Human Rights Processes in Development Planning

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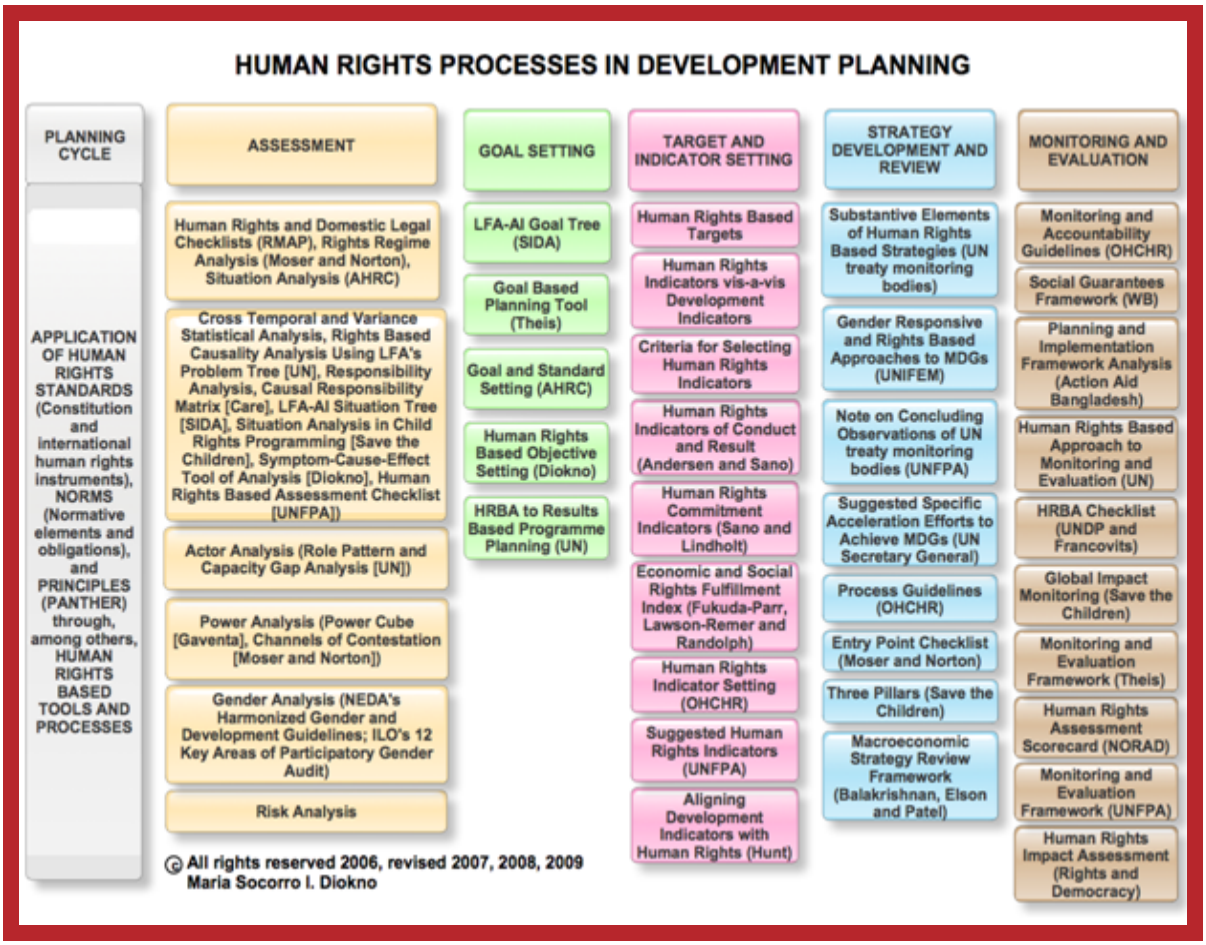
Human Rights Processes in Development Planning

The human rights based approach to development planning asks about *how* the country's future direction is determined, *how* rights-appropriate the different types of development activities are, and *how* the multidimensional process of change is managed. It applies human rights parameters (e.g., 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 application of PANTHER principles) to answer five simple questions: *Where are we as a country now? Where do we want our country to be? How do we get there? What resources do we need? Where do we put these resources to be where we want our country to be?*

Since the introduction of the human rights based approach to development in 1997, world leaders, UN agencies, private development aid organizations, public development assistance agencies and international financial institutions began adopting and articulating the human rights based approach; over the years, human rights and development practitioners developed and implemented human rights based processes and tools to different aspects of development (*Figure 11*).



