Human Rights Based Approach to Monitoring and Evaluation

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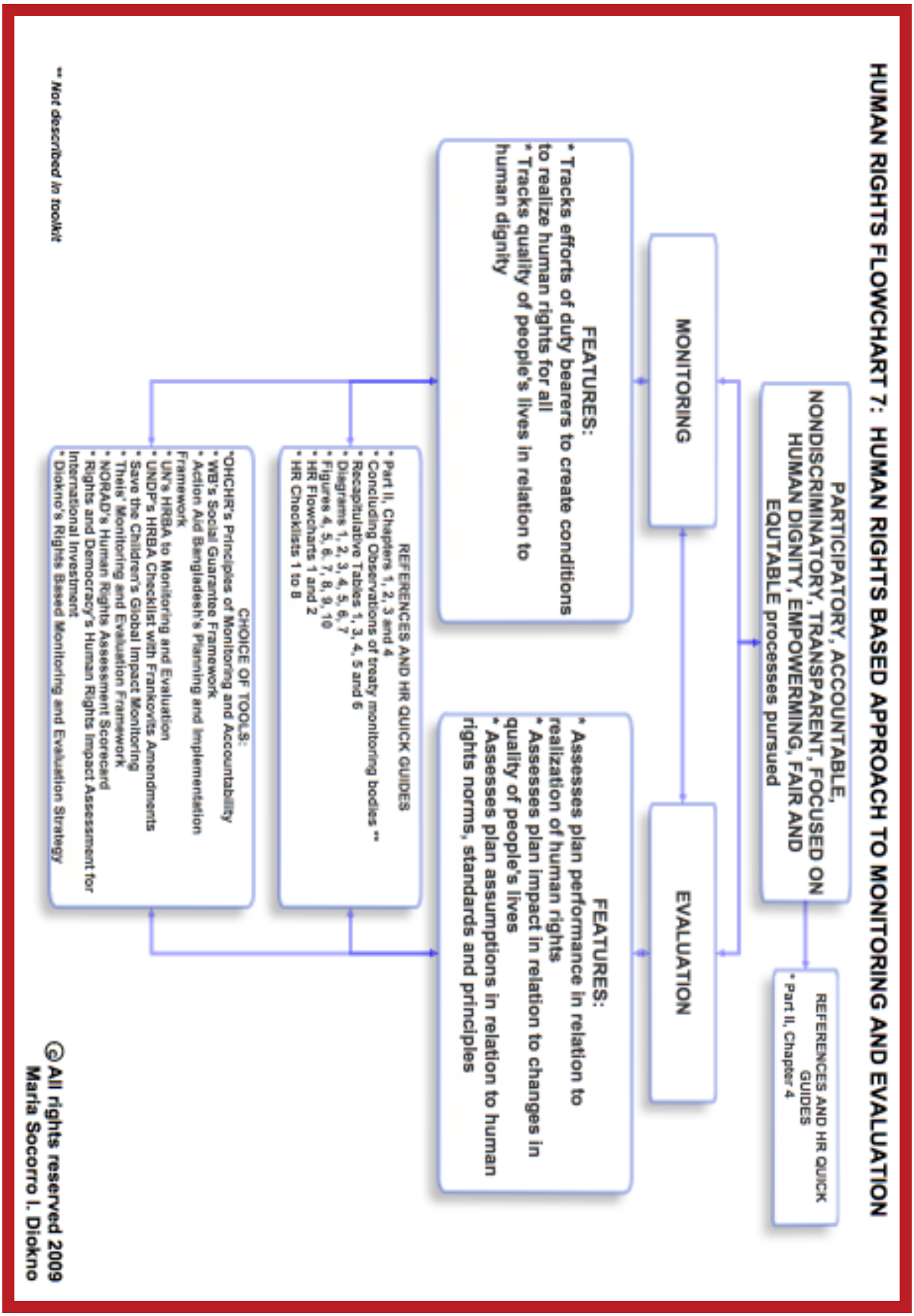
Human Rights Based Approach to Monitoring and Evaluation

The human rights based approach to monitoring national development plans tracks *efforts* of duty bearers to create conditions to realize human rights for all and to comply with their human rights obligations; monitoring duty bearer efforts involves continuously and systematically checking policies, practices, institutional capacities and arrangements, etc., against human rights norms, standards and obligations and against the levels of enjoyment or non-enjoyment of human rights by claimholders. The human rights based approach to monitoring national development plans also tracks the *quality* of people's lives, constantly and actively checking the quality of life, especially of those most vulnerable, against human dignity; monitoring the quality of people's lives also involves focusing on those rights that are least enjoyed and most at risk of deprivation. The human rights based approach to monitoring allows adaptations or adjustments to be made to the development plan in the course of its implementation.

The human rights based approach to evaluation of national development plans assesses the plan's *performance in relation to the realization of human rights*: Has the plan created or caused the creation of conditions necessary to realize people's human rights? Have budgetary priorities been realigned in favor of the most disadvantaged? It also appraises the plan's *impact in relation to changes in the quality of people's lives*: Has the plan resulted in a quality of life consistent with human dignity? Do people enjoy their human rights as a result of the plan? Do people responsibly exercise and claim their rights? It also reviews the plan's *assumptions in relation to the human rights standards, norms and principles*: Is the plan directly linked to human rights? Did the plan directly contribute to the attainment of human rights objectives and standards enunciated in the country's human rights framework? Did the plan deliver entitlements equitably and equally to all on a universal basis? Did the plan result in equitable outcomes that benefited those most at risk? Did the plan incorporate complementary, integrated and targeted strategies of empowerment, inclusion and equality, with express safeguards and mechanisms for redress and accountability? The human rights based approach to evaluation informs the formulation of future development plans.


