RIGHTS-BASED APPROACH SYSTEMS AND TOOLS MANUAL

Commission on Human Rights
Philippines

U.P. National College of Public
Administration and Governance

GOP-UNDP Programme:
Fostering Democratic Governance

RIGHTS-BASED APPROACH SYSTEMS AND TOOLS MANUAL

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FOREWORD

Traditionally, the concept of development was viewed from a purist perspective being anchored exclusively within the sphere of economics. Of late, the meaning of development has evolved through global persuasion to include not just economic growth, but other people-centered elements such as equitable distribution of resources, enhancement of people's capabilities and creation of greater access to opportunities and participation to unleash full human potentials and growth. In essence, this paradigm shift from an economic to a humanist acuity came about by situating the human rights of individuals at the center of development. Thus, we recognize the vital and fundamental link between human rights and sustainable development aptly denominated as the "rights-based approach" (RBA).

A rights-based approach is founded on the conviction that each human being, by virtue of being human, is a holder of rights. A right entails an obligation on the part of the government to respect, promote, protect and fulfill it. The legal and normative character of rights and the associated governmental obligations are based on international human rights treaties and other standards, as well as on constitutional human rights provisions.

The Commission on Human Rights (CHR), as one of the Responsible Parties under the Justice Reforms and Human Rights Cluster, plays a pivotal role in the implementation of one of the Governance Portfolio on Fostering Democratic Governance. It firmly believes that failure of governance contributes to poverty, bureaucratic dysfunctions, policy weaknesses and deficiencies, inequity and imbalances in development. By imbuing the element of RBA, including accountability, empowerment, participation, non-discrimination and express linkage to human rights, the promise of a more effective, more sustainable, more rational and more genuine development process can be transformed into a reality for the Filipino nation.

In our vigorous pursuit to mainstream the rights-based approach in development and governance processes, we are introducing the RBA Systems and Tools Manual. The preparation of this Manual is a significant step towards the enhancement of the capabilities needed for the promotion of human development. This undertaking was realized through our partnership with the United Nations Development Programme (UNDP)–Philippines and the University of the Philippines' National College of Public Administration and Governance (UP NCPAG).

This collaborative endeavor among three institutions is coming up with three volumes on the rights-based approach (RBA) to governance and development. The first volume is a Sourcebook on RBA, integrating into a single compilation the most recent and substantive published and unpublished literature on RBA, to help all human rights stakeholders gain better understanding and appreciation of the subject and its relevance to governance and development processes. The other volume is a Trainers' Manual on RBA designed to guide trainers about the effective ways of imparting knowledge on RBA and how to apply RBA in the various aspects of governance and development. This third and last volume serves as a guide on how to apply the different RBA systems and tools. It is intended for RBA focal units/persons of relevant public and private institutions, governance network, and the academe.

Experts from UP NCPAG prepared the three volumes, in cooperation with their project counterparts at the CHR and the UNDP's Project Management Office based in UP NCPAG. We commend all those who joined hands in making these come to fruition.

We hope that this Manual will be of great help in the propagation of the promises of RBA. The primary aim is to mold the minds and spirits of all key individuals who are duty holders in development and governance to enable them to infuse human rights standards in all aspects of planning, policy formulation and analysis, budgeting, legislation and development programming. Should this endeavor to install the rights-based approach to development and governance processes succeed, and succeed it must, the Philippines will once again demonstrate to the world that it can be an acknowledged leader in the realization of human rights for all.

Allow me to express my gratitude to all who have contributed to this Manual whether in content or as conduits of support and hearty enthusiasm. Finally, the Commission dedicates all the RBA efforts to the unsung heroes of the country who continue to toil and labor albeit confronted by the challenging reality, that ours is a struggling developing country. We hope that this Manual and the work we hope it inspires shall augur a better Philippines for all generations to come.

PURIFICACION C. VALERA QUISUMBING
Chairperson

PREFACE

This *Rights-Based Approach Systems and Tools Manual* is the third volume in a series of reference materials on rights-based approach (RBA) produced under a collaborative project of the United Nations Development Programme (UNDP), the Commission on Human Rights (CHR), and the National College of Public Administration and Governance (NCPAG) of the University of the Philippines (UP) Diliman, Quezon City. The other volumes are the *Sourcebook on RBA* and the *Trainers' Manual on RBA*. Although each of the three volumes can be used as a stand alone reference, effective use of this Manual may require cross-references to the *Sourcebook* and the *Training Manual* for better understanding and mainstreaming of RBA.

Much of the inputs to this Manual have been drawn from the *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report* (October 2003), which was written jointly by CHR and UNDP. This Manual consists of three parts. Part One presents the definition of important terms used in the Manual and discussions of the overall framework for the application of RBA in governance and development. Part Two discusses the six RBA systems for mainstreaming human rights in specific domains of governance, namely: (a) public management sector; (b) national, sub-national, sectoral and agency planning levels; (c) budgeting processes at the national level; (d) LGU planning and budgeting; (e) legislation and policy analysis; and (f) national action planning (NAP). Part Three focuses on the twelve (12) RBA tools and their practical applications in the field.

This Manual is very useful in adopting RBA systems and tools in the various organizations concerned with the protection, promotion, and fulfillment of human rights. It is further hoped that RBA systems and tools will be institutionalized, thus, providing the enabling mechanisms to improve service delivery and living conditions of the Filipino people.

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Project Team Leader

ACKNOWLEDGMENT

The development of this Manual is a concerted effort of three institutions: the United Nations Development Programme (UNDP)-Philippines, the Commission on Human Rights (CHR) of the Republic of the Philippines, and the University of the Philippines' National College of Public Administration and Governance (UP NCPAG). The project was initiated by UNDP-Philippines through its Project Management Office based at UP NCPAG in Diliman, Quezon City. This initiative is a highly valued step towards the realization of meaningful human development. We deeply appreciate the financial support and technical expertise UNDP-Philippines invested in this very noble undertaking. We owe a great deal especially to Ms. Rosette Librea and Dr. Emmanuel Buendia, who were always ready and willing to discuss with us whenever we consulted with them.

We also acknowledge with profound gratitude the invaluable contributions of Executive Director Jacqueline Mejia, Ms. Nerissa Piamonte, Ms. Greta B. Tarun and Ms. Marissa C. Barba, our technical counterparts at the CHR. They identified critical gaps, and offered suggestions on how to effectively close those gaps and make the Manual truly responsive to the needs of prospective end-users and development service clients. And, to Atty. Homero Matthew P. Rusiana, also of CHR, we convey our profound gratitude for painstakingly editing the draft chapters of this Manual.

The discussions in this Manual draw heavily on the *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*, October 2003, produced jointly by the Commission on Human Rights and the United Nations Development Programme under the Project PHI/02/011 – Right to Development: Strengthening Institutional Capacities to Mainstream Gender and Human Rights. We are grateful to all the people and institutions that organized this very comprehensive document on RBA and the varying ways of integrating RBA in the different stages and aspects of governance and development processes from the national to the local government levels and further down to the community level.

Our sincere thanks go to Dean Alex B. Brillantes, Jr. of UP Diliman's National College of Public Administration and Governance for accepting the challenge of overall management of the project and for giving us the opportunity to prepare this Manual of practical guides to the application of relevant mainstreaming systems and tools of the so-called rights-based approach (RBA) in governance and development in the Philippines.

Dean Brillantes's inputs during the series of project team meetings helped shape the format and content of this Manual. His insights gave form to the contribution of this Manual in the development of relevant materials on RBA.

The successful compilation of this volume owes largely to the expert and professional guidance provided by Dr. Joel V. Mangahas, Director of NCPAG's Center for Policy and Executive Development (CPED). As Project Director, he provided overall supervision during the preparation of the various parts of this volume. We express our deep gratitude to Professor Dr. Mangahas.

We are gratefully indebted to Dr. Ma. Oliva Z. Domingo, Director of NCPAG's Center for Leadership, Citizenship and Democracy (CLCD). Dr. Domingo, despite the short notice, accepted our request for her to edit the draft of this Manual. Even though pressed for time, she diligently went over the draft with a smile. We thank her for an excellent job.

Special words of gratitude are addressed to Dr. Corazon J. del Rosario, Administrative Officer of NCPAG's Center for Policy and Executive Development (CPED), who was always prompt in providing efficient administrative and logistic support during the preparation of this Manual.

We appreciate very much the earnest effort of Mr. Garie G. Briones and Ms. Lydia E. Angeles, both University Research Associates at UP NCPAG's Center for Leadership, Citizenship and Democracy. Garie spent his weekends and sleepless nights working on the book design, layout and cover of this Manual and Lydia encoded the corrections on the blue print prior to final printing.

