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- The **NPPS** suggested a condensed version of the toolkit, the provision of relevant examples within the Philippine context, and a discussion on the use of measures of variability.

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About this Toolkit

This twin-volume toolkit introduces the human rights based approach to development planning, drawing from the Philippine Constitution, law and jurisprudence, international customary law on human rights, international human rights treaties ratified by the Philippines, authoritative pronouncements of human rights treaty monitoring bodies, and research and experiences of human rights and development practitioners. It presents human rights tools, processes and methodologies formulated and implemented by human rights and development institutions worldwide and contains human rights quick guides in the form of flowcharts, checklists, recapitulative tables, and figures especially designed to facilitate the application of the human rights based approach to development planning.

Volume I of this twin-volume toolkit is an *abridged version,* which describes the human rights based approach to development planning in condensed form, through human rights quick guides and Philippine examples drawn from NEDA sector and regional staff who participated at the ***HRBA Applied Learning Workshops*** (February through April, 2010) and the ***Integration of RBA Instruments/Materials into Development Plans, Programs and Activities*** (May 25-28, 2010 at Subic, Zambales). Development planners who have had previous training in, exposure to, or experience with HRBA are encouraged to use Volume I as a handy toolkit.

Volume II of this twin-volume toolkit is the *unabridged version;* development planners are strongly encouraged to refer to Volume II to gain a deeper understanding of the substance and processes of the human rights based approach to development planning.

Volume II is divided into three main parts: the first part (**Human Rights Based Approach to Development Planning**) describes the distinguishing features of, and actors in, the human rights based approach to development planning. Part I presents Human Rights Figures 1 (*Human Rights Based Approach to Development Planning*) and 2 (*Actors in the Human Rights Based Approach to Development Planning*).

The second part (**Human Rights Parameters of Development Planning**) discusses the human rights parameters of development planning and presents these in graphical form in Human Rights Figure 3 (*Human Rights Parameters of Development Planning*). Human rights parameters are: direct contribution to realizing human rights objectives and standards; equitable and nondiscriminatory delivery of entitlements to all on a universal basis; consistent focus on equitable outcomes and those most at risk and guaranteed adherence to human rights obligations; and preference for complementary, integrated and targeted strategies of inclusion, equality and empowerment, with express safeguards and mechanisms for redress and accountability through the application of PANTHER principles. The second part contains four chapters:

- **Chapter 1, The Philippine Human Rights Framework for Development Planning**, presents the Philippine human rights framework (the 1987 Philippine Constitution, Universal Declaration of Human Rights, Declaration on the Right to Development, International Covenant on Economic, Social and Cultural Rights, International Covenant

on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Rights of All Migrant Workers and Members of their Families, and Convention on the Rights of Persons with Disabilities) as these are interpreted by the Philippine Supreme Court and by United Nations treaty monitoring bodies, highlighting constitutional and human rights objectives of development planning, and related human rights standards and principles that guide development planning. Chapter 1 presents Human Rights Recapitulative Tables 1 (*Constitutional Parameters of National Development Planning*), 2 (*Human Rights Instruments Customarily or Legally Binding on the Philippines*) and 3 (*Human Rights Parameters of National Development Planning*), and Human Rights Flowchart 1 (*Restrictions and Limitations Resulting from Planning Decisions*).

- **Chapter 2, Human Rights and their Normative Entitlements in Development Planning,** defines selected human rights in development (rights to life, participate in government, freedom of opinion and expression, peaceful assembly and association, equal access to public service, education, adequate food, highest attainable standard of health, adequate housing, water, social security, work, take part in cultural life, and reparation), identifies the normative elements inherent in these particular rights, and links human rights to factors within and outside the state's control that contribute to the equitable and nondiscriminatory delivery of entitlements to all on a universal basis. Chapter 2 includes Human Rights Diagrams 1 (*The Right to Adequate Food*), 2 (*The Right to Water*), 3 (*The Right to Education*), 4 (*The Right to the Highest Attainable Standard of Health*), 5 (*The Right to Work*), 6 (*The Right to Social Security*), and 7 (*The Right to Adequate Housing*), and Human Rights Flowchart 2 (*Assessing Development Plans, Strategies, Programs, Projects and Actions in Relation to Normative Elements of Human Rights*).