The Philippines, too, adopted the human rights based approach to development. In 2007, the Philippines committed and voluntary pledged before the international community to instill a human rights-based approach to realize the Millennium Development Goals, and to embody the right to development and economic and social and cultural rights in national development policies, plans and programs.[1] Subsequently, on 10 December 2008, the President issued Administrative Order 249, directing the National Economic and Development Authority (NEDA) to integrate, reflect and define the principles of the human rights based approach in the formulation of the country's development policies, plans and programs. In compliance thereof, the then NEDA Director General issued two Memoranda requesting all NEDA sector staff and all regional development councils to incorporate the principles of the human rights based approach in all development policies, plans and programs in the Medium Term Philippine Development Plan, the Regional Development Plans, and in the monitoring and evaluation of the plans.[2]

NEDA is the independent planning agency of the Philippines, tasked with formulating continuous, coordinated and fully integrated social and economic policies, plans and programs. NEDA is also responsible for studying, reviewing, formulating and recommending continuous,

[1] *Note verbale* dated 18 April 2007 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly.

[2] Memorandum dated 22 December 2008 issued by then NEDA Director General Ralph G. Recto addressed to all NEDA sector staff and Memorandum of same date addressed to all regional development councils.

coordinated and fully integrated economic and development policies, plans and programs, including the formulation of annual and medium-term public investment programs, programming official development assistance in the form of grants and concessional loans from foreign governments and multilateral agencies and organizations and the monitoring and evaluation of plan implementation.[3]

Human Rights Based Approach to Assessment

Human rights norms and standards allow for better analysis of development challenges and problems. The standards that guide human rights assessment emanate from the national and international framework of a country, the normative elements of human rights, human rights obligations, and the human rights (PANTHER) principles (*see* Part II, Chapters 1, 2, 3 and 4). These standards serve as the starting point to assessment as well as the basis against which current conditions are to be appraised.[4] The OHCHR strongly recommends the identification of the national and international human rights framework[5] as a key feature of human rights based assessments. This may be undertaken through the adaptation of RMAP's *Human Rights and Domestic Legal Checklists*, the application of Moser and Norton's *Rights Regimes Analysis* and/or AHRC's *Situational Analysis*.

The human rights based approach to assessment includes a survey of existing social, economic and other conditions, noting changes that have taken place, evaluating how the previous development plan performed in relation to obligations of progressive realization, nondiscrimination and equality through *cross-temporal* and *statistical analysis using measures of variability*. The survey of current conditions is usually undertaken through the use of secondary information from a multitude of sources.

The human rights based approach to assessment also includes an analysis of major problems or challenges, directly linking these to specific human rights; assessment may be undertaken through the UN's *Rights Based Causality Analysis using LFA's Problem Tree*, *Responsibility Analysis*, Care's *Causal Responsibility Matrix*, SIDA's *LFA-AI Situation Tree,* Save the Children's *Situation Analysis in Child Rights Programming,* Diokno's *Symptom-Cause-Effect Tool of Analysis*, or UNFPA's *Human Rights Based Assessment Checklist*.

The human rights based approach to assessment also recommends the conduct of: *actor analysis,* which may be applied through the UN's *Role Pattern and Capacity Gap Analysis; gender analysis; power analysis,* which may be undertaken through Gaventa's *Power Cube* or Moser and Norton's *Channels of Contestation Matrix;* and *risk analysis*.

The different tools and processes mentioned here are described in Chapter 5.

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[3] Secs. 2 and 3, Subtitle C, Title II, Book V, The Revised Administrative Code of 1987.

[4] Rights-Based Municipal Assessment and Planning Project (RMAP), *Methodology and Tools for Human Rights-Based Assessment and Analysis*, 2004.

[5] United Nations Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies,* 2002.

Human Rights Based Approach to Goal Setting

Goals are the key reasons behind a development intervention and serve as the basis for formulating strategies and setting up programs and projects. Goals represent substantive and procedural instructions as well as the causal background of national development plans.

Development goals, in the context of human rights, seek to realize specific human rights especially of those who least enjoy their human rights. The country's human rights framework, entitlements implicit in human rights, and the different levels of human rights obligations all influence the formulation and adoption of development goals (*see* Part II, Chapters 1, 2 and 3), while the human rights (PANTHER) principles influence the way by which goals are formulated and adopted (*see* Part II, Chapter 4).

Human rights and development practitioners have applied human rights to goal-setting: SIDA developed the *LFA-AI Goal Tree*; Theis designed a *Goal Based Planning Tool*; AHRC proposed a human rights methodology towards *Goal and Standard Setting;* Diokno designed a *Rights Based Objective Setting Tool;* and the UN undertakes *Objective Setting using HRBA to Results Based Programme Planning*. These tools and processes are described in Chapter 6.