To all those who, in one way or another, aided us in making this Manual a reality but whose names are too many to be accommodated here, we sincerely thank them for their support.

Since this Manual has been substantively enriched by the inputs of all the persons and institutions aforementioned, we hope the Manual will serve the purposes for which it is really intended. May this subsequently pave the way for the significant changes needed to transform development institutions from being tied to the performance of their traditional role as providers of public goods and services to assuming a more proactive role as enablers of well-rounded human development. We absolve all our partners in this worthwhile endeavor for whatever error or omission that may be found in this volume, for which we are solely responsible.

THE RESEARCHERS/WRITERS

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Part I

Situationer

This Part provides a situationer on the Manual and the framework for the application of the rights-based approach (RBA) in governance and development.

Chapter 1, the introductory chapter, explains the importance of this Manual in undertaking activities aimed to attain human development and to build the capabilities of human rights stakeholders for fulfilling the human development mission. In addition, it discusses the objectives this Manual seeks to achieve, identifies its target end-users, and gives an overview of the structure and content of the Manual.

Chapter 2 clarifies the meanings of important terminologies used in this Manual, while Chapter 3 deals with the framework for RBA implementation in governance and development in the Philippines.

1 | *Introduction*

Background

People are the center of development. Without people there can be no real development. Imagine a world of high-rise buildings, structures of various sizes and shapes, winding roads and freeways, first-rate hotels and communication facilities, huge motor pool of construction equipment and farm machineries, stockpiles of farm produce delivered to the market, giant malls and supermarkets, and all other projects made in the pursuit of development! All of these would be meaningless if there are no people who enjoy or use them for their benefit.

Development efforts are undertaken to benefit all people. Roads and bridges facilitate people's mobility as well as the flow of commodities and other means of livelihood. Vital facilities and installations, like schools, health centers, settlement areas, and other life-support systems are established for socio-economic development.

Gone are the days, however, when people were generally regarded as recipients of basic public services and beneficiaries of the fruits of development. With the shift from government to governance in recent years and the growing public clamor for development to address present-day realities and needs, people have now become actual participants in the process of development and contributors to the attainment of development goals and objectives.

People's participation in development can be done through either direct or indirect involvement in the process. Direct participation means the people themselves perform specific tasks or responsibilities, like providing the labor, technical inputs or assistance when projects are being implemented, giving relevant information for development planning purposes, participating in consultative meetings and group discussions, serving in management committees, joining the project implementation and monitoring team, and the like.

Indirect participation can be done through representation, i.e., the election or designation of a person, group or organization representatives to promote and protect their interests and concerns. Examples of these are the party list system in the House of Representatives, the sectoral representatives in the local legislative councils, and the various special bodies of local government units (LGUs), e.g., Local Development Council, Local Health Board, Local Education Board, etc.

To be able to participate effectively and meaningfully in the various stages of the development process, people have to be treated as individual human beings first. Whatever field of endeavor they are engaged in—whether they work for the government or in the private sector, or simply leading their lives as ordinary citizens of the Republic—people have the right to realize their full human development. Thus, proper interventions from government as well as other development players must be geared towards that direction.

Human development consists of recognizing, protecting, promoting, and fulfilling the basic rights of human beings. It is a complex process that can only be achieved through the convergent efforts of different key players and stakeholders and the efficient monitoring of relevant efforts and initiatives.

The rights-based approach (RBA) is one way of attaining human development as it enables users to identify and monitor the efforts and initiatives meant to contribute to the achievement of human development.

Rationale for RBA Application in Governance and Development in the Philippines

Implementation of the rights-based approach (RBA) in our governance and development processes and activities is borne out of the fact that the Government of the Philippines (GoP) is a signatory to a total of twenty-three (23) international human rights instruments adopted and implemented globally under the United Nations (UN) System. As a member of the United Nations and state party to these instruments, the Philippines has the obligation to adhere to human rights standards stipulated in the different instruments. It is envisioned that by observing these human rights standards, we will be able to expand the choices and opportunities of the vulnerable sectors of our society, essentially helping them to achieve their development as human beings. Human development is regarded as the centerpiece of the entire governance and development process.

Ideally, human rights and development should operate interdependently and mutually reinforce each other to achieve the common goals of increasing opportunities for people. This has never been the case yet, however, despite continued efforts to promote, protect and fulfill human rights over the last several decades. Poverty remains a persistent problem in our midst, indicating the need for more development interventions to be done for people to be able to achieve their full potentials towards growth and self-improvement.

The UN defines poverty according to "degrees of deprivation as to food, housing, education, health and access to all other social services that inhibit the poor from attaining their development to a standard befitting a human being with inherent dignity." In the Philippines, the poverty level as of 2000 remained as high as 32 percent of the national population (CHR and UNDP, October 2003).

Through good governance, it is hoped that development will be managed more effectively and efficiently and then eventually result in human development. But, the bright prospects have remained under the dark shadows of growing failures of the government to make this a reality because of controversies in the political, socio-cultural and administrative realms of our national affairs, not to mention the issues of credibility and integrity that have been rocking the present national dispensation.

These realities are vivid symptoms of a huge gap existing between our current state of development and the enjoyment of human rights. Public and private entities will continue to play key and more active roles in this critical sphere of our national life and in service delivery administration. By the very nature of their institutional mandate and mission, they will continue to be called upon to respond to public clamor of ensuring that development benefits are shared by ordinary citizens, most especially the poor and vulnerable groups.

This is a very vital starting point in consciously and deliberately integrating human rights standards into the existing governance and development framework. The standards set will be the guide of all development institutions from the national down to the community

levels in fulfilling their noble mission to realize human development. This RBA Systems and Tools Manual is a first step towards that strategic direction.

Objectives of the Manual

This Manual has been prepared to serve as a guide in identifying and monitoring the efforts and initiatives meant to contribute to the achievement of human development.

Its overall objective or purpose is to aid national and local government agencies, academic institutions, private and semi-private development organizations, and other stakeholders in carrying out their challenging task of mainstreaming the rights-based approach in their strategic plans, programs, projects and activities.

Its specific objectives are:

1. to increase understanding and appreciation of the rights-based approach (RBA) among public and private institutions concerned as well as the ordinary citizens who are the ultimate beneficiaries of development;
2. to provide a helpful guide for RBA focal units or persons in monitoring the application of RBA in their respective agencies/institutions;
3. to enhance the capabilities of RBA users in the proper and effective means of applying the RBA systems and tools;
4. to attain wider reach of RBA to as many relevant agencies/institutions in the country as possible; and
5. to help develop greater consciousness among agencies/institutions concerned regarding their mission to respect, promote, and fulfill human rights that are guaranteed under applicable international instruments and standards.

Target Users of the Manual

This Manual is designed for national government agencies (NGAs) and local government units (LGUs) and their special bodies, particularly offices/units or focal persons designated to monitor their respective agency's performance in terms of ensuring that the human rights of their employees and target clients are respected, protected, promoted, and fulfilled.

The Manual also targets civil society organizations (CSOs) involved in development programs and activities, whether at the national, regional, local or community levels.

Members of the Association of Schools of Public Administration in the Philippines (ASPAP), Governance Networks, as well as all other stakeholders interested in human rights are, likewise, expected to use and benefit from this Manual.

The general public, expecting to be informed on what the government and development organizations are doing to safeguard the rights of people, may also find this Manual helpful. Their understanding of its use will guide their decisions toward policies and development programs and/or projects that affect their communities.

Content and Structure of the Manual

This Manual is divided into three main parts. Part I has three chapters (Chapters 1-3). It provides an introduction to the Manual, its significance and target users. It defines the important terms used in the Manual and discusses the over-all framework for the application of the rights-based approach (RBA) in governance and development in the Philippines.

Chapter 1, the introductory chapter, explains the importance of this Manual in the process of attaining human development and building the capabilities of human rights stakeholders for fulfilling that human development mission. In addition, it gives an overview of the structure and content of the Manual, identifies its target end-users, and discusses the purpose and objectives of the Manual.

Chapter 2 clarifies the meanings of important terminologies used in this Manual, while Chapter 3 deals with the framework for RBA implementation in governance and development in the Philippines.

Part II consists of six chapters (Chapters 4-9). Chapter 4 revisits the governing policies and explains the process to be followed in mainstreaming human rights indicators in the public sector.

Chapter 5 is on mainstreaming human rights in national, sub-national, sectoral and agency planning levels. It includes a description of the system, its objectives and the key reform areas involved prior to actual application of the system.

In Chapter 6, the discussion is directed towards mainstreaming human rights in budgeting process at the national level.

