
- ✓ Identify ways to use the core HRBA principles in their work

4.1. Participation

Discussion question: In your area of work, when, how and to what extent you ensure the participation of various stakeholders?

What is Participation?

Participation means ensuring that stakeholders have genuine ownership and control over the processes in all phases of the project cycle: assessment, analysis, planning, implementation, monitoring, and evaluation.

Is there a legal basis for the principle of participation in International Human Rights Law?

The principle is grounded in international human rights law. For example, both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulate that, by virtue of their self-determination, people should be able to freely pursue their economic, social, and cultural development, as well as

participate in public affairs³. Article 25 of the ICCPR deals with the right to participate in public affairs, though it does not necessarily give particular groups of people an unconditional right to choose any mode of participation. In the Ethiopian context, the principle of participation is given an important place in the FDRE Constitution (see Articles 8(3), 89(6), and 89(7) of the FDRE Constitution).

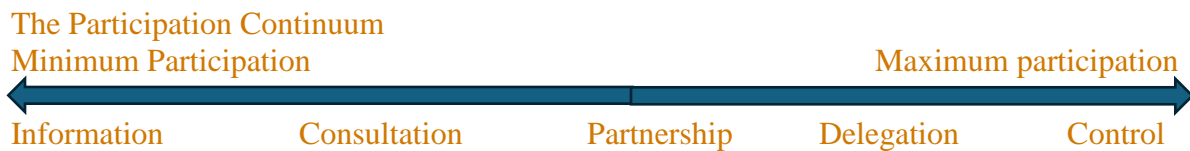
Key Considerations for CSOs Regarding Participation

Meaningful participation creates ownership on the part of right-holders, duty-bearers, and other relevant stakeholders. It empowers right-holders by ensuring that their voices are heard and considered, and provides those accountable for respecting, protecting, and fulfilling rights with the awareness and knowledge needed to take on their responsibilities.

- Involve all stakeholders
- Make participation active, free, and meaningful
- Go beyond mere consultation and focus on genuine engagement
- Invest time and resources to ensure participation
- Create specific channels for participation by the poorest and most marginalized groups, with sensitivity to social and cultural context

Do all stakeholders participate in the same way?

It is important to note that there could be different levels of involvement and participation depending on the nature and influence that stakeholders have, from merely being informed to having full control. Here’s a breakdown of the stages in the participation continuum:



³ ENNHRI (2019), p. 18



It is important to note that, from HRBA perspective, extra effort is needed to insure the participation of vulnerable groups.

Information Giving stakeholder access to clear and timely information about policies, programs and services

Consultation	Seeking the views of key stakeholders on issues that directly affect them, enabling greater involvement in the business of the organization.
Partnership	Forming a longer-term dialogue with stakeholders to work together in developing policies and delivering services.
Delegation	Handing control for policy development over to stakeholders within a framework developed by the organization.
Control	Providing the means for stakeholders to make decisions directly

4.2. Accountability

What is accountability?

Accountability has three dimensions. It refers to the obligation of those in authority, the duty bearers, to take responsibility for human rights, answer for them to those affected, and be subject to some form of enforceable sanction if their conduct is found wanting.

- **Responsibility:** Requires clearly defined duties enabling transparent assessment of duty-bearers' actions.
- **Answerability:** Requires public officials and institutions to provide reasoned justification to those affected by their decisions, to oversight bodies, and to the electorate and the public at large.
- **Enforceability:** Requires putting mechanisms in place that monitor the degree to which public officials and institutions comply with defined duties and ensure that appropriate corrective and remedial action is taken when this is not the case.

States and other duty-bearers are answerable for the observance of human rights. They must 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.

However, it is important to note that when demanding accountability from duty-bearers, your CSO is also a moral duty-bearer. This requires an effort to ensure accountability in every action—not only in terms of achieving program outcomes and results, but also in terms of the processes undertaken and the standards and values adhered to during project implementation.

GROUP WORK: IDENTIFY AND DISCUSS THE NATIONAL HUMAN RIGHTS



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ETHIOPIAN CIVIL SOCIETY ORGANIZATIONS COUNCIL

ACCOUNTABILITY MECHANISMS USING THE FOLLOWING GUIDING QUESTIONS:

- What are the key human rights accountability bodies or institutions in Ethiopia?
- What do these bodies/institutions do to ensure accountability?