HUMAN RIGHTS FLOWCHART 7: HUMAN RIGHTS BASED APPROACH TO MONITORING AND EVALUATION
PARTICIPATORY, ACCOUNTABLE, NONDISCRIMINATORY, TRANSPARENT, FOCUSED ON HUMAN DIGNITY, EMPOWERMING, FAIR AND EQUTABLE processes pursued
REFERENCES AND HR QUICK GUIDES
* Part II, Chapter 4
MONITORING
EVALUATION
FEATURES:
* Tracks efforts of duty bearers to create conditions to realize human rights for all
* Tracks quality of people's lives in relation to human dignity
FEATURES:
* Assesses plan performance in relation to realization of human rights
* Assesses plan impact in relation to changes in quality of people's lives
* Assesses plan assumptions in relation to human rights norms, standards and principles
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CHOICE OF TOOLS:
*OHCHR's Principles of Monitoring and Accountability
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* UN's HRBA to Monitoring and Evaluation
* UNDP's HRBA Checklist with Frankovits Amendments
* Save the Children's Global Impact Monitoring
* Theis' Monitoring and Evaluation Framework
* NORAD's Human Rights Assessment Scorecard
* Rights and Democracy's Human Rights Impact Assessment for International Investment
* Diokno's Rights Based Monitoring and Evaluation Strategy
** Not described in toolkit
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Together monitoring and evaluation in the context of human rights form a system that strengthens duty bearer accountability for human rights. Theis (2004) notes that enhanced duty bearer accountability can be seen by changes in policies, laws and programs; more effective enforcement of laws against human rights violations; increased allocations of budgets and resources for those most vulnerable; changes in awareness, attitudes, behaviors, practices, norms and values; improvements in the quality and responsiveness of institutions and services; an economy that enables rights; and greater participation of claimholders in decisions and in claiming their rights.[1]

The human rights based approach to monitoring and evaluation is highly participatory and inclusive, involving a broad and wide spectrum of women, men and child claimholders, duty bearers and other actors, who are given every opportunity to actively contribute to the process. It is transparent as it is pursued with clear and open monitoring and evaluation processes and methodologies. It empowers claimholders by valuing and addressing their insights, and by resolving issues of power that arise during and after the plan's implementation. It incorporates rule of law mechanisms especially in resolving complaints or criticisms arising during or from the development plan.

The UN's Common Learning Package on the Human Rights Based Approach (2007) differentiates between a human rights based approach to monitoring and evaluation and a purely results based management system approach. They argue that a pure results based management approach to monitoring and evaluation places greater importance on program performance, while a human rights based approach to monitoring and evaluation places equal attention on program performance, process and content, is guided by human rights standards, norms and principles, and ensures the participation of claimholders and duty bearers and greater program accountability.[2]

Principles of Monitoring and Accountability[3]

OHCHR (2002) proposed *Principles of Monitoring and Accountability* to guide the formulation and implementation of poverty reduction strategies. OHCHR stressed that monitoring provides the venue for duty bearers to identify, on an ongoing basis, those areas where concentration or attention needs to be directed in order to realize human rights, and for claimholders to hold duty bearers to account for any failure to discharge their human rights obligations.

OHCHR distinguished an accountability procedure from monitoring. According to the OHCHR, an accountability procedure is a mechanism by which duty bearers answer for acts or omissions related to their functions; an accountability procedure allows claimholders to understand the nature and level of duty bearer compliance with their human rights obligations; it also gives duty bearers the opportunity to explain their conduct and the results of their conduct. OHCHR stresses that while accountability implies some form of remedy and reparation, it does not necessarily imply punishment.

[1] Joachim Theis, *Promoting Rights Based Approaches: Experiences and Ideas from Asia and the Pacific,* 2004.

[2] United Nations Action 2 Inter Agency Task Force and United Nations Systems Staff College, Turin, Italy, *Common Learning Package on the Human Rights Based Approach – Facilitation Guide*, 2007.

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

OHCHR identified four categories of accountability mechanisms: judicial, quasi-judicial, administrative, and political, e.g. parliamentary processes, noting that in some cases, an institution performs both a monitoring and accountability function, while in other cases, the monitoring function is undertaken by an institution separately from another institution which performs the accountability function. OHCHR also noted that the form and combination of monitoring and accountability are contextual, since these vary from one duty bearer to another. Despite being contextual, however, OHCHR recommends that all duty bearers, while discharging their obligations, must ensure that their monitoring and accountability procedures are accessible, transparent and effective. Finally, OHCHR recognized the responsibility of the international community to facilitate the realization of human rights and so recommended that monitoring and accountability procedures "must not only extend to States, but also to global actors – such as the donor community, intergovernmental organizations, international NGOs and TNCs – whose actions bear upon the enjoyment of human rights in any country."

OHCHR recommends that appropriate internal and external monitoring and accountability procedures be established for the obligations to respect, protect and fulfill human rights. Internal procedures may include legislative bodies and committees; they may also involve the creation of a legal framework whereby civil society organizations can independently monitor the activities of government that affect the realization of human rights, and the provision and enforcement of remedies for human rights violations, which do not necessarily require judicial adjudication.

External monitoring and accountability procedures complement internal procedures and include compliance with procedures established by human rights treaties. OHCHR reminds states of their treaty obligations to comply with all relevant procedures required by human rights treaties (e.g., reporting, complaints and inquiry procedures) and their obligations to cooperate with other external monitoring and accountability mechanisms (e.g., special procedures established by the UN Commission on Human Rights).

OHCHR recognizes the impact of actions of the international community in the spheres of trade, aid, migration and private capital inflow and notes that these actions must conform to global actors' human rights responsibilities. Thus, they too are encouraged to adopt and implement transparent and effective monitoring and accountability procedures. OHCHR also recognizes that "States determine the policies of some global actors, including the World Bank, the IMF and the WTO. When determining the policies of such global actors, a State must conform to its international human rights duties and must be respectful of other States' international human rights obligations. How a State discharges its duties when determining the policies of global actors must be subject to monitoring and accountability procedures …"

Finally, OHCHR notes the impact of the activities of transnational corporations on human rights in the countries where they operate, and suggest the following guidelines: *first*, that transnational corporations also establish accessible, transparent and effective monitoring and accountability procedures in relation to their poverty reduction and human rights responsibilities; *second*, the State in which a company with overseas operations is headquartered must take reasonable measures to ensure that overseas operations respect international human rights obligations of both the home and host State, including adopting and implementing accessible,

transparent and effective monitoring and accountability procedures; *third*, a host State must ensure that transnational corporations operating in its jurisdiction conform to the national and international human rights obligations of that State, including by adopting and implementing monitoring and accountability mechanisms to regulate the conduct of these corporations.

Monitoring Human Rights through WB's Social Guarantee Framework[4]

The World Bank (2008) attempted to bridge structural gaps between legally declared norms and their effective implementation, by integrating the human rights based perspective into social policy. WB identified three distinct features of a human rights based approach to social policy: definition and widespread communication of rights, entitlements and standards which enable citizens to hold policymakers and providers to account for delivery of social policy; availability of mechanisms which citizens can use if they are unable to enjoy specific entitlements or social mechanisms; and commitment to equitable delivery of specified rights, entitlements and standards to all on a universal basis.

WB developed a social guarantees framework, which implies an institutional design that emphasizes synergy and coordination among agencies and providers to help social programs achieve their full potential; contributes to reducing gaps in opportunity by promoting universal access to and basic quality standards for essential services; and strengthens democratic governance.