- **Chapter 3, Human Rights Obligations in Development Planning,** describes obligations of conduct and of result and the nature and levels of human rights obligations (obligation of progressive realization, core obligations, obligation of equality, obligation of nondiscrimination, obligations of international cooperation and assistance, obligations to respect human rights, obligations to protect human rights, and obligations to fulfill (facilitate and provide) human rights), emphasizing their procedural, policy, substantive and resource implications on development planning, and discusses human rights violations or the consequences of non-compliance with human rights obligations. Chapter 3 presents Human Rights Recapitulative Tables 4 (*Examples of Obligations of Conduct and of Result*), 5 (*Examples of Core Obligations*), and 6 (*Examples of Human Rights Compliant and Non-Human Rights Compliant Strategies, Programs, Projects or Actions*), Human Rights Checklists 1 (*Compliance with Human Rights Obligation of Progressive Realization*), 2 (*Compliance with Human Rights Core Obligations*), 3 (*Compliance with Human Rights Obligation of Equality*), 4 (*Compliance with Human Rights Obligation of Nondiscrimination*), 5 (*Compliance with Human Rights Obligation of International Cooperation and Assistance*), 6 (*Compliance with Human Rights Respect-Bound Obligations*), 7 (*Compliance with Human Rights Protection-Bound Obligations*), and 8 (*Compliance with Human Rights Fulfillment-Bound Obligations*), and Human Rights Figures 4 (*Obligations*

Arising from the Right to Adequate Food), 5 (*Obligations Arising from the Right to Water*), 6 (*Obligations Arising from the Right to Education*), 7 (*Obligations Arising from the Right to the Highest Attainable Standard of Health*), 8 (*Obligations Arising from the Right to Work*), 9 (*Obligations Arising from the Right to Social Security*), and 10 (*Obligations Arising from the Right to Adequate Housing*).

- **Chapter 4, Human Rights (PANTHER) Principles in Development Planning,** defines each human rights principle (participation, accountability, nondiscrimination, transparency, human dignity, empowerment and rule of law), describes their contributions to the formulation of complementary, integrated and targeted strategies of inclusion, equality and empowerment, and proffers tips to assist development planners rigorously apply human rights principles, more easily remembered through the mnemonic "PANTHER." Chapter 4 includes Human Rights Recapitulative Table 7 (*Sample Indicators to Measure PANTHER Principles*).

The third part (**Human Rights Processes in Development Planning**) of this toolkit describes human rights processes in development planning in text and through Human Rights Figure 11 (*Human Rights Processes in Development Planning*), illustrating how to apply the human rights parameters of development planning in assessment, goal setting, target and indicator setting, strategy development and review, and monitoring and evaluation. The third part contains five chapters:

- **Chapter 5, Human Rights Based Approach to Assessment,** examines the application of human rights standards, norms and principles to the process of assessment to afford better analysis of development challenges and problems, and presents a variety of human rights tools, processes and methodologies designed by human rights and development practitioners all over the world that may facilitate the conduct of cross-temporal and statistical analysis using measures of variability, situation or problem analysis, actor analysis, gender analysis, power analysis and risk analysis. Chapter 5 includes Human Rights Flowchart 3 (*Human Rights Based Approach to Assessment*) and Human Rights Checklist 9 (*Minimum Composite Information for Human Rights Based Actor Analysis*), and provides Philippine examples of how human rights tools, processes and methodologies were applied to assessment.

- **Chapter 6, Human Rights Based Approach to Goal Setting,** defines goals in the context of human rights and illustrates how human rights can be used to set goals through a description of human rights tools and processes utilized by human rights and development practitioners across the globe. Chapter 6 includes Human Rights Flowchart 4 (*Human Rights Based Approach to Goal Setting*) and Philippine examples of human rights based goals and outcomes.

- **Chapter 7, Human Rights Based Approach to Target and Indicator Setting,** introduces the human rights based approach to target and indicator setting, emphasizes the UN Statistical Commission's *Fundamental Principles of Official Statistics*, compares and contrasts development and human rights indicators, presents criteria to select human

rights indicators, identifies different kinds of human rights indicators, and presents a framework to set human rights indicators and align development indicators with human rights. Chapter 7 includes Human Rights Flowchart 5 (*Human Rights Based Approach to Target and Indicator Setting*) and provides Philippine examples of human rights indicators.

- **Chapter 8, Human Rights Based Approach to Strategy Development and Review,** discusses the human rights substance of development strategies to realize the equal rights of women, the rights of children, the right against descent-based discrimination and the rights to education, health, food, housing, water, work and social security, and the Millennium Development Goals, and presents human rights processes and tools that may facilitate the development and review of strategies coherent with the demands of human rights. Chapter 8 includes Human Rights Flowchart 6 (*Human Rights Based Approach to Strategy Development and Review*) and presents a Philippine example of a human rights based logical framework.

- **Chapter 9, Human Rights Based Approach to Monitoring and Evaluation,** describes the human rights based approach to monitoring and evaluation, highlights the *Principles of Monitoring and Accountability*, and presents the wide range of human rights tools, processes and methods of monitoring and evaluation. Chapter 9 includes Human Rights Flowchart 7 (*Human Rights Based Approach to Monitoring and Evaluation*) and provides Philippine examples of the human rights based approach to monitoring and evaluation.