Mainstreaming human rights in LGU planning and budgeting is the theme of Chapter 7. It elaborates on applicable policies, the system of mainstreaming, its objectives and the key strategic reform areas affected, and the process involved in the application of the system.

Chapter 8 looks into the dynamics of applying RBA in policy analysis and legislation. It identifies the key players and the processes involved in the drafting of new legislative measures, the review of existing laws and proposed legislation, rights-based policy analysis, and rights-based formulation, review and amendment of bills.

Chapter 9 details how to mainstream RBA in national action planning (NAP). It highlights the major components of the system to be used in the mainstreaming process, from the preparatory stage to the organization phase, from planning proper through the development and authorization phase.

On the whole, Part III is concerned with the different RBA tools and how they can be applied under specific conditions and for achieving definite purposes. Specifically, Chapter 10 (Participatory Concept Mapping) gives the instructions for users on how to do Situation Mapping and Mapping of People's Rights Entitlement.

For the application of Situation Mapping Tool, Chapter 10 shows how to correlate human development issues, problems and concerns with human rights by, *first*, identifying the issues/problems/concerns and their root causes; *second*, examining relevant laws, rules, practices, structures and processes; *third*, analyzing the extent and level of the issues/problems/concerns and their impact on the sectors affected; *fourth*, determining the specific human rights involved; *fifth*, establishing the appropriate core content of the human rights involved and the perceived gaps between the current state of the issue/problem/concern and the applicable core content;

and, *finally*, identifying the relevant solutions or strategic measures that will properly address the issue/concern or problematic situation as well as matching them with pertinent human rights principles.

In relation to Mapping of People's Rights Entitlement Tool, Chapter 10 details how people, as claim holders of human rights, will be able to realize their essential freedom and rights in an environment that allows them to participate in, or contribute to, the entire process of development.

Chapter 11 (Institutional Mapping) deals with the process of mapping out development institutions at two levels, i.e., relevant government agencies, and civil society organizations (CSOs). It highlights the significance of institutional mapping in ensuring the responsiveness of institutional programs to human development needs of people working in the organizations concerned as well as the general public these institutions are mandated to serve. The Chapter also provides the instructions for preparing comprehensive inventories of programs, projects and services of relevant institutions that are geared towards the protection, promotion, and fulfillment of individual human rights at the agency and the community levels.

Chapter 12 (Rights, Responsibilities and Root Causes Analysis) focuses its instructions on the following tools: Duty Holders' Mapping and Governance Orientation Mapping. The Chapter presents how the first RBA tool can be used to determine and analyze the extent of duty holders' compliance with internationally established human rights standards. It then gives easy-to-follow instructions on how to apply the second RBA tool in varying governance functions to ensure that public entities and processes are operating within the bounds of the state obligation of providing an enabling environment to fulfill people's rights to development.

Chapter 13 (RBA in Policy Review) instructs Manual users on how to apply this particular tool in the areas of policy analysis, policy review, and policy evaluation. It tackles practical guides for using human rights criteria and standards in order to know how responsive relevant policies are as well as to evaluate policy performance.

Chapter 14 (RBA in Program Development) dwells on several interrelated aspects of program development, namely: formulation of program goals, objectives and strategies; programmatic application of human rights normative standards; development programming; and project development/proposal writing.

To ensure application of human rights principles, levels of state obligations, and normative content at the various stages of the program development process, this Chapter provides instructions regarding the kind of information to be generated as inputs to the program goals, objectives and strategies that will be formulated as well as the specific programs that will be developed and implemented by agencies concerned.

Chapter 14 also includes instructions for monitoring and assessing the extent to which programmatic application of the human rights normative content has been done by relevant institutions in order to realize their programmed human rights commitments. It then suggests steps to be followed in the operational use of the rights-based approach in the different phases of the development programming process, e.g., situation analysis, objective formulation, program designing, actual implementation, and monitoring and evaluation. Finally, the Chapter includes guidelines applicable in the human rights mainstreaming process at every stage of project development, including project proposal writing.

Chapter 15 (RBA in Impact Assessment) focuses on how to measure and assess the acceptability or non-acceptability of programs or projects directly or indirectly affecting the

communities where the said programs/projects will be implemented. Entities that will benefit from the results of using this RBA tool are national government agencies, local government units, and civil society organizations whose legal mandates include the performance of regulatory or licensing functions.

2 | *Definition of Terms*

To facilitate understanding and ensure more effective use of this Manual, important terms are defined in this chapter. These terms and definitions were taken from Chapters 1 and 3 of the *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*, Commission on Human Rights, Republic of the Philippines and United Nations Development Programme (October 2003:14-20, 29-56).

Human Rights, taken collectively, refers to the supreme, inherent and inalienable rights to life, to dignity and to self-development. It is the essence of these that makes man human.[1] The basic human rights are listed in Box 2.1.

Box 2-1
The Basic Human Rights

1. Right to Life
2. Equality and Non-discrimination
3. Political Rights and Freedoms
   a) Right to Participate in Government
   b) Freedoms of Opinion and Expression
   c) Freedom of Movement
   d) Right of Peaceful Assembly and Association
   e) Right to Social Security
   f) Right to Work
   g) Right to Health
   h) Right to Food
   i) Right to Housing
   j) Right to Education
   k) Right of Reparation

Human Development involves expanding choices for all people in the society, wherein men and women, particularly the poor and the vulnerable, are at the center of the development process. It also means the protection of the life opportunities for future generations... and ... the natural systems on which all life depends, thus, creating an enabling environment in which all can enjoy long, healthy and creative lives.[2]

[1] Human Development Report, UNDP, 1996
[2] UNDP, 2001

Development means a comprehensive economic, social, cultural and political process aimed at the constant improvement of the self-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.[3]

Human Rights Principles originated from human rights norms and are the essential conditions that facilitate the definite enjoyment of rights. The human rights principles are accountability, attention to vulnerable groups, empowerment, equality, equity, good governance, independence of the Judiciary, indivisibility, interdependence and interrelatedness, legislative capacity, non-discrimination, people's participation, and transparency.[4] Table 2-1 summarizes these human rights principles and their meanings.

National and International Framework. Human rights are standards of human dignity rooted in every culture, religion and tradition throughout the world. Their inclusion in the UN Charter means human rights are no longer exclusively within the domestic jurisdiction of states but are rather legitimate concerns of the international community.[5]

Human Rights Instruments are of two types: Human Rights Treaties, also known as conventions or covenants; and UN Standards, also known as UN Principles, Rules and Declarations.[6] The core human rights instruments, including their general provisions, are listed in Table 2-2.

Human Rights Treaties, also known as conventions or covenants, are formal legal texts to which states become parties and which create binding legal obligations on states concerned. The following are seven fundamental human rights treaties ratified by the Philippines: International Convention on the Elimination of All Forms of Racial Discrimination (CERD); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment for Punishment (CAT); Convention on the Rights of the Child (CRC); and Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC).[7]

UN Standards, also known as UN Principles, Rules or Declarations that are passed through resolutions of a UN body, which is usually the General Assembly. Examples of UN Standards are the Universal Declaration on Human Rights and the UN Declaration on the Right to Development.[8]

Normative Content of Human Rights refers to the specific standards protected by such right or its actual meaning that can be used as objective standards of human dignity in the development process. These standards are important guides being used in the dynamic process, such as development, because the normative content of human

[3] Art.1, Declaration on the Right to Development
[4] A Training Manual on Rights-Based Approach: Module II, Section 1, 2002
[5] Ibid
[6] Ibid
[7] Ibid
[8] Ibid

rights includes guidance for immediate and progressive realization.[9] Some human rights and the corresponding normative bases are presented in Table 2-3.

State Obligations originated from the national and international human rights framework that requires a particular conduct now (immediately) and the attainment of certain results over time (progressively). Emphasis is given to the fact that human rights always imply human duties and responsibilities and most of these duties or obligations lay with the state because the State's political, economic and military power over its citizens is both the major threat to human rights and its major guarantee and protection. State obligations are classified into two: obligations of conduct and result, and obligation to respect, protect, and fulfill.[10]

Rights-Based Approach (RBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to the promotion and protection of human rights while applying the integration of the norms, standards and principles of the international human rights system into the plans, policies and processes of development.[11]

Right to Development is an inalienable human right by virtue of which every human being and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.[12]

Governance is the exercise of economic, political and administrative authorities to manage the affairs of a country. It includes methods of distributing power and managing resources, formulating and implementing policies, institutions, and mechanisms for people to articulate their interests, exercise their rights and responsibilities as well as resolve conflicts.

