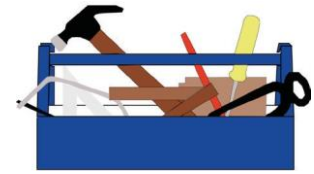




Five Steps to Successful Human Rights-Based Programming



Step 1: Analysing the situation -gathering information and prioritising problem(s) to address

The first step in human rights-based programming is to do a situation analysis. This could be a time consuming task, but if it is done thoroughly there is a lot to gain:

- ✎ The project will target the “**right**” **issues** – those prioritised by the community members themselves.
- ✎ The project will involve rights-holders, who will feel **ownership** of the project, as well as involve and hold duty-bearers to account, which will lead to **sustainability**.
- ✎ Conducting a situation analysis will strengthen the **organisation’s** understanding of the situation, their relation to both rights-holders and duty-bearers, and enhance their commitment to facilitate change.¹

Where to find information?

Sources of information for the situation analysis could include:

Legal aspect

- UN Human Rights Conventions – which ones have been ratified by the country?
- Regional Human rights Conventions - which ones have been ratified by the country?
- National legislation regarding the relevant human rights issues
- Customary law and practices

Human rights situation

- UN reports (e.g. Universal Periodic Review, human rights treaty bodies reports and the UN Special Rapporteur country visits reports)
- Reports by Regional Human Rights Bodies (e.g. Organisation of American States (OAS), African Union (AU), European Council (EC))
- Reports by national human rights “ombudsmen” and institutions



¹ Excerpt from Lutheran World Federation, Uganda Programme October 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle*, p. 16.



- Reports by international human rights non-governmental organisations (Amnesty International, Human Rights Watch, Freedom House etc.)
- Reports by national human rights non-governmental organisations
- Information on the human rights situation from the rights-holders and duty-bearers in the target area

Development and political situation

- Data on economic and social indicators (poverty, gender equality etc.) by national government, World Bank, civil society organisations etc.
- Information on the political situation (research reports, analysis by civil society organisations, newspapers and other media etc.)
- Information from the rights-holders and duty-bearers in the target area

How to find information?

Example of participatory tool for situation analysis: Draw a map

This exercise is suitable to use with community members. It is good to gather at an open space, indoors or outdoors. Flip charts and marker pens in different colours are needed. It is advisable to divide the people into smaller groups to ensure the discussions are not led and influenced by a few in the community. People's perception of the situation and problems in the community may not be the same and it is crucial to let everyone participate and contribute with ideas.

The task is to draw a map of the area where the community members live, an illustration of their village/town. The participants are to illustrate who lives where, where there is water, land for cultivation, central meeting points, access to health care, education etc. This gives a good overview of the situation and living conditions of the inhabitants of the village/town.

The next step is to identify where there are gaps and problems, based on the illustrations of the map. Ask the groups to include statistics about their community:

- How many persons live in their community, divided into men, women, children, older people, people with special needs etc.?
- How many people have access to services, like health care, water etc? How many children go to school?
- Do those with special needs have access to services like water, necessary health services, education, and food?

If many problems are identified, a next step could be to prioritise which ones are most urgent (see box below).

Source: Excerpt from Lutheran World Federation, Uganda Programme, 2011: Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle, p. 17-18.

Guiding questions for prioritisation of problems

When prioritising which problem/human rights violation to address, the following questions can be used:

- What are the most pressing concerns for different groups in the target area, including women, girls, men, boys, minorities etc.? How are they linked to human rights?
- What are the priority issues for:
 - us as an organisation?
 - people in the communities where we work?
 - the government (local and national)?
 - other actors, civil society organisations?
- What are our criteria for selection of priority themes/most pressing problems for the target area?
- Applying these criteria, what is the thematic priority/development challenge that we will address in the target area?
- What are the specific human rights linked to the selected problem(s)?

Source: Adapted from Minority Rights Group Europe, 2011: *Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States*.



Step 2: Problem analysis - why are human rights violated?

After gathering relevant information and prioritising the problem(s) to address, the next step is to carry out a problem analysis. The aim of the analysis is to identify the causes of the problem and appropriate ways to address it.