The following table provides some examples regarding the accountability mechanisms available at national level.

Levels and Types of Human Rights Accountability Mechanisms for Ethiopia

	Judicial	Quasi-Judicial	Non-Judicial
National	Regular Courts (see Procl. No. 1234/2021)	<ul style="list-style-type: none"> • Complaint Mechanism of the Ethiopian Human Rights Commission • Complaint Procedure of the Ethiopian Ombudsman 	<ul style="list-style-type: none"> • Human Rights CSOs • Professional Associations • Media
Regional		<ul style="list-style-type: none"> • African Commission on Human and Peoples' Rights • Committee for the African Charter on the Rights and Welfare of the Child 	<ul style="list-style-type: none"> • Human Rights CSOs • Professional Associations • Media
International			<ul style="list-style-type: none"> • Review of State Reports by Treaty Bodies • Universal Periodic Review • Special Procedures • CSOs • Media

4.3. Non-Discrimination and equality

Discussion question: What is discrimination? Does non-discrimination mean equal treatment in all circumstances?

What is discrimination?

Discrimination can be understood as any distinction, exclusion, restriction, or preference based on grounds such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons, on an equal footing, of all rights and freedoms. Discrimination is forbidden under international law, and equality in dignity and rights is a foundational principle in all human rights.

HRBA pays particular attention to addressing discrimination and inequality. According to this principle, data should be disaggregated as much as possible (for example, by gender, religion, ethnicity, language, and disability) to give visibility to all marginalized groups identified as rights-holders. Furthermore, all decisions for development, policies, and initiatives, while seeking to encourage local actors, must protect themselves from reinforcing existing imbalances of power or creating new ones.

The principle of non-discrimination and equality requires:

- Directing priority attention towards those suffering discrimination and disadvantage in any given context, especially the poorest of the poor and those suffering multiple discrimination, such as rural women of an ethnic minority.
- Strengthening capacities for data collection and analysis to ensure that data are disaggregated, as far as possible, on the grounds of race, color, sex, geographic location, and so forth.
- Advocating temporary special measures to level the playing field and rectify structural discrimination, including affirmative action for women and special forums for participation.
- Making project information available in accessible formats and minority languages.

4.4. Empowerment and Capacity Development

In the context of your work, how does your interventions contribute to the empowerment of right-holders to claim their rights as well as capacity development of duty-bearers to uphold their responsibilities and of other relevant stakeholders to contribute to positive outcomes?

Why Do Empowerment and Capacity Development Matter?



The lack of power among rights-holders to claim their human rights, and the lack of capacity among duty-bearers and other stakeholders to respect, protect, promote, and fulfill these rights, are significant obstacles to overcoming poverty and oppression. Identifying these gaps in power and capacity, along with their root causes and the stakeholders' interest in contributing to change, is crucial.

How to Select Whom or What to Empower or Develop Capacity?

Empowerment and capacity development analysis is essential to understand the current and future powers, capacities, and interests of stakeholders that can contribute to achieving desired processes, outcomes, and objectives. Important steps/questions in this analysis include:

- ✓ **Who are the current stakeholders of the desired outcome?** Are they rights-holders, duty-bearers, or other stakeholders?
- ✓ **What are the approximate stakeholders' current levels of power/capacity to contribute to the outcome?**
- ✓ **What are the approximate stakeholders' current levels of interest in contributing to the outcome?**

4.5. Legality

The "L" in the PANEL acronym stands for "Legality of Rights," "Linkage to Human Rights Principles and Standards," or simply "Legality." This principle requires that all actions and interventions undertaken based on a Human Rights-Based Approach (HRBA) must be grounded in legal human rights standards. In other words, it ensures that efforts and interventions are based on established human rights norms. This means that the framework of any action taken by an organization should adhere to international, regional, and national human rights standards.

In the context of your work, what human rights are involved? What are the applicable human rights standards, instruments and mechanisms?