Rights Claim Holders refers to all people—men, women and children, or groups—who are inherently entitled to enjoy fundamental human rights regardless of any other consideration.

Duty Holders/Bearers are those with responsibilities in the realization of rights. Usually it is the State that assumes to be the sole duty bearers.

MTPDP means the Medium-Term Philippine Development Plan.

Stakeholders are individuals or groups of individuals that have interest in a given process.

[9] Ibid
[10] A Training Manual on Rights-Based Approach, National Human Rights Institution at Work, Manual of Readings, Working with the Concept of State Obligations in Relation to ESCR, Regional Workshop on Economic, Social and Cultural Rights, Manila, Philippines, November 5-10, 2000
[11] Human Rights in Development
[12] Declaration on the Right to Development, UN

Table 2-1 *Human Rights Principles and Their Meanings*

Principles	Meaning
Accountability	Authority of government is based on the will and consent of the people; thus, government is answerable to the people for its decisions and actions.
Attention to Vulnerable Groups	Greater importance given to the disadvantaged/vulnerable; Measures must be taken to help them participate in the solution of their problems.
Empowerment	Power to act for or on their behalf to claim their inherent right; Capacitating vulnerable groups to contribute and participate
Equality	Women and men equally enjoy and exercise their rights and freedoms; Preferential treatment where there is impairment in the exercise of rights and freedoms
Equity	Fairness, justice and impartiality in the guarantee of rights and freedoms; Equity demands that the poor should not be disproportionately burdened.
Good Governance	Participatory, consensus-oriented, accountable, transparent, efficient, effective, equitable governance and follows rule of law
Independence of the Judiciary	Final arbiter on human rights;Guaranteed independence; Decision rendered with impartiality without influence or pressure
Indivisibility	Human rights are intertwined: the absence of one right negates the presence of the other; Both sets of rights should be enjoyed: civil and political rights; and economic, social and cultural rights.
Interdependence and Interrelatedness	Enjoyment or exercise of one right is dependent on the other; No rights precede the other; Rights are interlinked with one another.
Legislative Capacity	Human Rights must be guaranteed by law; Legislature must have the capacity to enact laws that uphold inherent dignity of person and the enjoyment, exercise and fulfillment of human rights.
Non-Discrimination	Entitled to human rights without restrictions, prohibitions, exclusions or preferences
Peoples' Participation	Participant and contributor at all levels of economic, social, and political decision making;Voluntary, effective and full participation without threats and sanctions; Participation mechanisms are made available.
Transparency	People see openly the activities of government; Full, free public disclosure of decisions, policies and processes of government;Access to information, especially in rule making activity of government

Table 2-2 *Core Human Rights Instruments*

Core Instruments	General Provisions
International Covenant on Economic, Social and Cultural Rights (ICESCR: 1966)	This particular covenant provides the right to work; the right to form trade unions and to strike, the right to social security and social insurance; the right to an adequate standard of living, including the right to food, clothing and housing, the right to health, the right to education, the right to take part in cultural life, the right to enjoy the benefits of scientific progress, and the right to protection of the family. The right to self-determination and the right to equality and freedom from discrimination are contained in this covenant and in the Covenant on Civil and Political Rights.
The International Covenant on Civil and Political Rights (ICCPR: 1966)	This covenant guarantees the right to life, the right to freedom from torture and slavery, the right to liberty and security of person, the right to freedom of movement and residence, the right to equal protection of laws, the right to privacy, the right to freedom of thought, conscience and religion, the right to freedom of expression, the right to freedom of assembly and association, and the right to take part in the conduct of public affairs.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD: 1965)	This provides assurance against discrimination or exclusion from development. The convention provides that there can be no discrimination in the enjoyment of economic, social, cultural and political rights.
Convention on Elimination of All Forms of Discrimination Against Women (CEDAW: 1979)	This convention ensures protection against discrimination or exclusion of women from development and provides the right of women to participate in political, economic and social life.
The Convention on the Rights of the Child (CRC: 1989)	This reaffirms children's right to life, right to identity and nationality, right to freedom of expression, right to freedom of thought, conscience and religion, right to freedom of association and assembly, right to privacy, right to access to information, right to protection against violence, abuse and neglect, right to health, right to education, right to an adequate standard of living, right to social security, right to rest and leisure, right to freedom from exploitation, right to freedom from trafficking in children and protection against prostitution, right to freedom from torture and cruel, inhuman and degrading treatment and rights with respect to criminal process. Guaranteed under this convention are children's survival rights, right to participation and the right to development.
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment for Punishment (CAT: 1984)	This convention guarantees protection against torture and other cruel, inhuman or degrading treatment or punishment that are of special relevance to development activities and their impact.

Table 2-3 *Human Rights and Their Normative Bases*

Rights	Core Content	Normative Bases
Right to Life	The supreme and inherent human rights from which no derogation is permitted, even in time of war or public emergency. It begins at birth according to International Law. It begins at conception in the Philippine Law.	Article 3 of UDHR;Article 6 of ICCPR; General Comment 6 of HRC (1982); Article 5(b) of ICERD; Article 6 of CRC; and Section 1, Article III of the 1987 Philippine Constitution
Equality and Non-Discrimination	This includes substantive equal protection of the law and enjoyment of all civil, political, economic, social and cultural rights. Its most important element is the distinction, exclusion, restriction, preference or prohibition of discrimination based on race, color, sex/gender, language, disability, descent, age, religion, political or other opinion, national or ethnic/social origin, property, birth or other status which has the effect or purpose of impairing/nullifying the recognition, enjoyment or exercise of human rights.	Article 7 of UDHR; Article 3 of ICESR; Article 3 of ICCPR;Article 8(1) of the Right to Development; Article 5 of ICERD; Articles 9 and 15 of CEDAW; Section 1, Article III of the 1987 Philippine Constitution
Political Rights and Freedoms	These may be exercised directly or indirectly, individually or collectively but must be free, genuine and voluntary.	Article 7 of UDHR; Article 2(2) of ICESCR; Articles 2(1) and 20(2) of ICCPR;Article 6(1) of the Right to Development; Articles 1,3 and 4 of ICERD; Articles 1, 2, 4 and 7 of CEDAW; and Article 2 of CRC
Right to Participate in Government	The freedom to take part in the government directly or indirectly through freely chosen representatives; equal access to public services; and the will of the people as basis of government authority.	Article 21 of UDHR; Article 5 of ICERD; and Section 16, Article III of the 1987 Philippine Constitution
Freedoms of Opinion and Expression	The freedom to hold opinions without interference and to seek, receive and impart information and ideas through any medium and regardless of frontiers.	Article 19 of UDHR; Article 19 of ICCPR;Article 5(d) (viii) of ICERD; Articles 12 and13 of CRC; Section 4, Article III of the 1987 Philippine Constitution

Table 2-3 *Human Rights and Their Normative Bases (cont'd)*

Rights	Core Content	Normative Bases
Freedom of Movement	The freedom of movement and residence within the borders of state, to leave any country, including one's own and return to the country and shall not be subject to any restrictions, except those which are provided by law, consideration of national security, public order, public health or morals or the rights and freedoms of others	Article 13 of UDHR; Article 12 of ICCPR;and Section 6, Article III of the 1987 Philippine Constitution
Right of Peaceful Assembly and Association	No restrictions on the exercise of this right to peaceful assembly to include right to form and join trade unions for the protection of one's interests, except those in conformity with the law, in the interest of national security or public safety, public order, public health or protection of rights and freedoms of others	Article 20 of UDHR; Articles 20 and 21 of ICCPR; Article 5(d) (ix) of ICERD; Article 15 of CRC; and Section 4, Article III of the 1987 Philippine Constitution
Right to Social Security	This is a right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances covering all risks involved in the loss of the means of livelihood or subsistence for reasons beyond a person's control.	Article 22 of UDHR; Article 9 of ICESCR; General Comments 5&6 of ICESCR (1994/1995); Article 8(1) of the Right to Development;Article 11 (e) of CEDAW; and Article 25 of CRC
Right to Work	It covers: free choice of employment; just and favorable conditions of work; protection against unemployment; equal pay for equal work, just and favorable remuneration ensuring for oneself and one's family an existence worthy of human dignity; to form or join trade unions for the protection of one's interests; equal opportunity to be promoted in employment; rest, leisure and reasonable limitation of working hours, etc.	Article 23 of UDHR; Articles 6,7 and 8 of ICESCR;Article 8(1) of the Right to Development; Article 5(e)(i)(ii) of ICERD; Article 11 of CEDAW; Article 32 of CRC; and Section 3, Article XIII of the 1987 Philippine Constitution
Right to Health	This is a right to access to and enjoyment of health services and facilities, and to enjoy certain social conditions favorable to the highest attainable standard of health. Such right considers: availability in terms of functional health services, programs and facilities; accessibility in terms of information availability, physical and economic accessibility, cultural appropriateness and respectful of medical ethics and quality in terms of scientific and medical appropriateness.	Article 25 of UDHR;Article 12 of ICESCR; General Comment 14 of ICESCR (2000); Article 8 of the Right to Development; Article 5(e)(iv) of ICERD; Article 12 of CEDAW; Article 24 of CRC; and Sections 11,12, and 13, Article XIII of the 1987 Philippine Constitution