Problem tree analysis

One tool that can be used to carry out a problem analysis is the “Problem tree”. This exercise is suitable to do in groups (of four to six people). It is good to gather at an open space, indoors or outdoors. Flip charts and marker pens in different colours are useful. Start with drawing a dying tree on a flip chart, with roots and branches. The tree is affected by a problem and therefore has no leaves on its branches. Write the problem identified (based on the information in Step 1) on the trunk of the tree.

Effects

Thereafter start brainstorming on how people are affected by this problem, and write down the effects along the different branches of the tree. The following questions could guide the discussions:

- Are all groups affected? Who are the most affected?
- Are both men and women affected?
If so, are they affected in the same way or differently?

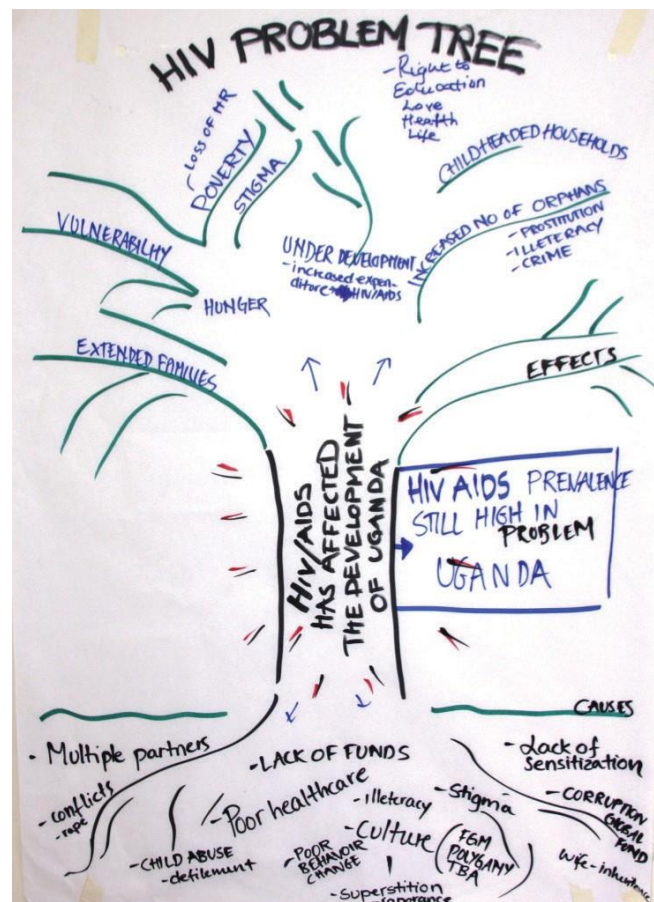
To illustrate the findings of the discussions, different colours could be used to represent different groups. For example, if one effect only relates to men or boys, the branch could be in one colour. Similarly for women or girls, it could be marked in another colour.

Then review the effects again and identify if they are related to specific human rights. Write the human rights next to the effects, for example the right to education, right to water, right to health, non-discrimination etc.

Root causes

The next step is to reflect on what is causing the problem. The causes of the problems are written at the roots of the tree. The root causes could be economic, social, cultural, political etc. Keep on asking what “caused the cause” until you cannot come up with other causes.

It is good to start thinking about how the root causes could be prevented, since that is the only way to actually address the problem. Applying a human rights-based approach means not only addressing the effects of a problem, but to try to address its root causes as well.¹



Example of a problem tree. Source: Lutheran World Federation, Uganda Programme, 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle.*

¹ Excerpt from Lutheran World Federation, Uganda Programme October 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle*, p. 18-19



Step 3: Analyses of rights-holders and duty-bearers - who is affected and who is responsible?

A key aspect of a human rights-based approach is the relationship between the rights-holders and the duty-bearers:



As human beings we are all **rights-holders**, entitled to:

- human rights
- claim these rights
- hold duty-bearers accountable

In addition, as rights-holders we have the responsibility to:

- respect the rights of others

Duty-bearers are responsible to respect, protect and fulfil human rights.