Human Rights Based Approach to Target and Indicator Setting

Admittedly, the human rights community has lagged behind the development community in the field of indicator and target setting. It is only recently that human rights practitioners have begun engaging in the field of targets and indicators.

Human rights targets may be drawn from the national and international human rights framework of a country: the ICESCR, for example, sets the reduction of stillbirth-rate and infant mortality as a human rights target; the CRC sets the eradication of infant and child mortality and the reduction of drop-out rates as human rights targets; the CERD sets the elimination of racial discrimination in all its forms as a fundamental human rights target; and the CEDAW sets the elimination of discrimination against women in all spheres of life as a basic human rights target.

The OHCHR proposed a conceptual framework to the use of indicators to monitor compliance with human rights treaties. It suggests the use of different kinds of indicators, including *uniquely human rights indicators*, *structural indicators, process indicators* and *outcome indicators*.

Other kinds of human rights indicators have been proposed over the years; these include Andersen and Sano's *Human Rights Indicators of Conduct* and *Human Rights Indicators of Result*, DANIDA's *process indicators*, Sano and Lindholt's *Human Rights Commitment Indicators*, Fukuda-Parr, Lawson-Remer and Randolph's *Economic and Social Rights Fulfillment Index*, OHCHR's *Configuration of Structural, Process and Outcome Indicators,* and UNFPA's *Suggested Human Rights Based Indicators*.

Human rights targets and indicators, the UN Statistical Commission's *Fundamental Principles of Official Statistics*, a comparison of development indicators *vis-à-vis* human rights indicators, the

criteria for selecting human rights indicators, the different kinds of indicators, the process for setting human rights indicators and aligning development indicators with human rights are discussed in Chapter 7.

Human Rights Based Approach to Strategy Development and Review

The human rights based approach to strategy development and review encourages the adoption of complementary and integrated strategies to realize specific human rights threatened by development problems or issues.

Human rights introduce an ethical dimension into the development discourse, by demanding the adoption and implementation of strategies of inclusion, equality, empowerment and accountability: they require strategies targeted at those who least enjoy human rights; they require the incorporation of special measures to ensure equality in enjoyment of human rights; they require the integration of safeguards against potential harm or risks; they require the adoption of transparent and accessible mechanisms for redress and accountability; they require the free, active and full participation of claimholders, duty bearers and other actors. Human rights also require development planners to think of the long term.

Chapter 8 of this toolkit describes the human rights based approach to strategy development and review, highlighting the substantive content of 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 proposed by UN treaty monitoring bodies (including UNFPA's *Note on Concluding Observations of UN Treaty Monitoring Bodies*), and human rights processes and tools (OHCHR's *Process Guidelines*, Moser and Norton's *Entry Point Checklist* and Save the Children's *Three Pillars*). Chapter 8 also describes human rights standards that may be used to review macro-economic strategies (including Balakrishnan, Elson and Patel's *Macroeconomic Strategy Review Framework*).

Human Rights Based Approach to Monitoring and Evaluation

The human rights based approach to monitoring and evaluation fortifies duty bearer accountability for human rights. The human rights based approach to monitoring detects whether conditions are being created to realize human rights, whether duty bearers are performing their human rights obligations, and whether the quality of human life is improving or deteriorating during plan implementation, in order to make the necessary adjustments or to implement safeguards, risk mitigation mechanisms and special measures. The human rights based approach to evaluation appraises the plan's performance in relation to human rights, the plan's impact in relation to changes in the quality of people's lives, and the plan's assumptions in relation to human rights standards, norms and principles.

Human rights demand a monitoring and evaluation system that is highly participatory and inclusive, transparent, empowering, and accountable.

A rich range of tools has been developed to undertake monitoring and evaluation in the context of human rights; these include OHCHR's *Monitoring and Accountability Guidelines*, the World Bank's *Social Guarantees Framework*, Action Aid Bangladesh's *Planning and Implementation Framework*, the UN's *Human Rights Based Approach to Monitoring and Evaluation*, UNDP's *HRBA Checklist as amended by Frankovits*, Save the Children's *Global Impact Monitoring*, Theis' *Monitoring and Evaluation Framework*, NORAD's *Human Rights Assessment Scorecard*, UNFPA's *Monitoring and Evaluation Framework,* Rights and Democracy's *Human Rights Impact Assessment for International Investments,* and Diokno's *Human Rights Based Monitoring and Evaluation Strategy.* These tools are presented in Chapter 9.

EXECUTIVE SUMMARY

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.