Table 2-3 *Human Rights and Their Normative Bases (cont'd)*

Rights	Core Content	Normative Bases
Right to Food	This covers availability, adequacy and physical and economic accessibility of food supply, and the stability of the supply. It is not limited to calories, proteins and specific nutrients and it is linked to sustainability not only for the present but also for the future generations.	Article 25 of UDHR; Article 11 of ICESCR; General Comment 12 of ICESCR (1999); and Article 8 of the Right to Development
Right to Housing	This refers to the right to live somewhere in security, peace and dignity. Its core content includes the legal security of tenure, availability of infrastructure, facilities, materials and services, affordability, habitability in terms of space, protection and safety against structural and health hazards, accessibility, location, and cultural adequacy.	Article 25 of UDHR;Article 11 of ICESCR; General Comment 4 of ICESCR (1991); General Comment 7 of ICESCR (1997); Article 8 of the Right to Development; Article 5(e)(iii) of ICERD; Sections 9 and 10, Article XIII of the 1987 Philippine Constitution
Right to Education	Availability of functioning educational institutions and existing programs in sufficient quantities; trained teachers; non-discriminating; physically and economically accessible; acceptable in terms of quality, cultural appropriateness; and flexibility and relevance. It also includes the right to free universal primary education, secondary, higher, fundamental, technical and vocational educations. The government is also required to set up a school system and to respect educational freedom, such as freedom of parents/guardians to choose the school for their children, and right of foreigners to set up schools.	Article 26 of UDHR; Article 13 of ICESCR; General Comments 11 and 13 of ICESCR (1999); Article 8(1) of the Right to Development; Article 5(e)(v) of ICERD; Article 10 of CEDAW; Articles 28 and 29 of CRC; and Article XIV of the 1987 Philippine Constitution
Right of Reparation	This is an inherent right associated with an effective protection of human rights for the purpose of relieving and affording justice to victims. The victims can seek redress for human rights violations through restitution, compensation, rehabilitation, and non-repetition.	Article 8, Universal Declaration of Human Rights; Article 2(3a-c) of ICCPR;Article 5, Declaration on the Right to Development;Article 6 of ICERD;Articles 4 and 39 of the Convention on the Rights of the Child

3 Framework for Rights-Based Approach to Governance and Development*

Introduction

Governance is often associated with government which is expected to bring about changes for the better, for instance, increased public funds to provide more quality basic services, better health facilities, improved water supply and sanitation, and adequate housing for the poor and disadvantaged groups.

We have witnessed the shift from government to governance taking place along with major trends in the social, economic, cultural and political realms of our national life. Governance means it is not only government involved in the satisfaction of human wants and needs, but also the various sectors uniting their efforts to fulfill that goal. Governance is viewed as the convergence of efforts among government agencies, non-governmental institutions, and other development stakeholders towards the common goal of human development. This convergence maintains the facilitative role of government and the support of all other key players in the various areas of work and processes.

Amidst the rapid changes in development focus and the priorities of government, one thing has remained constant, i.e., people as the center and main object of development. As such, people take proactive part in various development processes: from planning to programming, from project development to implementation through monitoring and evaluation—all intended for the purpose of ensuring that their needs will be realized.

The rights-based approach (RBA) as a conceptual framework under the UN Declaration on the Right to Development is formulated to help accelerate the realization of people's fundamental rights. This is borne primarily out of the fact that every UN member country has the obligation to implement human rights standards on account of its being a state party to the different international human rights instruments.

Member countries of the UN family are also confronted with the challenge to integrate human rights principles in governance and development processes to be able to expand opportunities for sound human development. With the integration or mainstreaming of human rights in development, governance is expected to address human development issues, problems and concerns more responsibly.

*The discussion in this chapter was culled from "Chapter 2: Design Framework" and "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:20-56.

The Rights-Based Approach

There is no standard definition that can be affixed to the term "rights-based approach," although the purpose of its adoption is clear, i.e., to facilitate the convergence of "two directional processes," which are "human rights" and "development." There are no standards set for the process of convergence to proceed, only some elements that must be observed to signify that there is already convergence of these two domains. The basic elements of convergence are:

1. Human beings are central to development as viewed from the perspective of their rights rather than their needs;
2. All human beings have specific responsibilities in development, individually and collectively, taking into account full recognition of their essential freedoms and human rights; and
3. States are duty bound to create and sustain an enabling environment and to take appropriate actions towards the fulfillment of people's right to development based on the standards set forth by relevant instruments for human beings.

Specific to the implementation of the UN Declaration on the Right to Development among UN member states, the RBA serves as a technique in applying human rights standards as criteria in development and governance processes. The mainstreaming of the RBA in the application of the provisions of the UN Declaration contributes to successful realization of development as a harmonious confluence of socio-economic, political and cultural processes. The aim is to attain continuous and steady improvement in the life of individual residents, depending on the extent and level of their participation in development processes, as well as the just and equitable distribution of positive results and benefits.[1]

The Framework for the Application of RBA in Governance and Development

To ensure that RBA's application in governance and development will reap the intended benefits for the protection, promotion, and realization of human rights, the CHR formulated an appropriate framework for the actual use of this method. The suggested RBA framework is illustrated in Figure 3-1.

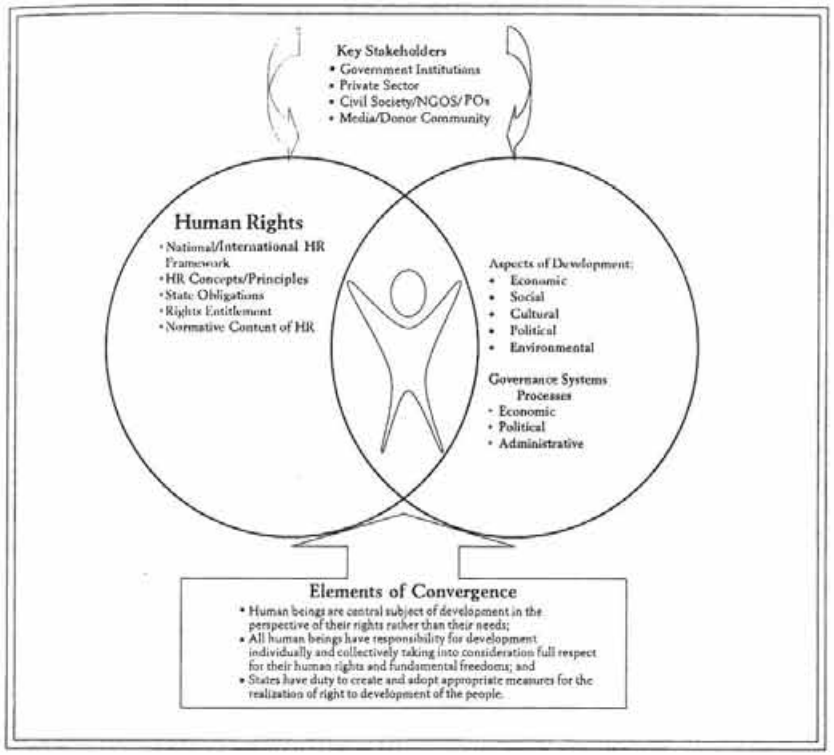
This RBA Framework has been formulated upon consultations with relevant public and civil society institutions under the GOP-UNDP Governance Portfolio.

Based on the illustration, the total convergence of the two spheres (i.e., human rights and development) should show full mainstreaming of human rights in governance and development processes and activities through the RBA. Total convergence means that human rights principles, concepts of rights entitlements and state obligations and normative content of every right are applied systematically and methodically to development and governance processes.