The overall responsibility for this lies with the state (including its parliament, ministries, local authorities etc.) The state is the *legal* duty-bearer.

Other actors and individuals with power to affect the lives of the rights-holders are often described as *moral* duty-bearers. Among the moral duty-bearers are civil society organisations, religious actors and private companies.

Source: Excerpt from Lutheran World Federation, Uganda Programme, 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle*, p. 8.

Identification of rights-holders

Having identified a problem (Step 1) and analysed this problem (Step 2), the next step is to identify who the rights-holders are:

- Who are the rights-holders affected by the problem/human rights violation identified? (For example, if the problem identified is poor access to education, the rights-holders might be boys and girls in school going age.)
- What is the situation of the rights-holders? Who, among the rights-holders, are in the most vulnerable situation? Why? Do women and men, girls and boys, experience the situation in different ways?
- Which rights-holders have limited or no access to resources and power?¹

¹ Lutheran World Federation, Uganda Programme, 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle*; Minority Rights Group Europe, 2011: *Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States*.

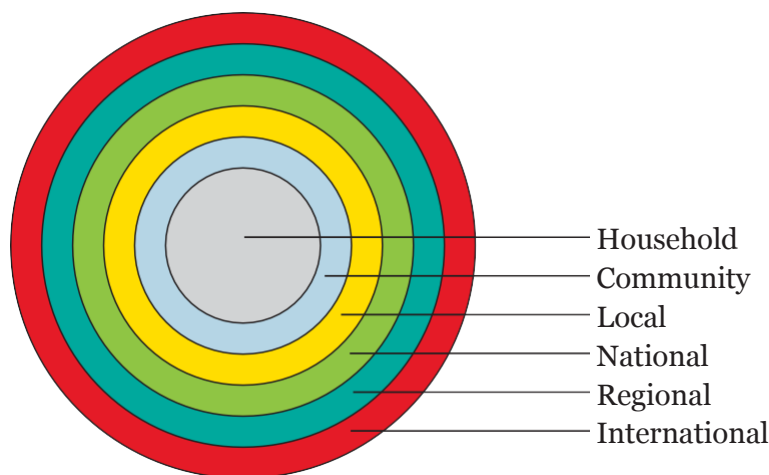
Identification of duty-bearers

For each right there is a corresponding responsibility. Therefore, for each problem to be addressed, it is crucial to identify who the responsible duty-bearers are at different levels. As in the previous exercise, which focused on the rights-holders, use the problem/rights violation identified in Step 1 as your starting point.

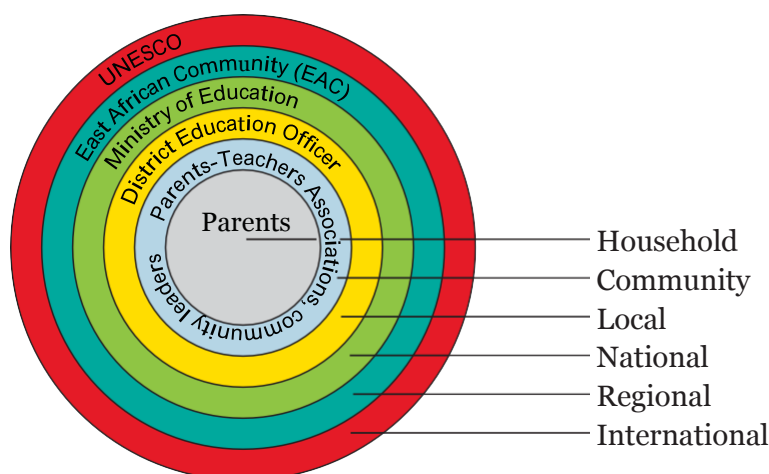
Circle of influence diagram

The Circle of influence diagram is one way to find out who the duty-bearers are. This tool is preferably used in groups of six to eight people. Flipcharts and marker pens in different colours are useful.