WB defines social guarantees as sets of legal or administrative mechanisms that determine entitlements and obligations related to certain rights and ensure fulfillment of obligations on the part of the state; these, WB refers to as safeguards that ensure access to essential opportunities and wellbeing. WB differentiated rights from social guarantees: according to WB, rights are abstract and provide ethical content and direction, while social guarantees are specific mechanisms that governments can put in place to realize rights. WB listed five aspects of social guarantees that facilitate the realization of human rights:

(a) Social guarantees must be expressed in the Constitution and/or domestic law;

(b) Social guarantees are constructed with explicit reference to specific social groups;

(c) Social guarantees act to diminish disparity in opportunities among social groups to access specified human rights;

(d) Social guarantees contain clear definition of entitlements and all procedures necessary to fulfill the guarantee including targeted results and standards for evaluation; and

(e) Social guarantees are flexible in the sense that one guarantee can be executed through two or more policy instruments.

[4] Social Development Department, The World Bank Group, *Realizing Rights Through Social Guarantees: An Analysis of New Approaches to Social Policy in Latin America and South Africa*, February 2008, Report No. 40047-GLB.

To build a social guarantees framework, a normative (legal) framework that precisely defines rights and their threshold of realization and specific institutional arrangements to design programs, determine and secure budget, implement and monitor policies that will realize rights are essential.

WB identified five sub-dimensions of social guarantees, which could be used to monitor the strength of social, legal and policy arrangements underpinning the realization of economic and social rights: access; financial protection; quality; mechanisms for redress and enforcement; and participation and continued revision, and proposed assessment questions to monitor the realization of human rights:

WB's Sub-Dimensions of the Social Guarantee	
Access	Are the beneficiaries and services clearly defined?
	Are there institutional procedures for monitoring access?
	Are there legal or institutional mechanisms that ensure nondiscrimination in the access to services?
	Are services guaranteed for the amount of time needed?
	Is there a maximum waiting period for receiving the service?
	If service is unavailable within this waiting period, what is a guaranteed alternative (in the same period)?
Financial Protection	Do beneficiaries need to contribute to the cost of service?
	Are services accessible to those who cannot contribute to the cost?
	Is this information effectively communicated to the public?
Quality	Are there clear quality standards?
	Are programs being evaluated on a regular basis?
	Are standards and evaluation results clearly communicated to the public?
Mechanisms for Redress and Enforcement	Are there mechanisms allowing citizens to claim adequate provision of the services guaranteed?
Participation and Continued Revision	Do civil, parent, or other community organizations have a concrete role in the design, implementation, and monitoring of the program?
	Which law or institution guarantees citizens' involvement?
	Are there mechanisms that allow for continual improvement of services?

WB stresses the key role of governments as normative and regulatory institutions, especially since social guarantees reside in four domains: the legal domain, e.g., all laws and regulations that establish state obligations and citizens' duties related to their entitlements; the institutional domain, e.g., state institutions responsible for fulfillment of guarantee and its sub-dimensions; the instrumental domain, e.g. policies, programs (including public-private programs) or services that ensure practical implementation of guarantee in question; and the financial domain, e.g., economic resources allocated to and invested in the realization of the guarantee and its sub-dimensions.

Monitoring Human Rights through Action Aid Bangladesh's Planning and Implementation Framework[5]

Action Aid Bangladesh attempted to apply human rights to the logical framework matrix as their guiding framework for monitoring and evaluation and developed a modified logical framework matrix, which they call the *Planning and Implementation Framework Analysis*, that incorporates elements of the human rights based approach and participation. The modified logical framework matrix is a five-column, four-row matrix:

Action Aid Bangladesh's Planning and Implementation Framework Analysis				
Narrative Summary	**Measure of Achievement (instead of OVIs)**	**Means of Measurement/ Accountability Standards (instead of MOVs)**	**Programme Partners, Participants, Other Stakeholders**	**Risk Analysis**
Goal/Impact				
Purpose/ Outcome				
Output				
Activities				

Action Aid Bangladesh devised this tool mainly because they found the logical framework matrix unable to serve its purpose as a guiding framework to monitor and evaluate their application of the human rights based approach. They found significant differences between the traditional logical framework approach and the human rights based approach: basic historical connotations vary; problem analysis based on the logical framework is based in large measure on the basic needs approach. More importantly, based on their own experiences, Action Aid Bangladesh found that human rights based projects induce *change activities* during project implementation, which may not be compatible with the vertical logic of the traditional logical framework, yet these *change activities* simply mean taking different routes to achieve the same outcome or impact of the programme.

Action Aid Bangladesh argues that by modifying the logical framework matrix to incorporate elements of human rights, its monitoring and evaluation activities are more dynamic, flexible and learning oriented.

[5] Partha Hefaz Shaikh, *Intertwining Participation, Rights Based Approach and Log-Frame: A way forward in Monitoring and Evaluation for Rights Based Work*, undated.

UN's Human Rights Based Approach to Monitoring and Evaluation[6]

The UN suggests the following guidelines to devise a human rights based monitoring and evaluation system:

1. Identify the rights-holders and duty-bearers who will contribute to the monitoring and evaluation process either as information providers or independent information interpreters.