To facilitate convergence, agents of both spheres should be fully enlightened about the framework, principles, approaches and processes of human rights and development. Governance, which has the enabling and facilitating roles in achieving development, should serve as the entry point for convergence of human rights and development. It is through governance that key decision making is done, where the human rights framework should work as in the following governance activities.[2]

[1] Declaration on the Right to Development, UN
[2] Draft RTD Action Framework, Commission on Human Rights, December 2002

Figure 3-1 *RBA Framework in Development and Governance*



1. Economic Governance involves decision making processes that affect a country's economic activities and its relationship with other economies. It is focused on improving governance in all economic activities, including: (1) macroeconomic and microeconomic policy formulation; (2) legal institutions and regulatory bodies; and (3) corporate governance, institutional reform, and private sector development. It has major implications on equity, poverty and quality of life.
2. Political Governance is the process of decision making to formulate policy and legislation. It includes political processes, such as election administration, human rights, legal and judicial reform, and strengthening of non-governmental organizations and community groups.
3. Administrative Governance refers to the systems and processes of policy implementation in such areas as public sector restructuring, public-private sector partnerships in service delivery, privatization, outsourcing and contracting procedures, management information systems and decentralization of public services, and the process of budget preparation, execution and monitoring. Hence, a major key process under administrative governance is development planning and programming that is done at the national, multi-sectoral, agency, and local levels.

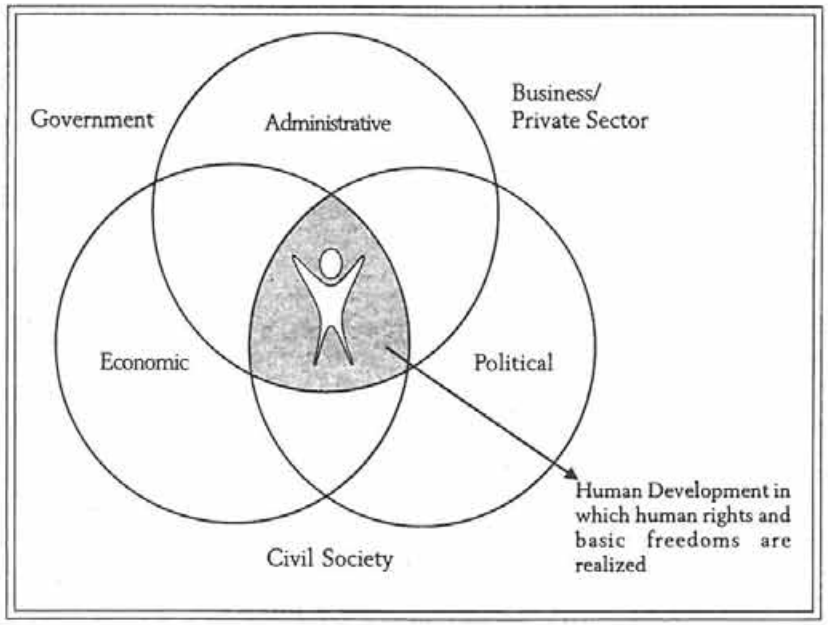
The matrix in Table 3-1 summarizes the different areas of work under each aspect of governance where mainstreaming of human rights could be enhanced to expand people's opportunities for human development.

Table 3-1 *Matrix of Governance Functions*

Economic Governance	Political Governance	Administrative Governance
Macro and Micro Economics Policy Making	Policy and Legislation	Public Sector Restructuring
Regulatory Functions of Legal and Regulatory Bodies	Electoral Administration	Public-Private Sector Partnership in Service Delivery
Institutional Reform and Private Sector Development	Political Processes	Decentralization of Public Services
Corporate Governance	Legal and Judicial Reform	Budget Preparation, Execution and Monitoring
	Strengthening of Non-Government Organizations	Privatization, Outsourcing, and Contracting
	Participation and Empowerment of Community Groups	Development Planning and Programming

Complementing each other, the three sectors of society—government, business/private sector, and civil society—could enhance economic, political and administrative governance and, thus, facilitate the convergence of human rights and development (Figure 3-2).

Figure 3-2 *Governance Facilitating the Convergence of Human Rights and Development*



The Essential Features of the RBA

To have a better appreciation of RBA, it is necessary to highlight its basic features. They are as follows:

1. It facilitates convergence of human rights and development, with the former providing the criteria and standards and the latter providing the processes.
2. It works through different areas and functions of governance, a critical entry point for RBA application in managing the comprehensive economic, social, political and cultural processes of development.
3. The convergence between human rights and development, which is facilitated through the RBA, provides the conceptual framework for the process of human development that places people at the center of sustainable development.
4. RBA integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.
5. RBA seeks to capacitate all stakeholders in governance to respect, promote, protect, and fulfill human rights.

Benefits of Using RBA in Governance and Development

Mainstreaming of RBA in governance and development provides users with the following benefits:

1. In general terms, RBA relates any or all governance functions, programs and projects with human rights in the economic, political and administrative spheres.
2. RBA translates in operational terms human rights principles, concepts, national and international standards and norms and their integration into the development plans, policies, programs and delivery processes of governance and development.
3. RBA programmatically applies national and international human rights standards and norms into governance, decision making, policy formulation and development, legislation, administrative issuances, development and fiscal planning, program, project and enterprise development.
4. RBA applies the concepts of state obligations, duty holders for both state and non-state key players, claim holders for people's rights entitlements and progressive realization of national and international human rights standards and norms in organizational/institutional planning, review, audit and problem and situation diagnosis, as well as similar activities.

How RBA is Applied in Governance and Development

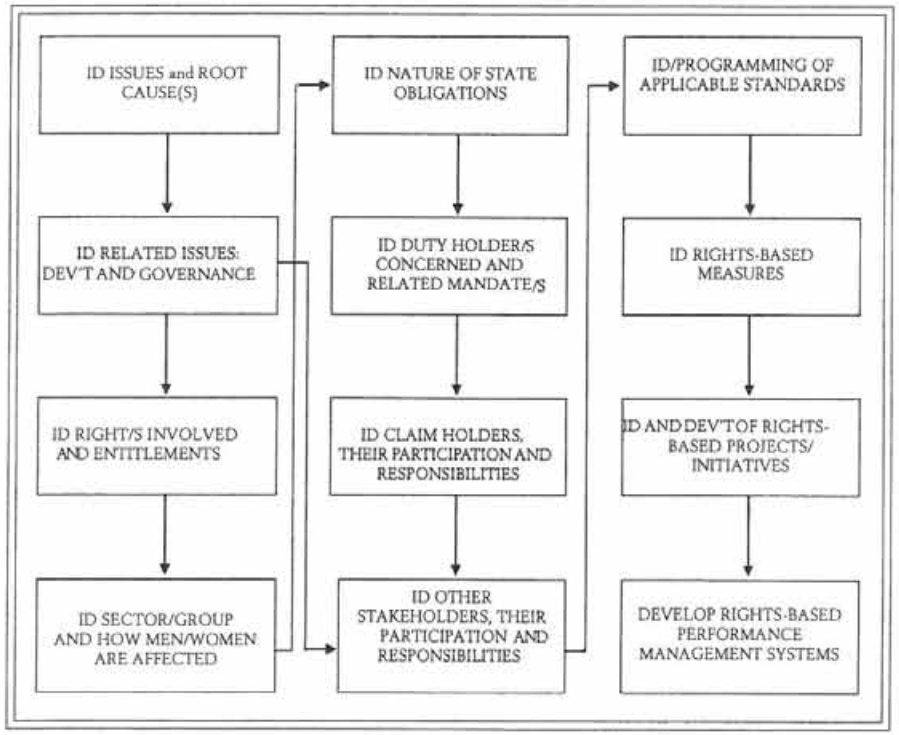
RBA may be applied in different aspects of governance and development through a process that involves the following steps:

1. Identification of issues and their root causes;
2. Identification of related issues in governance and development;
3. Identification of right/s involved and entitlements;
4. Identification of sector/s or group/s affected by the issues and determination of how the issues affect women and men;
5. Identification of the nature of state obligations;

6. Identification of duty holder/s concerned and their relevant mandate/s;
7. Identification of claim holders, their participation and responsibilities;
8. Identification of other stakeholders, their participation and responsibilities;
9. Identification and programming of relevant standards;
10. Identification of applicable rights-based measures or actions;
11. Identification and development of rights-based projects and initiatives needed; and
12. Development of necessary rights-based performance management systems.

The process flow may be graphically illustrated as shown in Figure 3-3.

Figure 3-3 *The RBA Application Process*



Details of the different steps involved in the process of applying RBA in governance and development are explained in Part III of this Manual.

Part II

The RBA Systems for Mainstreaming Human Rights

This Part consists of six chapters dealing with the RBA systems for mainstreaming human rights in the various governance domains.

Chapter 4 revisits the governing policies and explains the process to be followed in mainstreaming human rights indicators in the public sector.

Chapter 5 focuses on mainstreaming human rights in national, sub-national, sectoral, and agency planning levels. It discusses the process and the agencies involved.