The groups are supposed to draw six circles, as shown in the illustration below. The inner circle represents the household level, the second circle the community level, followed by local, national, regional and international level. The idea is to identify relevant duty-bearers at each level in relation to the specific problem/human rights violation.



As an example: If the problem identified is poor access to education, the following duty-bearers might be identified in a Ugandan context:



Source: Lutheran World Federation, Uganda Programme, 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle.*

Role pattern analysis

Having identified who the rights-holders and duty-bearers are, a role pattern analysis is a useful tool to analyse the relation between them. An example of a role pattern analysis follows below. Please note that there could be several duty-bearers responsible for the fulfilment of a specific human right.

Who are the rights-holders?	Which human rights are not fulfilled?	Who are the responsible duty-bearers?	What is the duty/obligation of the duty-bearers?
ethnic minority group facing discrimination	right to land, right to citizenship, right to education etc.	local government responsible for education	provide bilingual education
		private companies	respect for the minority group's right to land, natural resources and culture
		majority population	treat the minority group with respect and without any discrimination in public, economic, social and cultural life.

Source: Adapted from Minority Rights Group Europe, 2011: *Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States*.

When carrying out the role pattern analysis it is good to keep in mind that the roles of rights-holder and duty-bearer depend on the specific situation. For example, a teacher is a duty-bearer in relation to a student, but could also be a rights-holder in her/his role as an employee claiming her/his rights of annual leave from the headmaster (the duty-bearer).



Step 4: Capacity analysis

- what needs to be done?

The capacity analysis is a tool to identify what needs to be done to support duty-bearers to fulfil their obligations and rights-holders to effectively claim their rights. The identified capacities, strengths and gaps will give information on different strategies for the development project; in other words to identify what needs to be done. As in Step 3, use the problem selected (in Step 1) and analysed (in Step 2) as your starting point.

Rights-holders' capacity

In Step 3 you identified who the rights-holders are and how their situation is. The next step is to analyse their capacity, in order to identify areas where there are needs to build capacity and areas where there are strengths and ~~assets to build on~~.

Guiding questions for analysing rights-holders' capacity

Awareness	Assets	Risks
<p>Do the rights-holders know that they have human rights?</p> <p>To what extent are the rights-holders aware of the non-fulfilment and violations of their human rights?</p> <p>Do the rights-holders have motivation and confidence to claim their rights?</p> <p>If not, what needs to be done to increase awareness, motivation and confidence among the rights-holders?</p>	<p>What are the strengths and assets of the rights-holders and what are they lacking?</p> <p>There are different types of assets, including:</p> <p><i>Physical:</i> e.g. land for farming, water</p> <p><i>Financial:</i> e.g. savings in savings groups</p> <p><i>Social:</i> e.g. community networks and groups, mutual relationships and trust</p> <p><i>Human:</i> e.g. information, knowledge, experiences, skills</p> <p><i>Institutional and political:</i> e.g. ability to influence duty-bearers through advocacy or other means¹</p> <p>How can the assets of the rights-holders be utilised in and developed through the project?</p> <p>In what way does the capacity of the rights-holders need to be strengthened?</p> <p><small>1 LWF, Uganda Programme, 2011: <i>Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle</i>, p. 20.</small></p>	<p>What risks are the rights-holders exposed to when they claim their rights? (e.g. risks of conflicts, repression, persecution, increased discrimination)</p> <p>How can these risks be reduced?</p>

Source: Adapted from Minority Rights Group Europe, 2011: *Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States* .

Example of rights-holders' capacity analysis

Awareness	Assets	Risks
<p>The ethnic minority group is aware of their right to education in their own language, but as a result of the discrimination they face they are not confident enough to stand up for their cultural identity and claim their right.</p> <p>There is need for increased awareness on human rights and the legal system, as well as for changes in attitudes regarding the value of bilingual education.</p>	<p>Strong sense of belonging and identity within the minority group</p> <p>Organised in local networks, but lack strong organisational structures at national level</p> <p>Lack of political representation</p> <p>Low level of formal education</p>	<p>Risk of social exclusion, which might lead to a sense of hopelessness</p> <p>Risk of being perceived as political opposition</p>

Source: Adapted from Minority Rights Groups Europe, 2011: *Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States*.