2. Bring them together in a participatory process.

3. Ensure access to available information and data on the programme.

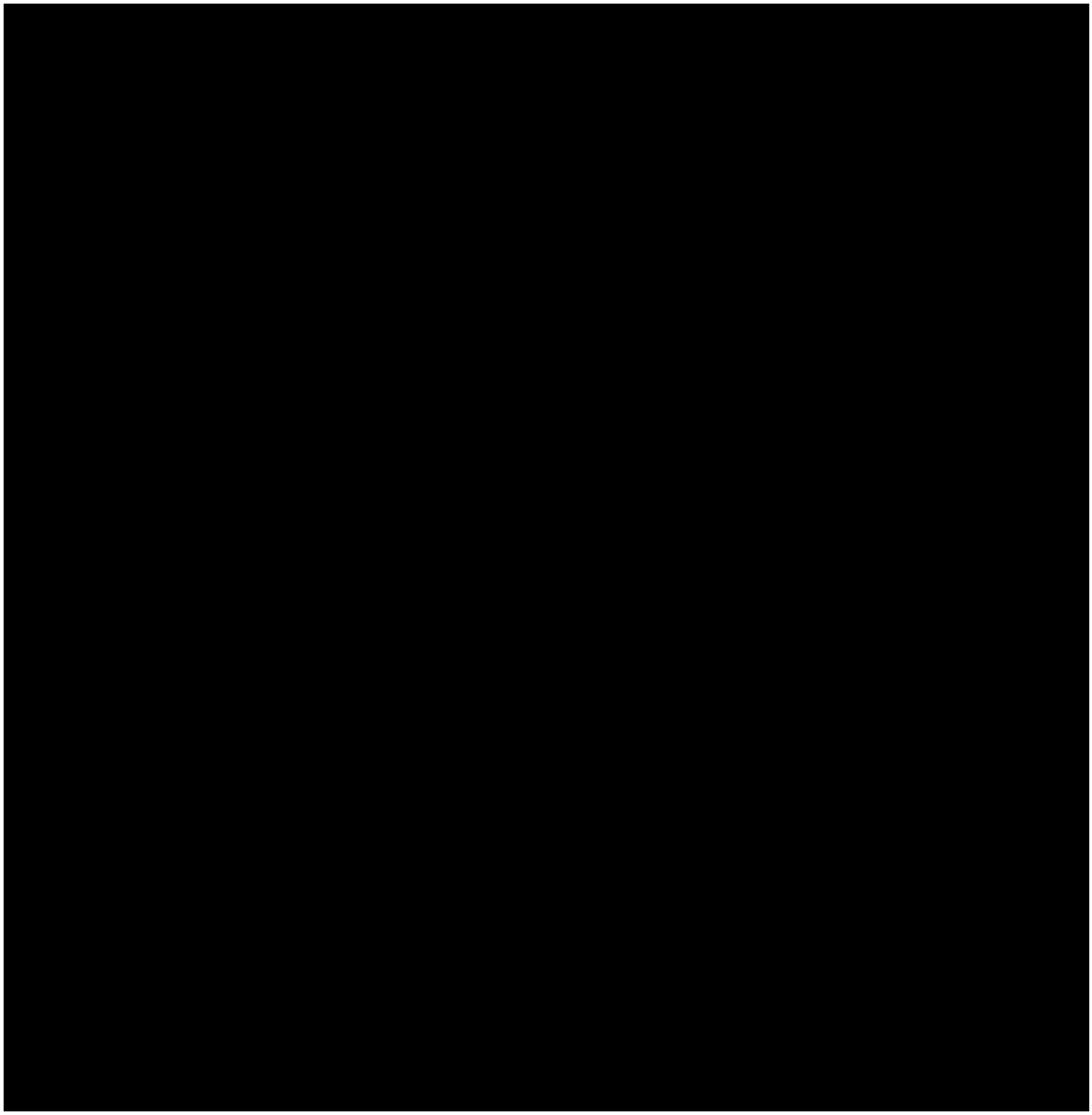
4. Bring specific tools unique to this framework: ensure that monitoring is focused on efforts of duty bearers to comply with their obligations and rights holders to claim their rights, and consider how these efforts are consolidated into outcomes.

5. Adopt specific indicators and information embodied in a specific format: use human rights principles and standards as a guide to the selection of indicators. Set both quantitative and qualitative indicators to monitor the realization of human rights through development programs. The selection of indicators and the actual monitoring should be participatory, allowing stakeholders to assess progress.

UNDP's HRBA Checklist with Frankovits' Amendments

UNDP's HRBA checklist provides a framework for analyzing country programs in the context of human rights, and presents a methodology for implementing a human rights based approach. The checklist addresses five sets of questions relating to country context, excluded and vulnerable groups, stakeholder capacity, programme process and programme outcome. Frankovits (2003) proposed amendments to the checklist, by, among others, including participation as a key element and expanding on the guide questions for each major element.

[6] United Nations Action 2 Inter Agency Task Force and United Nations Systems Staff College, Turin, Italy, *Common Learning Package on the Human Rights Based Approach – Facilitation Guide*, 2007.



Save the Children's Global Impact Monitoring[7]

Save the Children views evaluation as "the process of reflecting on the implementation of a given program in order to draw lessons for the future. Using the Child Rights Programming approach, the views and opinions of boys and girls form an integral part of the monitoring and evaluation process."[8]

Save the Children anchors its mission on what it calls "three pillars of action:" practical action on violations; strengthening structures and mechanisms; and constituency awareness. Save the Children thus undertakes evaluations of the strategies relating to the three pillars of action. In evaluating strategies aiming at directly addressing violations, Save the Children looks at "whether the level of rights violation has been reduced as a result of the programme." In evaluating strategies that aim to strengthen structures and mechanisms and build awareness and support for children's rights, Save the Children is guided by the following question "as a result of this program is the target system better able to protect children from rights violations?"[9]

In 2001, Save the Children United Kingdom developed the *Global Impact Monitoring* framework, in response to a need to improve impact monitoring and impact assessment and enhance the quality and impact of their work. The key elements of the framework are: "a focus on impact, i.e. on changes as a result of our work and on the key processes leading to such changes; a common framework which offers some comparability across country programs and regions within a particular theme of work; a country level process that identifies positive and negative changes in people's lives in conjunction with external and internal stakeholders."

The framework assesses impact in terms of five "dimensions of change," which are "necessarily generic, but are used to summarize specific examples of impact for each theme of work. The framework is flexible, and applicable to advocacy as well as project-based work." The five dimensions of change are:

1. **Changes in the lives of children and young people:** Which rights have been better fulfilled? Which rights are no longer being violated?

2. **Changes in policies and practices affecting children's and young people's rights:** Duty bearers are more accountable for the fulfillment, protection and respect of children's and young people's rights. Policies are developed and implemented and the attitudes of duty bearers take into account the best interests and rights of the child.

3. **Changes in children's and young people's participation and active citizenship:** Children and young people claim their rights or are supported to do so. Spaces and opportunities exist which allow participation and the exercise of citizenship by children's groups and others working for the fulfillment of child rights.

[7] Simon Starling, Marta Foresti and Helen Baòos Smith. *Global Impact Monitoring: Save the Children UK's Experience of Impact Assessment, 2004*.
[8] International Save the Children Alliance, *Child Rights Programming: How to Apply Rights Based Approaches in Programming,* 2002.
[9] International Save the Children Alliance, *Child Rights Programming: How to Apply Rights Based Approaches in Programming,* 2002.

4. **Changes in equity and non-discrimination of children and young people:** In policies, programs, services and communities, are the most vulnerable children reached?

5. **Changes in civil societies' and communities' capacity to support children's rights:** Do networks, coalitions and/or movements add value to the work of their participants? Do they mobilize greater forces for change in children and young people's lives?