In Chapter 6, the discussion and instructive guides are directed toward mainstreaming human rights in budgeting processes at the national level.

Mainstreaming human rights in local government planning and budgeting is the focus of Chapter 7. It elaborates on the applicable policies and the process involved.

Chapter 8 looks into the dynamics of applying RBA in legislation and policy analysis. It identifies the key players and the process involved in the drafting of new legislative measures, and the review of existing laws, policies and bills.

The final chapter (Chapter 9) details how to mainstream RBA in national action planning (NAP). It highlights the major components of the system to be used in the mainstreaming process, from the preparatory stage to the organization phase, from planning proper through the development and authorization phase.

4 Mainstreaming Human Rights Indicators in the Public Sector*

Policy Statements

Mainstreaming human rights indicators in the Public Sector will be guided by the following policies:

1. The production of the Compendium of Human Rights Indicators shall be under the oversight responsibility of the International Monitoring Office in collaboration with the Strategic Development and Planning Office of the CHR;
2. The Compendium shall require an inventory of existing human rights indicators and development of new ones, when applicable through data gathering and consultation processes with relevant agencies of government, as well as non-government organizations;
3. For mainstreaming of human rights indicators into the Public Sector, there shall be two levels of categorization of human rights indicators, as follows:
    - Categorization of indicators by right
        - Right to Life
        - Right of Self-Determination
        - Equal Right of Men and Women
        - Right not to be subjected to Torture or Cruel, Inhuman or Degrading Treatment
        - Freedom from Slavery or Slave Trade
        - Right to Liberty and Security of Person
        - Liberty of Movement and Freedom
        - Equality before the Courts and Tribunals
        - Right to Access to Justice
        - Freedom of Thought, Conscience and Religion
        - Right to hold Opinion without Interference
        - Equality and Non-Discrimination
        - Political Rights and Freedoms
        - Right to Social Security

*The discussion in this chapter was culled from "Annex 1: Mainstreaming Human Rights Indicators in the Public Resource Management Sectors," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:66-74.

- Right to Food
- Right to Work
- Right to Health
- Right to Housing
- Right to Education
- Right to Reparation

- Categorization of indicators by right under each cluster as may be determined by the National Economic and Development Authority (NEDA)
  - Economic Services
    a. Agriculture, Agrarian Reform and Natural Resources
    b. Trade and Industry
    c. Tourism
    d. Power and Energy
    e. Water Resources Development and Flood Control
    f. Communication, Roads and Other Transport
  - Social Services
    a. Education, Culture and Human Resource Development
    b. Health
    c. Social Security, Welfare and Employment
    d. Housing and Community Development
    e. Land Distribution
  - Defense
    a. Domestic Security
    b. Peace and Order
  - General Public Services
    a. General Administration
    b. Public Order and Safety
  - International Cooperation
  - Financial Services
  - Governance and Institution Development

4. The Compendium of Human Rights Indicators shall be a joint undertaking with the NEDA from the framework setting to the production of the compendium through the Inter-Agency Cluster/Committee handling the sector; and
5. The Compendium shall be the basis for the annual national benchmarking by the inter-agency clusters, which shall be inputted in the NEDA Planning Guidelines, through a CHR Advisory Council.

Description of the System

The production and development of the Compendium of Existing Human Rights Indicators and their mainstreaming into the Public Sector covers a whole range of processes from the mapping out of rights, identification and application of human rights indicators, up to their mainstreaming into the Public Sector through the NEDA Inter-Agency Clusters/Committees.

Objectives of the System

This RBA mainstreaming system has the following objectives:

1. To integrate human rights into the NEDA Planning Guidelines through a human rights indicators' system mainstreamed into the NEDA-Public Sector;
2. To produce a Compendium of Human Rights Indicators that will serve as basis for the conduct of a comprehensive baseline study to show the gaps between the level of observance of a particular right with that of its normative content under the relevant human rights instruments; and
3. To serve as a guide for benchmarking and programmatic application of the human rights standards over the short-term and medium-term development planning at national, sub-national, sectoral and agency levels.

Key Reform Areas

The key reform areas that are expected to take effect resulting from the use of the RBA design includes:

1. Significant convergence of human rights and development with the integration and use of the national and international framework, principles, concept of state obligations and rights entitlement, application of the normative content of every human right in the government's activities of development planning and budgeting and program development, policy analysis, legislation, operations planning at the area level, and different areas of governance activities;
2. National and local compliance of the Philippine Government with its state obligation on the implementation of human rights standards in development policies, fiscal plans, national, sub-national, sectoral and agency plans and programs, services delivery and the like;
3. Programmatic application of human rights standards in the planning and implementation of programs and services of government for progressive realization of the human rights normative content contained in international human rights instruments;
4. Strengthened capacities of government and civil society in respecting, promoting, protecting and fulfilling human rights; and
5. Expanded and guaranteed options for the poor and vulnerable sectors of society for greater opportunities to participate in, contribute to, and benefit from development based on a rights perspective.

Application of the System

The mainstreaming of human rights indicators into the Public Sector will take effect upon mutual agreement between the CHR and the NEDA and will commence during the preparatory phase of the annual development planning or updating process.

Phases of the System

The system for mainstreaming human rights indicators into the Public Sector will have the following phases:

1. **Preparatory Phase** – The process entails the forging of an agreement between the NEDA and the CHR to collaborate on the mainstreaming of human rights indicators into the Public Sector Framework setting. Thereafter, CHR will conduct an orientation on the framework for NEDA for the purpose of coming up with collaborative understanding and agreement for its development and application.

2. **Development Phase** – This will require an inventory of all the existing human rights indicators based on the human development index, studies and researches and documents of government agencies and those of non-government organizations. The process will engage the support and participation of all government and non-government organizations participating in the formulation of the Medium Term Philippine Development Plan (MTPDP). Workshops and study groups will be organized during this phase, which will involve the examination of various international human rights instruments, identification of normative content of every right as stipulated in the instruments, and the gathering of existing human rights indicators from human development index, development reports and human rights studies and researches of both local and international organizations. Where there are gaps identified, the agencies and sectors concerned will together engage in the formulation and development of a comprehensive list of human rights indicators to be developed and packaged into a Compendium.

3. **Validation Phase** – The Compendium of Human Rights Indicators to be presented by right and by sector corresponding to the NEDA categorizations will be validated in a series of public fora and focused group discussions (FGDs) involving key strategic offices of government and non-government organizations. Validation will be done at the top management and technical levels of organizations concerned. The purpose of this process is to institute acceptance of the Compendium, as well as its popularization, for eventual application of organizations concerned both in the MTPDP and all other development planning, management and evaluation activities of the entire government machinery.

4. **Application Phase** – This constitutes the use of the indicators for planning purposes. To institute its consistent and uniform use, the CHR and the NEDA will issue a joint advisory with implementing guidelines for the use of the Compendium. As envisioned, the Compendium will be used to establish baseline data and benchmarking over a specified period during which the normative content of every right could be realized progressively in various development plans, programs and projects. The joint circular will form part of the planning and budgeting guidelines that the NEDA and the Department of Budget and Management (DBM) issue every year for medium- term and annual planning. In addition, the CHR will undertake an independent monitoring and evaluation scheme.

The workflow charts that follow (Figures 4.1, 4.2, 4.3 and 4.4) contain the processes, inputs, outputs and the offices and parties involved in the various phases of the human rights mainstreaming process in the public sector.