The core dimensions of the human rights-based approach

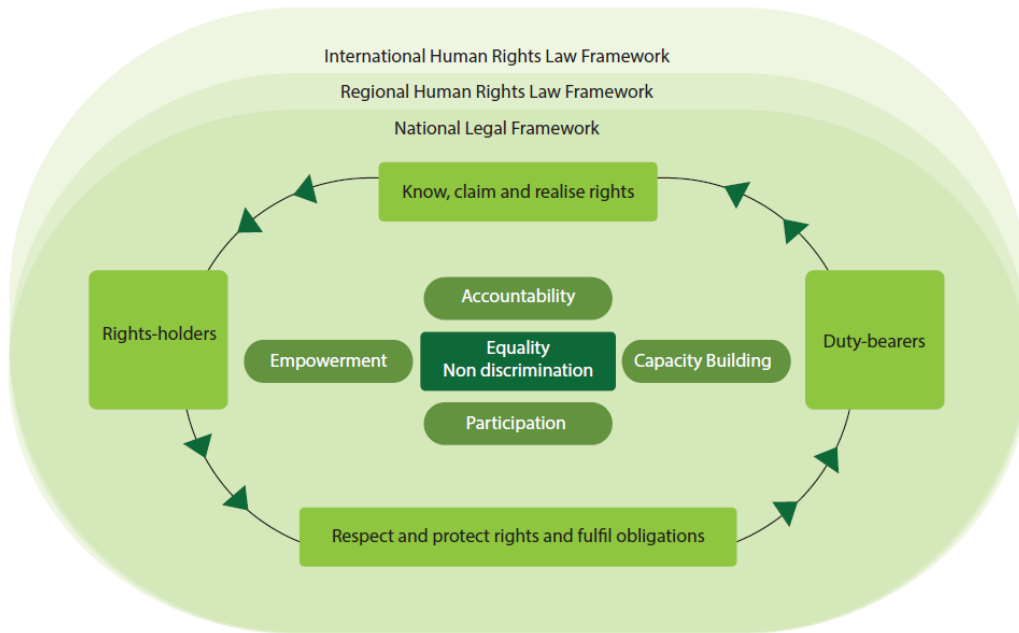


Figure 1: Core Dimensions of the Human Rights-Based Approach

The above figure indicates the core principles of the Human Rights-Based Approach (HRBA) and how each element works together. HRBA requires the empowerment of rights-holders to ensure they know, claim, and realize their rights. Equally important is building the capacity of duty-bearers so they can respect, protect, and fulfill these rights. Maintaining the right balance between empowering rights-holders and building the capacity of duty-bearers can help Civil Society Organizations (CSOs) avoid appearing hostile to duty-bearers.

Throughout this process, the principles of participation, accountability, non-discrimination, and equality are central. The overall work in HRBA is informed and guided by international, regional, and national human rights frameworks.

5. APPLYING HRBA

This chapter addresses the practical issue of integrating the Human Rights-Based Approach (HRBA) into the four stages of a project cycle. The local context in which the Civil Society Organization (CSO) operates should always be the starting point for designing a human rights-based intervention. Consequently, HRBA can take different forms and may need to be adjusted as the context changes.

This section describes the steps in a program or project cycle from a human rights-based perspective and highlights its crucial elements. The main goal is to help trainees develop their knowledge and skills in applying HRBA to their projects at all stages.