The framework is applied through the following process that actively involves internal programme staff and stakeholders, including children and young persons: qualitative and quantitative data are collected from a variety of sources (e.g., monitoring systems, project documents, stakeholders' comments, children and young persons' comments, etc.); data collected is shared with stakeholders before any meetings and analyzed and cross-checked during bilateral meetings with stakeholders or specific impact review meeting involving a variety of stakeholders. During these meetings, efforts are made to elicit unintended or negative impacts. A Country Impact Report is then produced, which summarizes "evidence" collected from review meetings with stakeholders as well as other sources under the five dimensions of change.

The framework was initially piloted in 15 country and sub-regional programs in 2001-2002, and then revised. A second pilot test was conducted between 2002 and 2003 and involved 34 countries and 3 sub-regional programs. Save the Children United Kingdom found the framework successful "as a practical way to put Child Rights Programming principles into practice."

Save the Children United Kingdom maintains that the "improvement of methods of assessing impact is an iterative process," and so continues to refine its mechanisms. Save the Children United Kingdom is now developing a new "Country Planning and Review Process," that will integrate planning, management reporting, impact assessment and learning into a single format. It is also establishing mechanisms to provide feedback on its Country Impact Reports as well as developing more specific guidance on the types of impact that might be expected within each of the four "Goals for children." They are also addressing the question of attribution in an advocacy context as well as other methodological challenges of assessing advocacy work.

Theis' Monitoring and Evaluation Framework[10]

Theis (2004) proposed a human rights monitoring and evaluation framework that is similar to Save the Children's Global Impact Monitoring Framework, in that its focus is on measuring change to strengthen duty bearer accountability. He presents two ways to monitor change: auditing agreed standards and monitoring steps in the process of change.

Auditing agreed standards involves converting legal and normative human rights standards into more detailed and practical standards that can be monitored and enforced. Theis considers monitoring compliance with human rights standards as equivalent to monitoring impact.

[10] Joachim Theis, *Promoting Rights Based Approaches: Experiences and Ideas from Asia and the Pacific,* 2004.

Monitoring steps in the process of change involves defining steps (or stages) (e.g. series of standards that build on each other) that help identify the "point that the situation has reached and what next steps to take." Theis proposes the use of "models of change," which not only translate theory in practice, bur provide a more realistic picture of what a programme can achieve. Theis stresses the value of "models of change:" "Models of change are useful for identifying the most relevant and useful data for monitoring and evaluation. They are also important for checking whether assumptions about social change are correct or not. Where the assumptions are incorrect, the direction of the programme can be changed."

Theis listed the following changes as subjects of human rights based monitoring and evaluation:

- **Changes in peoples' lives**. Theis differentiates the human rights-based approach to measuring changes in people's lives from the conventional development approach: the human rights based approach focuses specifically on those who are left out or excluded from development; human rights indicators emphasize issues of inequality and discrimination and require data disaggregation by prohibited grounds of discrimination; and community-level and national-level monitoring in human rights are linked to reveal discrepancies between national figures and the situation on the ground.

- **Changes in policies and practices**. Theis recognizes that changes in children's lives may result from a combination of greater efforts by duty bearers to fulfill their human rights obligations towards children, as well as changes in policies and practices. Theis characterizes the monitoring of changes in policy and practice a major difference between monitoring human rights and monitoring development goals.

- **Changes in equity, nondiscrimination and inclusion**. Recalling that the promotion of equity, nondiscrimination and inclusion are key elements of the human rights based approach, Theis proposes that monitoring and evaluation should involve not only the analysis of the differences between groups of people who may be affected differently by policies and practices but also the extent to which vulnerable groups are reached by development interventions.

- **Changes in participation and empowerment** reflected in progress in people's ability to claim their rights and influence decisions that affect them.

- **Changes in the capacity of parents, communities and society in general to support and demand children's rights**, which can be measured by the number and size of coalitions for children's rights, their activities and achievements.

Theis reiterates: "A rights-based evaluation is not just a technical exercise in data collection and analysis. It is a dialogue and a democratic process to learn from each other, to strengthen accountability and to shift power from duty bearers to rights holders." Theis thus recommends the active involvement of all relevant stakeholder groups (e.g, children, adults, community leaders, government officials) in a process that offers real opportunities to influence the judgments reached.

Theis recognizes that the human rights based approach to monitoring and evaluation is financially, time, and staff intensive, so he recommends the integration of analysis, documentation and dissemination in programme planning.

NORAD's Human Rights Assessment Scorecard[11]

Recognizing the responsibility of development cooperation to human rights and development, the Norwegian Agency for Development Cooperation (NORAD) created a scorecard for internal programme reviews, which address the impact of its programs on state obligations through ten questions divided into awareness and empowerment. NORAD admits that its human rights assessment scorecard facilitates a "general assessment of likely positive or negative affects on the different human rights categories, or alternatively information suggesting whether further follow up is required."

NORAD's human rights assessment uses non-metric scores on a scale with increasing order, but without exact ranking. NORAD explains:

> "The score is meant as a tool for estimating the potential human rights payoff of programs in the preparatory phase, and/or actual human rights payoff in the follow-up phase. In the first case the score is applied to assess programme plans, and as such the assessment relates to *expected results*. In the latter, the assessment aims at ascertaining whether or not the programme has had any actual human rights effects. If no effects are identified in cases where they were expected, or if negative payoffs occur, adjustments to the programme will be required. Finally, the score provides a tool for assessing the need for an end review, including a human rights impact analysis."

Score values "range from positive impact (pi) to negative impact (ni), and reflect four degrees of impact, including the alternative 'no information available:'"

- Positive impact – (pi) refers to "programs that result in a recorded increase in human rights awareness and a better capacity of people to claim legal redress in cases where they feel that their rights have been curtailed. A (pi) score implies that the level of human rights awareness is likely to have increased."

- No change – (nc) "may indicate that further information is needed, that the programme design is not completed, or that a change in human rights may not occur at this particular phase. The (nc) score can also be used if the question is considered to be irrelevant."

- No information available – (n. a.) may require collection of relevant information and reliability of information assessed. "If it proves impossible to establish whether a programme is likely to enhance human rights, or has led to improvement of human rights, the value of the score should be (n.a.) A high total score in the NA column may suggest that additional studies or a full-fledged analysis of human rights effects is required."

[11] NORAD, *Handbook in Human Rights Assessment: State Obligations, Awareness and Empowerment,* February 2001.

- Negative impact – (ni)

[redacted]

UNFPA's Human Rights Based Monitoring and Evaluation Framework[12]

UNFPA proposes the application of the PANTHER principles as the criteria to monitor and evaluate development programs and projects relating to reproductive health, and suggests a list of questions to guide monitoring and evaluation of reproductive health programs and projects.