Duty-bearers' capacities

Having identified who the duty-bearers are in Step 3, the next step is to analyse each of them in terms of:

- the nature of their **responsibility** to make the necessary changes (legal/moral)
- their **interest and motivation** to make or support the changes (low/medium/high)
- their **formal power and authority** to make changes (low/medium/high)
- their **informal power/influence** to make changes (low/medium/high)
- their **capacity** to make changes (low/medium/high)

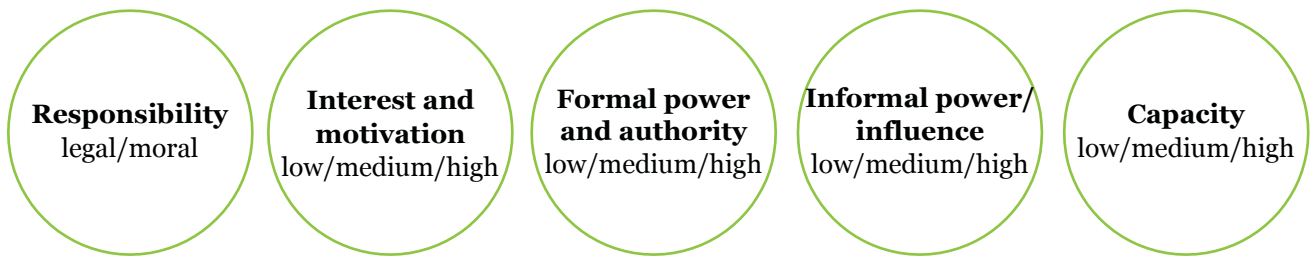
Strategy

The analysis of the duty-bearers provides information which is useful when deciding how to best work with and approach the duty-bearers so that they will and can fulfil their obligations. For example, if the duty-bearer has high motivation, but low capacity, one strategy could be to build capacity where needed. If the formal power is high, but interest low, another kind of strategy is needed, for example advocacy. It is also important to try to find out why the interest to support the necessary changes might be low, what kind of capacity is missing etc.

So that

When formulating the strategy it is important to ask the question “why”? Why do we choose a certain strategy; what is it that we would like to see as a result of our work? One way of identifying this is to write sentences that start with “So that...”

Name of duty-bearer:.....



Strategy

Strategy

Strategy

Strategy

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The analysis of the duty-bearers' capacity provides information which is useful when deciding how to best support the duty-bearers to fulfil their obligations. For example, if the duty-bearer has high motivation, but low capacity, one way of providing support would be to build capacity where needed. If the formal power is high, but interest low, another kind of strategy is needed, for example advocacy. It is also important to try to find out why the interest to support the necessary change might be low, what kind of capacity is missing etc.



Step 5: Programming checklist

There is no blueprint on how to apply a human rights-based approach; it has to be adapted to each specific situation. However, it could be useful to have a “checklist”, a number of questions that can function as reminders when planning, designing, implementing and following up human rights-based projects.

Example of a programming checklist

- Is the project contributing to the fulfilment of **human rights**? Which human rights and how?
- Is the project responding to the **root causes** of the problems and human rights violations identified?
- Have people in **vulnerable** situations, exposed to discrimination, been **involved** in the project planning, design and implementation, as well as monitoring and evaluation?
- Is the project working **against discrimination** in the communities?
- Is the project **empowering rights-holders** to claim their rights and **supporting duty-bearers** to fulfil their obligations?
- Is the project ensuring continuous and **genuine community participation** in all different steps of the project? How?
- Is the project **process owned by the communities** involved?
- Is **participation** seen as **both a means and a goal** in the project implementation?
- Is the project addressing gender inequalities and promoting **gender equality**? How?
- Is the information collected during the planning (situation analysis etc), implementation and follow up, used in **advocacy** at local, national and international level?

Source: Excerpt from Lutheran World Federation, Uganda Programme October 2011: *Rights-Based Approach. A Reference Material. Applying RBA in the Project Cycle*, p. 46.