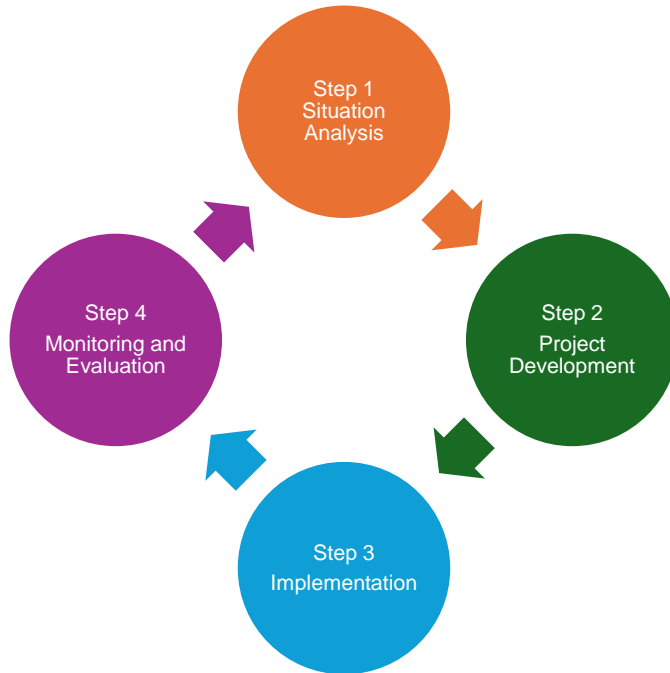


Figure 2: Project Cycle Model

Learning Objectives

By the end of this chapter, trainees will be able to:

- Appreciate how the HRBA can be integrated into the situation analysis stage.
- Understand the impact of HRBA on project design and planning.
- Recognize the issues that need to be considered while applying HRBA at the implementation stage.
- Develop the knowledge and skills to implement HRBA in monitoring and evaluation.

5.1. Situation Analysis

Situation analysis is the first stage of the project cycle. At this stage, a detailed assessment of the human rights conditions related to the issue covered in the project or program will be conducted. The process consists of four steps that help to map out challenges and stakeholders involved, in order to develop an effective plan of action.

Legal and Policy Analysis

The objectives of this analysis are to identify the State’s relevant international human rights obligations, analyze the national legal and policy frameworks, and evaluate the level of implementation of the relevant human rights related to the project the CSO is working on.

Think of a project you are working on and try to answer the following questions.

Key Questions:

1. Are the relevant human rights recognized in the national constitution and/or national legislation?
2. Is the issue to be covered by the program or project seen as a national priority? What are these priorities in the sector?
3. What are the regulations, plans, strategies, and activities in the sector?
4. Is there a national or sectoral action plan that specifically addresses human rights?
5. Are there any budgetary measures to ensure the realization of the relevant rights?
6. Are there adequate institutional measures, including accountability mechanisms, to ensure compliance with the law?

Stakeholder Analysis

This step involves identifying key stakeholders by first asking who suffers the impacts of not being able to realize their rights (rights-holders), and second, who has the responsibility to respond to such hindrances and ensure these rights (duty-bearers). Specific vulnerable groups and individuals should also be identified.

Think of a project you are working on and try to answer the following questions.

Key Questions:

1. Who are the rights-holders in the problem your project aims to address?
2. Have all the affected vulnerable and marginalized groups been identified and mapped?
3. How will these groups be engaged in the project?
4. Has a stakeholder plan for ongoing engagement been developed?
5. How will you ensure that these stakeholders are truly involved in the decision-making process, and what checks have been put in place?



Causality Analysis

The causality analysis aims to identify the immediate, underlying, and root causes that trigger the violation or non-realization of the relevant rights. Having a holistic and integrated understanding of issues related to the problem, including social, cultural, economic issues, and discrimination, is important in HRBA.

Think of a problem your CSO is trying to address in a project and try to identify the immediate, underlying and root causes of the problem based on the descriptions below.

Immediate Causes: Determine the direct actions, inactions, or events responsible for the existing issue.

Underlying Causes: These are the consequences of policies, laws, and the availability of resources. Due to their complexity, these issues may take longer to resolve.

Root Causes: These are conditions deeply embedded in societal structures and behaviors, likely requiring long-term commitments to address.

Working from an HRBA, a holistic and integrated approach is key to understanding the situation. When assessing the different causes, it is important to consider the interplay of factors, as well as the links and relationships between multiple causes that affect a particular situation and prevent the realization of rights. At this stage, it is especially useful to consider the national and regional contexts.

Example: Assume that farmers in rural areas are affected by drought and cannot sustain their livelihoods. What could be the immediate, underlying and root cause?

Immediate cause: during low rainfall water supply is redirected to a hydro-dam.

Underlying cause: electricity generation is prioritized over subsistence of small-scale farmers.

Root cause: the government does not make significant investments to guarantee the livelihood of farmers.