Limitations of the Toolkit

The human rights based approach is not without criticism. Some have criticized the approach for being too general and descriptive, and therefore impossible to distinguish concrete values or legal norms that protect human rights and draw boundaries to steer social policy towards promoting and protecting the realization of guaranteed human rights. Another criticism is the lack of mechanisms for redress of entitlements associated with economic, social and cultural rights and the lack of clearly defined state and non-state obligations to protect and facilitate human rights. A third criticism is the over-riding emphasis on state-citizen relationship as the basis for accountability and obligation, which could affect policy implementation and the lack of standards on the extent to which non-state actors should be subject to human rights laws. Finally, the approach has been criticized for lacking rigor, for meaning all things to all people.

Human rights based approaches are still evolving; they are also *broadly defined*, susceptible to various interpretations and *contextual*: there is thus no *single prescription for a human rights based approach, as* "one size does not fit all." This implies a large degree of *flexibility* and *adaptability* in implementing the approach—characteristics that are both liberating and limiting at the same time. Finally, the application of human rights based approaches is largely dependent on the individual's capacities and on the organization's mandate, philosophy, attitudes, values and capabilities.

This toolkit incorporates the advances in the fields of human rights and the human rights based approach to development as of April 2010. Human rights treaty bodies will continue to articulate General Comments and General Recommendations, while human rights and development practitioners will continue to experiment with the human rights based approach and are likely to devise new, or revise or update existing, human rights tools, processes and methodologies. This toolkit, therefore, may require updating to keep pace with these occurrences.

A major limitation of the toolkit is the absence of any chapter on investment programming, revenue administration, budgeting and expenditure management in the context of human rights. Admittedly, the human rights based approach to investment programming and resource and revenue administration is the least developed, and there is a dearth of relevant material developed locally or abroad. Thus there is a pressing need to develop a human rights based approach to investment programming and resource and revenue administration, preferably through close collaboration between human rights practitioners and revenue experts.

Finally, this toolkit is especially written for the National Economic and Development Authority, and for the Philippine development and human rights community at large, taking into consideration the contextual nature and structure of Philippine human rights policy.

Acronyms

AHRC	*Australian Human Rights Council Inc.*
CARE	*Cooperative for Assistance and Relief Everywhere, Inc.*
CAT	*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
CEDAW	*Convention on the Elimination of All Forms of Discrimination against Women*
CERD	*International Convention on the Elimination of All Forms of Racial Discrimination*
CMW	*International Convention on the Rights of All Migrant Workers and Members of their Families*
CPD	*Convention on the Rights of Persons with Disabilities*
CRC	*Convention on the Rights of the Child*
CRP	*Child Rights Programming*
DANIDA	*Danish International Development Agency*
Declaration on RTD	*Declaration on the Right to Development*
FAO	*Food and Agriculture Organization*
GDP	*Gross Domestic Product*
HDI	*Human Development Index*
HR	*Human rights*
HRBA	*Human rights based approach*
IAP2	*International Association for Public Participation*
ICCPR	*International Covenant on Civil and Political Rights*
ICESCR	*International Covenant on Economic, Social and Cultural Rights*

ILO	*International Labor Organization*
LFA	*Logical Framework Approach*
LFA-AI	*Logical Framework Analysis with an Appreciate Inquiry Approach*
MDG(s)	*Millennium Development Goal(s)*
NEDA	*National Economic and Development Authority*
NORAD	*Norwegian Agency for Development Cooperation*
OHCHR	*United Nations Office of the High Commissioner for Human Rights*
PANTHER	*Mnemonic referring to the human rights principles of Participation, Accountability, Nondiscrimination, Transparency, Human Dignity, Empowerment and Rule of Law*
RMAP	*Rights based Municipal Assessment and Planning Project piloted in selected municipalities in Bosnia and Herzegovina, under the joint auspices of the Ministry for Human Rights and Refugees, UNDP and OHCHR*
RTD	*Right to Development*
SIDA	*Swedish International Development Cooperation Agency*
UDHR	*Universal Declaration of Human Rights*
UN	*United Nations*
UNDP	*United Nations Development Programme*
UN HABITAT	*United Nations Human Settlements Program*
UNIFEM	*United Nations Development Fund for Women*
UNFPA	*United Nations Population Fund*
WB	*World Bank Group*

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Philippine Examples

(Drawn from NEDA Central and Regional Offices Participants of *HRBA Applied Learning Workshops* and *Integration of RBA Instruments/Materials into Development Plans, Programs and Activities)*

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NEDA Regional Offices Participants' *Application of PANTHER Principles to Project Evaluation and Development*