Criteria	Sample Questions
Participation	■ In what ways are the stakeholders included in determining what data is to be collected, collecting it, analyzing it and feeding back into the program? ■ How is the program determining whether its implementation fulfills the rights of targeted populations to the maximum of available resources?
Accountability	■ Did the program address barriers to accountability such as cultural, attitudinal or value systems, absence of formal and objective procedures and financial considerations? ■ How is accountability being ensured in the sexual and reproductive health program by the government? By the service providers? By the development partners? ■ Are there transparency mechanisms for disseminating findings to the stakeholders? ■ Are these findings used to inform needed changes or adjustments in policy or other interventions both within and outside reproductive health?
Non-discrimination	■ What criteria will be used to determine what levels and types of data disaggregation will be most useful? ■ Is there a measurement tool to detect any discriminatory action that may occur with respect to the criteria of availability, accessibility, acceptability and quality?
Transparency	■ How is it being ensured that findings are made public?
Human Dignity	■ Did the program provide special measures and protection for most vulnerable to reproductive rights deprivations—the poor, women, indigenous peoples, persons living with HIV, adolescents and youth?
Empowerment	■ Did Programs, Activities, Projects or PAPS contribute to improving health status of women or reducing gender gaps in health status indicators among population served/reached?
Rule of Law	■ In case of assumed rights violations, were recourse mechanisms/methods of redress made available to those affected by the policy/programme?

[12] UNFPA Country Office Philippines, *Reproductive Rights and Development Planning,* 2010.

Rights and Democracy's Human Rights Impact Assessment for International Investment[13]

Rights and Democracy (2005) produced a research guide to facilitate the conduct of human rights impact assessment of international investment. The guide emphasizes human rights obligations of states as primary duty bearers but recalls corresponding human rights responsibilities of non-state actors.

Rights and Democracy recognizes that environmental and social impact assessments do not adequately confront the challenge of unequal power among stakeholders, which is a key feature in human rights based approaches.

The proposed ten-step methodology attempts to measure gaps between legal standards and actual practice. Rights and Democracy proposes that human rights impact assessment begin with scoping, which involves preparing an overview of the human rights situation, national policies and legislation and other relevant data. Scoping is followed by specific research on the investment project being assessed; specific research must gather all data relating to the investment project. After having gathered all data on the investment project, the next step is to adapt the research guide to the investment project. Expert opinion on key human rights issues is sought in order to paint a general portrait of state compliance with human rights obligations. Representatives of the affected community, workers, the private company and government are then interviewed. Information is verified, and factual disputes are identified. A draft report is then developed, as are conclusions and recommendations for corrective action. The report is finalized and disseminated. Conclusions and recommendations arising from the report are constantly monitored and evaluated.

The Research Guide serves as the main tool for conducting human rights impact assessment of international investment projects. The Guide contains indicators relating to two general types of data: indicators that present a general portrait of how a specific right is guaranteed in the national context and specific information on the actual impact of investment on the enjoyment of human rights. The Guide was pilot tested in the Philippines, Tibet, the Democratic Republic of Congo, Argentina and Peru.[14]

The Guide contains seven sections, with corresponding substantive questions on human rights adapted to private corporations for each section. The sections are: general obligations; equality and nondiscrimination; security of the person; workers (forced labor, child labor, occupational health and safety, fair wages, free association and collective bargaining); national sovereignty and human rights (sovereignty, corruption, economic, social, civil and political rights, including the rights to development, food, water, health, housing, education, privacy, honor and reputation, thought, conscience and religion, opinion and expression); obligations relating to consumer protection; and obligations relating to environmental protection.

[13] Rights and Democracy, *Human Rights Impact Assessment for International Investment*, 2005.

[14] Rights and Democracy, *Human Rights Impact Assessments for Foreign Investment Projects: Learning from Community Experiences in the Philippines, Tibet, the Democratic Republic of Congo, Argentina and Peru*, 2007.

Diokno's Rights Based Monitoring and Evaluation Strategy[15]

Diokno emphasizes the value of adopting a human rights based monitoring and evaluation strategy, arguing that it promotes principled development planning and policymaking consistent with the demands of human rights; facilitates public accountability, and supports policy reforms to create conditions to realize human rights for all; helps identify constraints or difficulties in realizing human rights during plan implementation, as well as dimensions of human rights problems and mechanisms of redress resulting from a national development plan; may be used to carry out human rights public awareness or educational campaigns; and may provide the basis for reports to treaty monitoring bodies.

Diokno developed a seven-step process for developing and implementing a human rights based monitoring and evaluation strategy:

Step 1. Establish the subject matter framework. Determine what will be monitored and evaluated, and why. In human rights monitoring, how well duty bearers comply with their human rights obligations and what effects these are having on claimholders during the course of implementing a development intervention generally form the subject matter framework. In human rights evaluation, the subject matter focus generally shifts to the impact of the development intervention on claimholders' enjoyment of human rights and duty bearers' compliance with human rights obligations.

Step 2. Establish the data framework. Identify what data and information are needed and where data and information will be sourced. Recall that data and information must be: compatible with state obligations and normative elements of human rights being monitored or evaluated; accurate, factual and available; disaggregated along the prohibited grounds of discrimination; and sourced from all possible sources, including data and information from other actors (e.g., non governmental organizations, academic studies, public opinion polls and surveys, etc.).

Step 3. Adopt an approach. Determine how monitoring and evaluation will be undertaken. There are two general approaches to human rights based monitoring and evaluation, which may be applied separately or in combination with each other: the violations approach and the progressive realization approach. Both approaches seek to hold duty bearers accountable for the enjoyment or non-enjoyment by claimholders of their human rights; both approaches emphasize state obligations; both approaches seek to determine the status of human rights.

The violations approach focuses on obligations of conduct: acts or omissions that constitute human rights violations; it looks at the current status of a right and relies on victim-provided information and on-site investigations. In determining whether an act or omission constitutes a human rights violation, recall the need to distinguish between inability and unwillingness of duty bearers (*see* Part II, Chapter 3).

[15] Maria Socorro I. Diokno, *Rights Based Monitoring and Evaluation Strategy*, 2006 revised 2008, 2009.

The progressive realization approach focuses on obligations of result: whether actions of duty bearers result in the realization of human rights; it looks at the current status of a right in relation to its past status, noting improvements; it reviews related laws, policies, practices, and measures; it relies on many sources of information and comparable and disaggregated data that is accurate, impartial and covers multiple years.

In applying either or both approaches, Diokno recommends that, for every human right, a checklist of human rights violations and/or a checklist of specific or concretized human rights obligations be devised. Both checklists must be based on the country's human rights framework as interpreted by jurisprudence and General Comments and General Recommendations of treaty monitoring bodies.