Capacity Gap Analysis

The next step, after exploring the causes that trigger the violation or non-realization of the relevant rights, is to examine the extent to which the stakeholders involved in the issue have the capacity to fulfill their roles as either duty-bearers or rights-holders. The capacity gap analysis should be carried out alongside the process of identifying stakeholders. After identifying the

rights-holders and the duty-bearers, it is crucial to analyze the areas where capacity enhancement is required to improve the realization of fundamental human rights.

To assess the capacity of rights-holders under the HRBA, the following components need to be considered:

1. Do they have rights recognized by law?
2. Are they aware of their rights?
3. Do they know how and where to claim them?
4. What are their assets and capabilities?
5. How can they use and strengthen these capacities to obtain maximum empowerment?

For an assessment of the capacity of duty-bearers, important considerations include:

1. What are their obligations in relation to the concrete problem?
2. Are they aware of their obligations? Do they recognize them?
3. Are they complying with their obligations? If not, why? What is their position regarding the problem?
4. What are their resources?
5. Are they interacting with rights-holders?

Group Work: Select a project you have been working on or come up with a project idea (e.g. on combatting violence against women, rights of IDPs, Water and sanitation, etc.) and conduct a brief situation analysis based on the steps indicated above.

5.2. Project Planning and Design

The analysis in the first stage should have helped to identify the core problems, the rights issues to be addressed, and the primary and secondary target groups (by defining the issues of the most vulnerable groups and identifying rights-holders and duty-bearers). The next step for CSOs is integrating the HRBA into their usual planning and design process.

There are various ways to do this:

- Design your objectives, outcomes, outputs, and activities in the results matrix to explicitly aim at furthering the realization of rights.
- If the project's objective is not directly linked to a right, include an outcome, output, and indicators that are linked to a specific right or rights.

Keep in mind that it is also important to design the project so that the implementation process is guided by rights principles, such as participation, non-discrimination, and accountability. This stage can generally be divided into two steps.

Defining Objectives

Integrating human rights into the objectives and results of a project has several implications for the content and formulation process:

- The objective of a development program or project is to realize specific human rights, especially for those who do not have access to them.
- The national human rights framework (and how it has integrated international human rights law) influences the formulation and adoption of development goals.
- In accordance with the principle of non-discrimination, the program or project objectives must first prioritize groups who do not have access before improving the conditions of those already served. Once all have basic access, efforts should progressively improve equitable access for all.
- Objectives and results are formulated in terms of their impact on the respect, protection, promotion, and realization of the relevant rights for the target population.
- Objectives and results are formulated in terms of the normative content of the relevant rights based on how those rights are understood in international human rights law.
- Objectives and results are defined following a consultation process with the rights-holders and duty-bearers to understand the local situation.

Define activities

Activities with an HRBA go beyond providing services and are oriented towards strengthening capacities. This usually means that human rights-based programs and projects include and give additional emphasis to activities such as:

- **Awareness raising** about human rights for both rights-holders and duty-bearers.
- **Training** on how to implement human rights for duty-bearers.
- **Advocacy** to influence change beyond a specific project, aiming for broader reforms at the legal, political, and institutional levels.

Capacity building represents an important difference between HRBA programs and other kinds of programs and contributes to the realization of rights. Duty-bearers and rights-holders should be trained, for example, in developing regulatory frameworks at national and local levels, developing plans and strategies, and developing budgets to contribute to the realization of the relevant human rights.

Group Work: For the project idea you have conducted a situation analysis in the previous group work, define objectives and activities based on the human rights based approach.

5.3. Implementation

As in the previous stages, it is important at the implementation stage to ensure that principles and standards based on rights are consistently respected. To ensure that implementation is carried out appropriately from an HRBA perspective, the project must have been designed accordingly, ensuring that the various rights-based activities, outputs, outcomes, and objectives are effectively implemented.

Based on the core HRBA principles, it is crucial to focus on ensuring non-discriminatory practices, realizing meaningful participation, and ensuring accountability and transparency.

Ensuring non-discriminatory practices

Inequalities can inadvertently be introduced during the implementation stage. For instance, power inequalities may result in some stakeholders having a disproportionate share of program benefits due to their greater access to information and training, influence in decision-making, salaries, or other resources. It is important to be aware of and ensure that any intervention does not reproduce or aggravate such existing inequalities.

