

Human Rights-Based Approach (HRBA) Checklist for Programme Staff

1. Country Context and UNDP Programme

- ✓ What are the 3 top priorities for human development in the country today?
- ✓ What is the environment in the country for promoting human rights? (See A Overleaf)
- ✓ Which rights have yet to be fulfilled for the population as a whole, and what are the structural causes for this? (B)
- ✓ What treaty standards and comments of rights bodies are relevant in this context? (C)
- ✓ How does the UNDP Programme support the realization of human rights?
- ✓ Do programme staff have the capacity to integrate human rights in their work, and a sound grasp of the UN Charter, human rights instruments, and the country constitution?
- ✓ How do other international partners support the realization of human rights? How do partners coordinate their work? What gaps remain?

2. Excluded and Vulnerable Groups

- ✓ Which groups are the most disadvantaged? How does UNDP define vulnerability and poverty in the country?
- ✓ Are tools and indicators to identify excluded groups sufficiently disaggregated?
- ✓ How does the overall Country Programme address exclusion and disadvantage? How do specific projects do so?
- ✓ How do other partners do so? How do partners coordinate? What gaps remain?
- ✓ Does the UNDP Country Office adequately reflect the diversity of the country?

3. Stakeholder Capacity

- ✓ Who are the Country Programme or project stakeholders and how were they identified?
- ✓ Which are duty bearers and what obligations are they supposed to meet? Do they have the capacity to meet obligations (including responsibility, authority, data, and resources)?
- ✓ Which are claim holders and do they have the capacity to claim their rights (including ability to access information, organize, advocate policy change, and obtain redress)?

4. Country Programme and Project Process (Conduct)

- ✓ Does project design and implementation incorporate human rights standards as set out in international and regional conventions? Does the Country Programme?
- ✓ Does project design and implementation incorporate principles of universality, indivisibility, inter-dependence, equality, participation, and accountability (further spelled out in D overleaf)? Does the overall Country Programme?
- ✓ Do both duty bearers and claim holders participate in project design, implementation, monitoring and evaluation? In the overall Country Programme preparation?

5. Country Programme and Project Outcome (Results)

- ✓ How has the overall Country Programme built capacities to realize human rights in the country? Do these address the structural causes for non-realization of human rights? Which human rights will be further realized?
- ✓ How does the project build the capacities of duty bearers to meet obligations and claim holders to claim human rights? Which human rights will be further realized? How is this monitored and evaluated?
- ✓ Do indicators capture perceptions on the enjoyment of human rights and other qualitative aspects, such as accountability of public authorities?

(A) Human Rights include

Right to life; Freedom of association, expression, assembly and movement; Right to health; Freedom from torture and cruel, inhuman or degrading treatment or punishment; Freedom from arbitrary arrest or detention; Right to a fair trial; Freedom from discrimination; Right to equal protection of the law; Freedom from arbitrary interference with privacy, family, home or correspondence; Right to asylum; Right to nationality; Freedom of thought, conscience and religion; Right to vote and take part in government; Right to adequate food, shelter, clothing; Right to work; Right to social security; Right to education; Right to scientific progress; Right to free exchange of information; Right to participate in cultural life; Right to development.

(B) Causal Analysis In causal analysis, practitioners attempt to define and isolate the immediate, underlying, and basic (or structural) causes of a problem so that they can better understand the impact of their interventions.

(C) The six core human rights treaties are:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- International Covenant on Economic, Social and Cultural Rights (CESCR)
- International Covenant on Civil and Political Rights (CCPR)
- Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)

Account should also be taken of regional human rights conventions. The six human rights treaty monitoring bodies are: The Committee on the Elimination of Racial Discrimination; The Human Rights Committee; The Committee on Economic, Social and Cultural Rights; The Committee against Torture; The Committee on the Elimination of Discrimination Against Women; The Committee on the Rights of the Child. In addition, special rapporteurs are appointed to deal with pressing violations of human rights (like poverty, violence against women, and others) and in countries in which violations are occurring.

(D) Human rights principles, extracted/summarized from The Human Rights Based Approach: Towards a Common Understanding Among the UN Agencies, 7 May 2003.

a) Universality and inalienability: All people everywhere in the world are entitled to human rights. They cannot be given up or taken away.

b) Indivisibility: Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.

c) 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 realization of the right to education or of the right to information.

d) 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.

e) 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.

f) Accountability and Rule of Law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.