Step 4. Ensure that the approach is participatory, transparent and empowering. Identify who should be involved and define mechanisms to ensure claimholders,' duty bearers' and other actors' active participation. Identify ways to make monitoring and evaluation transparent, through, for example, the use of claimholder/duty bearer-friendly tools and language, etc. Identify mechanisms that emphasize claimholder efforts to bring about desired changes to address their situation.

Step 5. Choose monitoring and evaluation tools. Set human rights indicators and/or align development indicators with human rights (*see* Part III, Chapter 7). Other tools may include checklists, interview guides, surveys, focused group discussions, etc.

Step 6. Set the time frame or the period within which monitoring and evaluation are undertaken.

Step 7. Decide how findings should be used and by whom. Design accountability and rule of law mechanisms, including recourse processes in case of unsatisfactory findings.

Tips for Development Planners

The following tips may facilitate human rights based monitoring and evaluation, regardless of whichever tool, approach or process is adopted.

In monitoring the implementation of a national development plan, be alert to:

- Any form or taint of discrimination and inequality: *Are any individuals or groups excluded or disfavored during implementation? Have any gender issues surfaced and are these being addressed? Are culture and traditional practices, religion and custom affecting implementation and are these being addressed? Is the plan implementation child-sensitive, child-protective and child-friendly? What gaps, difficulties or constraints need to be addressed to enhance compliance with obligations of equality and nondiscrimination? During implementation, is there any unintended or unanticipated harm or threats that may result in discrimination? What corrective action or safeguard needs to be adopted and implemented to address the harm or threat?*

- Any indication during implementation that the plan impairs or threatens the *best interest of the child* or is in any way inappropriate for children.

- Any inability to ensure the minimum essential levels of human rights in line with core human rights obligations: *Is the magnitude of hunger, starvation, homelessness and unemployment growing during plan implementation, and if so, what is being done to address this? Are there more deaths by preventable and treatable diseases (e.g., water borne diseases, maternal mortality, infant mortality) and/or are communicable diseases spreading massively during plan implementation, and what is being done to address this?*

- Any undue and arbitrary interference with human rights and any human rights violation resulting from plan implementation, which is incompatible with the obligation of progressive realization of human rights.

- Any inabilities to comply with obligations of international cooperation and assistance.

- Any obstruction or denial of claimholder entitlements to *availability, physical accessibility, economic accessibility, information accessibility, quality, safety* and *cultural acceptability* of goods, services, institutions or resources inherent in human rights. Recall that obstructions or denials of entitlements are not consistent with the obligation to respect human rights.

- Any weaknesses or constraints in the exercise of the state's regulatory and protection functions, which may not be compatible with the obligation to protect human rights: *Does privatization threaten the availability, accessibility, quality, safety and acceptability of goods and services necessary for the realization of human rights? Are appropriate quality and safety standards being implemented fairly?*

- Any gaps in observing the obligation to fulfill (facilitate) human rights.

- Any delays or inabilities in the timely provision of goods and services during disasters or calamities that may arise during plan implementation, which may be incoherent with the obligation to fulfill (provide) human rights.

- Any expressions of active, genuine and voluntary participation in plan implementation by claimholders, duty bearers and other actors.

- Any claimholder complaints or disputes arising from or during plan implementation and how these are being resolved: *Have recourse mechanisms been utilized? How effective have these been? What action is needed to strengthen these mechanisms?*

In evaluating the impact of a national development plan, pay special attention to the:

- Expected direct positive benefits on the quality of human life and on the realization of human rights arising from the plan;

- Unintended positive benefits of the plan;
- Direct and unintended negative effects of the plan resulting in human rights violations;
- Level of enjoyment of human rights resulting from the plan;
- Promotion of the *best interest of the child*;
- Nature and level of compliance with human rights obligations as a result of the plan;
- Resolution of gender issues, and changes in cultural and traditional practices, or ways of life, religion or custom that hamper or interfere with the equal enjoyment of human rights by women and men;
- Substantial and meaningful changes in the situation of claimholders, especially those most vulnerable, as a result of the plan;
- Human rights that are still most at risk, despite the plan, and which require future action;
- Claimholders, especially those most vulnerable, who require future special and preferential treatment, despite the plan;
- Changes in conditions that cause or perpetuate discrimination and inequality and which require future action.

The following Human Rights Quick Guides may facilitate the application of the human rights based approach to monitoring and evaluation:

- In Part II, Chapter 1:
    - Table 1, *Constitutional Parameters of National Development Planning;*
    - Table 3, *Human Rights Parameters of National Development Planning;*
    - Flowchart 1, *Restrictions and Limitations Resulting from Planning Decisions.*
- In Part II, Chapter 2:
    - Flowchart 2, *Assessing Development Plans, Strategies, Programs, Projects and Actions in Relation to Normative Elements of Human Rights;*
    - Diagram 1, *The Right to Adequate Food;*
    - Diagram 2, *The Right to Water*;
    - Diagram 2, *The Right to Education*;
    - Diagram 2, *The Right to the Highest Attainable Standard of Health*;
    - Diagram 2, *The Right to Work*;
    - Diagram 2, *The Right to Social Security*;
    - Diagram 2, *The Right to Adequate Housing.*

- In Part III, Chapter 3:

    - Table 4, *Examples of Obligations of Conduct and of Result;*
    - Table 5, *Examples of Core Obligations;*
    - Table 6*, Examples of Human Rights Compliant and Non-Human Rights Compliant Strategies, Programs, Projects or Actions;*
    - Figure 4, *Obligations Arising from the Right to Adequate Food*;
    - Figure 5, *Obligations Arising from the Right to Water;*
    - Figure 5, *Obligations Arising from the Right to Education;*
    - Figure 5, *Obligations Arising from the Right to the Highest Attainable Standard of Health;*
    - Figure 5, *Obligations Arising from the Right to Work;*
    - Figure 5, *Obligations Arising from the Right to Social Security;*
    - Figure 5, *Obligations Arising from the Right to Adequate Housing;*
    - Checklist 1, *Compliance with Human Rights Obligation of Progressive Realization;*
    - Checklist 2, *Compliance with Human Rights Core Obligations;*
    - Checklist 3, *Compliance with Human Rights Obligation of Equality;*
    - Checklist 4, *Compliance with Human Rights Obligation of Nondiscrimination;*
    - Checklist 5, *Compliance with Human Rights Obligation of International Cooperation and Assistance;*
    - Checklist 6, *Compliance with Human Rights Respect-Bound Obligations;*
    - Checklist 7, *Compliance with Human Rights Protection-Bound Obligations;*
    - Checklist 8, *Compliance with Human Rights Fulfillment-Bound Obligations.*

Philippine Examples of Human Rights Based Approach to Monitoring and Evaluation

At the **HRBA Applied Learning Workshops**, held from February through April 2010, NEDA sector and regional staff modified NORAD's *Human Rights Impact Assessment Scorecard,* to facilitate the conduct of the human rights based approach to monitoring and evaluation. Below are some examples.