Some questions to ask during the implementation stage to ensure the process is guided by the principles of non-discrimination and equality include:

- How does the project ensure equality, non-discrimination, and inclusiveness?
- Does the project exclude particular groups during the implementation stage? If yes, what will be the mitigation measures?
- Is there a risk that the implementation of the project discriminates against certain groups?
- Is the implementation of the project targeting discrimination against certain groups? If yes, what will be the mitigation measures?
- Is the implementation of the project fostering equality and empowerment of certain groups?

Discussion Question: Based on your experience, what gaps have you seen in ensuring non-discriminatory practices?

Realizing Meaningful Participation

Some questions to ask during the implementation stage to ensure meaningful participation include:

- ✓ How are the various stakeholders participating during the implementation of the project?
- ✓ Is the implementation of the project empowering all key groups of rights-holders to claim their rights?
- ✓ Is the implementation of the project strengthening the capacity of duty-bearers to fulfill their obligations?
- ✓ Do the stakeholders require any additional assistance to participate meaningfully during the implementation of the project?
- ✓ Are particularly excluded groups able to participate during the implementation of the project? How is this ensured (e.g., information about the project distributed in various languages)?
- ✓ Is the project implemented in a gender-sensitive and culturally sensitive manner?

Discussion Question: Based on your experience, what has your organization been doing to ensure meaningful participation.

Accountability and transparency

Accountability applies to public officials, development practitioners, CSOs, and service providers. It requires keeping people informed. Information about the project must be made publicly available to all, especially the local population and local authorities. This includes devising sound indicators for assessing progress and making results available based on the project's impact.

Some questions to ask during the implementation stage to ensure accountability and transparency include:

- Does the implementation of the project assist rights-holders in accessing complaint or redress mechanisms such as courts, tribunals, Ombudspersons, etc.?
- Does the implementation of the project assist duty-bearers in setting up any complaint or redress mechanisms?
- How is transparency and accountability ensured throughout the implementation of the project (e.g., distribution of information regarding the project)?
- Can stakeholders make any formal complaints regarding the implementation of the project?

Discussion Question: Based on your experience, what gaps have you seen with regard to accountability and transparency?

5.4. Monitoring and Evaluation

What are Monitoring and Evaluation?

Monitoring and Evaluation are distinct but interrelated components of project management. They are used to assess and improve the performance of projects, programs, and policies, playing a crucial role in ensuring that objectives are being met. While monitoring is a continuous process, evaluation is periodic. Monitoring focuses on processes, activities, and immediate outputs, while evaluation focuses on overall outcomes, impacts, and added value. Monitoring ensures the project is on track, while evaluation assesses the project's overall success.

The monitoring and evaluation process involves several steps. At each step, HRBA requires the integration of human rights principles.

Designing a monitoring process that integrates human rights principles

Monitoring and Evaluation

Generally, the Monitoring and Evaluation (M&E) process can be designed around three main questions:

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

From an HRBA perspective, the M&E process needs to respect human rights principles when defining who is involved, what to measure, and how it is measured. From the outset, it is important to select diverse members for the monitoring team. The process must also underscore the importance of human rights and gender equality.

HRBA fosters the participation of concerned groups, including those that are most vulnerable, gathers different points of view, and grasps the qualitative and empowering elements of the project processes. Additionally, follow-up and evaluation reports must be accessible to the public as a way of being accountable for the activities carried out.

Necessary Conditions to Integrate Human Rights Principles in the Monitoring Process:

Participation:

- Indicators are identified and data collected with the participation of relevant multi-stakeholders. The full range of stakeholder groups are interviewed to avoid biases, including gender bias, distance bias (favoring the more accessible), class bias, and power bias.

Non-Discrimination:

- **Inclusion of the most vulnerable:** Identify and include those most likely to have their rights violated in the data gathering and analysis process. Explore alternatives to address the participation barriers these groups may face.
- **Disaggregation:** Data gathering instruments and methods are developed such that human rights and gender equality-related data can be disaggregated.

Access to Information:

- Information on the project and monitoring reports are accessible to all, with language and means of communication taken into consideration.

Accountability:

- **Adequate sample:** If the amount of information reviewed/data collected is too limited, the findings may be questioned. If budget concerns or time constraints limit the number of respondents, or if the number in some categories is very small (e.g., only a few people can spare the time to speak with evaluators), the findings need to be validated by a larger group or through triangulation.
- **Triangulation:** Wherever possible, data should come from more than one source. For example, if rights-holders report increased success in negotiating their needs or representing their interests, this may be confirmed through records of decisions or by asking duty-bearers if they have noticed any changes in the negotiation process with rights-holders. If women report increased income, they can be asked how they have used the income, and this may be confirmed by observation.
- **Adverse impact:** In case of negative human rights impact as a result of the project, a complaint mechanism with accompanying remedies should exist.

Sustainability:

- Evaluation of the process is shared with the local communities, and lessons learned are developed jointly.



Defining HRBA indicators to measure processes and outcomes

An important feature of M&E from an HRBA perspective is that the focus of the measurement is not placed solely on the results of the project but also on the process of programming and implementation. One common type of monitoring is “performance monitoring,” which measures progress in achieving specific results in relation to the results matrix. From a human rights-based approach, monitoring the process to achieve results is not different from “regular” monitoring. However, as HRBA requires that the approach is also applied to the process of programming, this should also be monitored. For certain projects, the logical framework will explicitly anchor its HRBA to the process.

Providing indicators that make the incorporation of HRBA in the process visible and measurable is strongly encouraged where possible, as it demonstrates a commitment to fully rights-based programming. However, for some projects, this will not be feasible. Therefore, it is important to ensure that all projects can monitor the HRBA of the process, regardless of whether the objective or outcome is linked to a right.

From an HRBA perspective, the development of indicators implies:

- **Human rights indicators must be based on international human rights instruments.** According to OHCHR, most commonly used indicators could be reconfigured and explicitly linked to human rights standards and obligations.
- **The ratification of a treaty is an example of a structural indicator.**
- **Indicators must reflect the obligations of the responsible entity to respect, protect, and fulfill human rights.**
- **The selection of the indicators and the evaluation must reflect human rights standards and cross-cutting principles.**
- **Indicators should be simple, timely, reliable, and low in number.** If too complicated, they will be confusing, too difficult to collect or analyze, and make the process unrealistic.
- **Based on transparent, testable methods.** All information sharing needs to be available in a transparent way, so that the data is believable and easily verified.
- **Indicators are developed with local participation.** The participation of the local community is important when developing the indicators so that the rights of vulnerable people can be included and local community information can be introduced, either to improve the way the indicator is expressed or how it is collected. The community also needs to see the indicators before they are finalized, so that they can contribute their ideas and thoughts to the process.
- **Disaggregated data to avoid discrimination of vulnerable groups.** This means that data should be broken down to local areas, by gender, race, culture, age, wealth, and situation where possible.



Evaluating Results

The aim here is to assess the strengths and weaknesses of the project in realizing human rights and to identify lessons learned.

- **Human rights indicators (structural, process, and outcome indicators)** are important to evaluate who is really benefiting from the intervention, how, and why.
- **The impact may be measured** by comparing the situation analysis (baseline) with the results after the intervention to assess progress.
- **Assess how the intervention has reached vulnerable people** and improved their situation.
- **Have a robust validation process** involving government officials and different stakeholder groups.

Evaluate the HRBA throughout the whole intervention

At this stage, the integration of human rights principles throughout the entire intervention process should be assessed. Important questions that can be used to evaluate the extent of this integration include:

Participation

- Has the target population been directly involved throughout, from situation analysis to evaluation?

Non-Discrimination

- Has the program or project considered the rights of those in the most vulnerable situations?

Access to Information

- Have the program or project deliverables been clearly understood by duty-bearers and rights-holders?

Accountability

- Has the program or project improved the capability of duty-bearers to deliver services?
- Has the program or project addressed the right to compensation for those negatively affected?
- Has the program or project provided for transparency and participation mechanisms?

Sustainability

- Is the program generally accepted by the community as the best solution?

Discussion Question: How do you assess the experience of your organization in terms of integrating the HRBA in the monitoring and evaluation stage? What things should be improved?

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