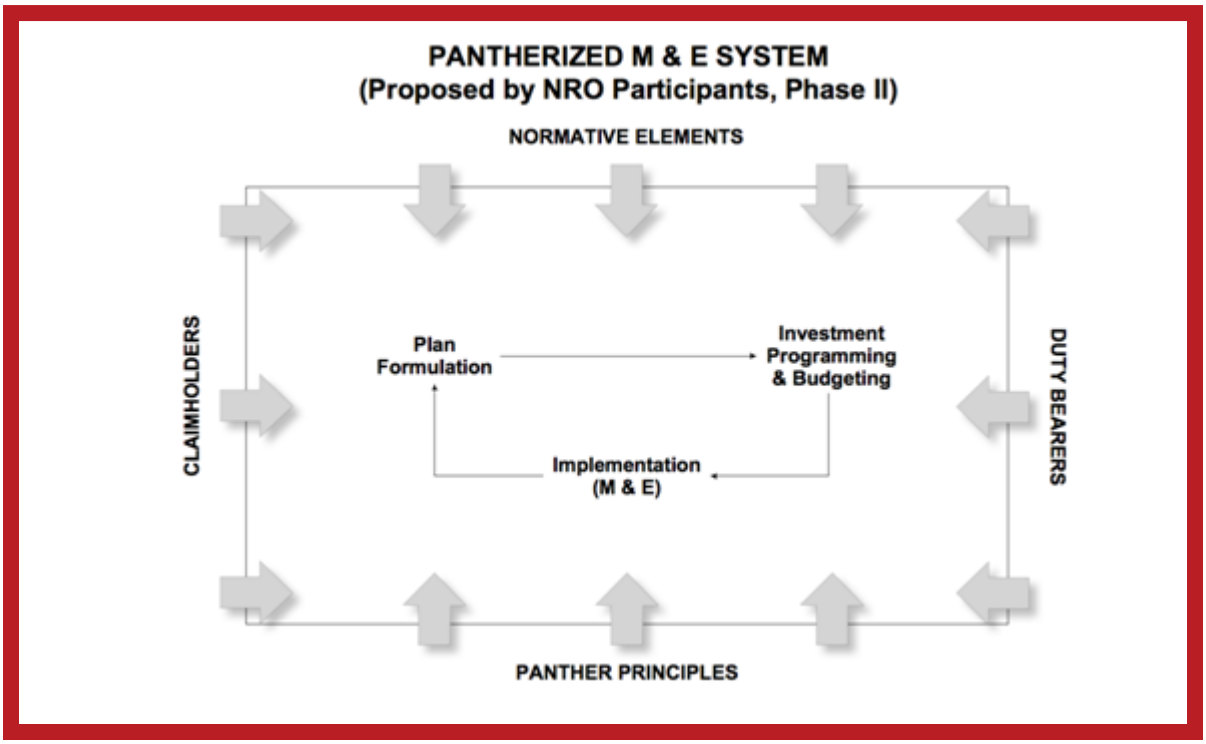
[redacted]

Modified NORAD Scorecard II (*proposed by NRO participants, Phase II*)		
	Score	**Follow Up**
PARTICIPATION: ■ The target population were directly involved in project implementation.		
ACCOUNTABILITY: ■ The project improved the capability of duty bearers to deliver the services. ■ The project utilized alternative funding sources.		
NONDISCRIMINATION: ■ The project gave priority to vulnerable groups.		
TRANSPARENCY: ■ The project deliverables were clearly understood by duty bearers and claimholders.		
HUMAN DIGNITY: ■ The project respected the right to favorable and just conditions of work. ■ The project contributed to the fulfillment of the right to the highest attainable standard of health.		
EMPOWERMENT: ■ The project addressed the right to compensation for those negatively affected. ■ The project upheld the right to organize.		
RULE OF LAW: ■ The project provided for complaints and feedback mechanisms.		

This tool comes with Guidelines.* *(Note: No Guidelines were actually written but NEDA Regional Office participants propose the adoption of accompanying Guidelines to avoid misunderstanding or mechanical application of the tool.)***

Modified NORAD Scorecard III (*proposed by CO LS and MS participants, Phase II*)		
	Score	Follow Up
PARTICIPATION: ■ Determine the extent of the increase in coverage thru surveys, data from LGUs/other sources, data on health care service availment		
ACCOUNTABILITY: ■ Duty Bearers' political will, budgetary requirements and sustainability ■ Claimholders' conscious exercise		
NONDISCRIMINATION: ■ Priority to vulnerable groups		
TRANSPARENCY: ■ Determine that the deliverables are clearly understood by duty bearers and claimholders ■ Accessibility of the project		
HUMAN DIGNITY: ■ Determine the contribution to the fulfillment of the right to highest attainable standard of health		
EMPOWERMENT: ■ Political ■ Human and Social		
RULE OF LAW: ■ Efficient monitoring/feedback mechanism		

Some participants from NEDA Regional Offices proposed applying the PANTHER principles to monitoring and evaluation, and designed the following framework:



To apply the PANTHER principles to Project Evaluation and Development, participants from the NEDA Regional Offices recommended the following concrete actions:

PANTHER Principles	Concrete Actions
Participation	▪ All claimholders involved/represented/participating in all aspects and all levels of M & E including the (a) design of M & E, (b) project monitoring committees, (c) conduct of ocular visit, (d) problem solving sessions, and (e) report writing and validation. ▪ All monitors trained on HRBA.
Accountability	▪ Progress reported by duty bearers. ▪ Reporting by claimholders.
Nondiscrimination	▪ Representation of different groups (claimholders, NGAs, NGOs, etc.) in monitoring committees. ▪ Database on the profile of target and existing beneficiaries.
Transparency	▪ Dissemination of reports, internet, LGRC, municipal buildings. ▪ Problem solving sessions.
Human Dignity	▪ Participation of beneficiaries in focused group discussion improves their self esteem and dignity.
Empowerment	▪ Problem solving sessions.
Rule of Law	▪ Problem solving sessions ▪ Compliance with existing laws, rules ▪ Referral to the office of the Ombudsman

EXECUTIVE SUMMARY

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.