Figure 4-1. *Mainstreaming Human Rights Indicators into the Public Resource Sectors*
Sub Process 1: Preparatory Phase

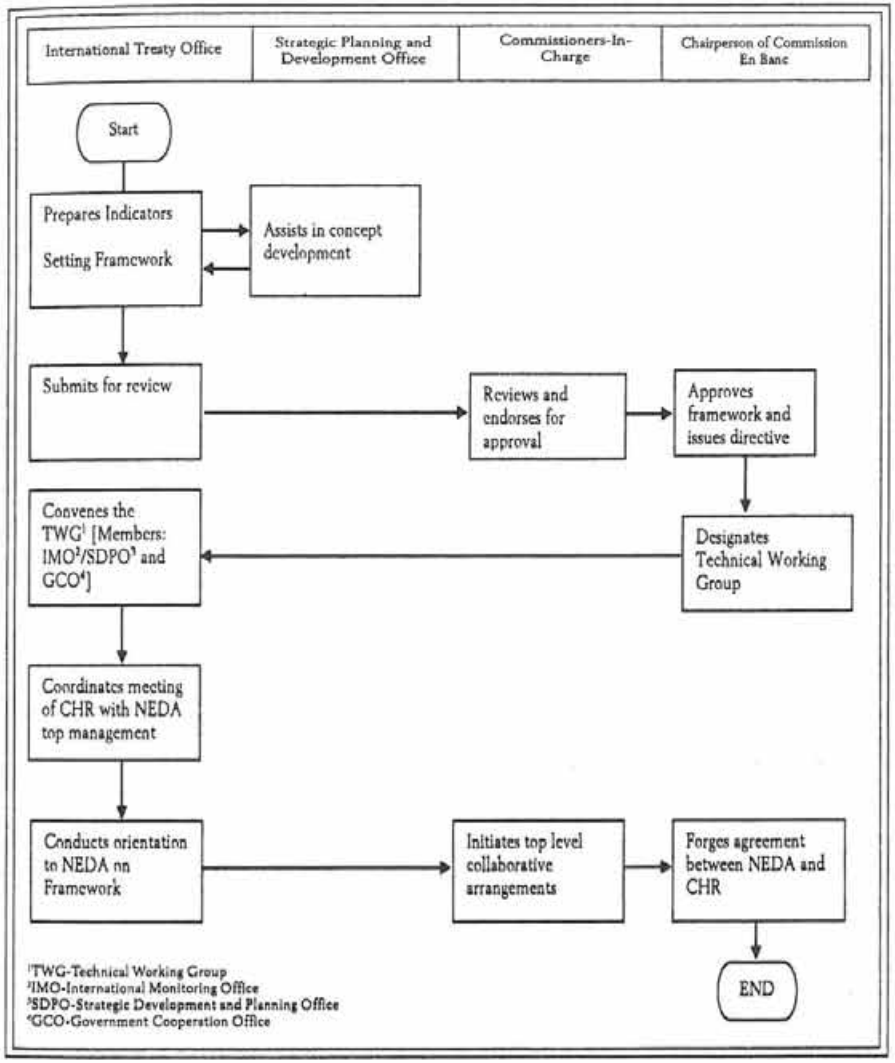


Figure 4-2. *Mainstreaming Human Rights Indicators into the Public Resource Sectors*
Sub Process 2: Development Phase

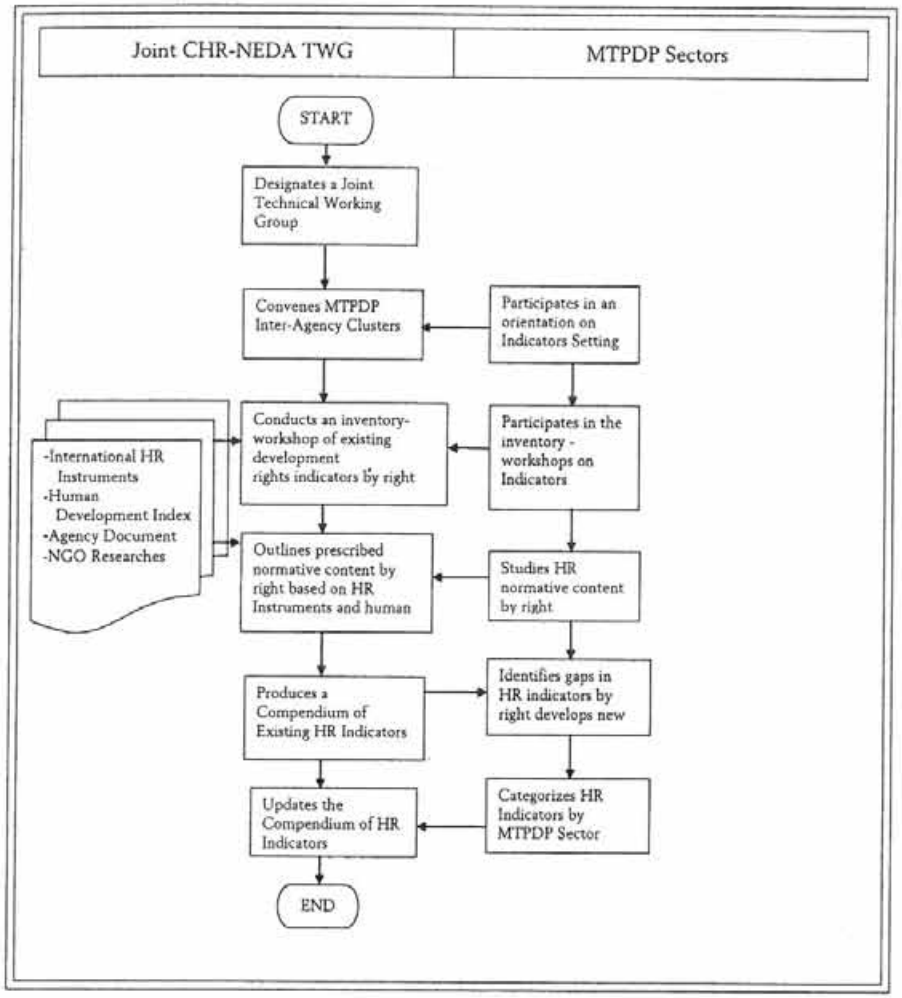


Figure 4-3 *Mainstreaming Human Rights Indicators into the Public Sector*
Sub-Process 3: Validation Phase

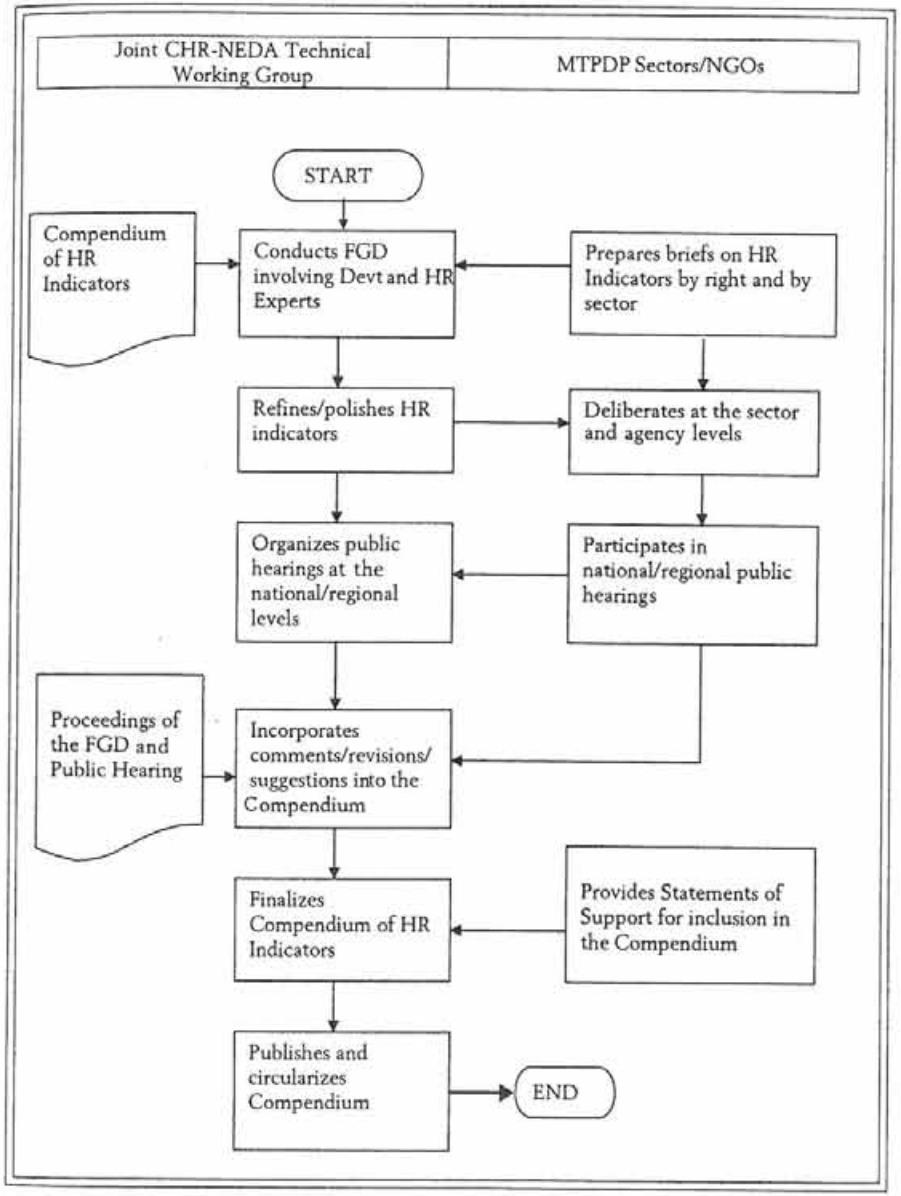
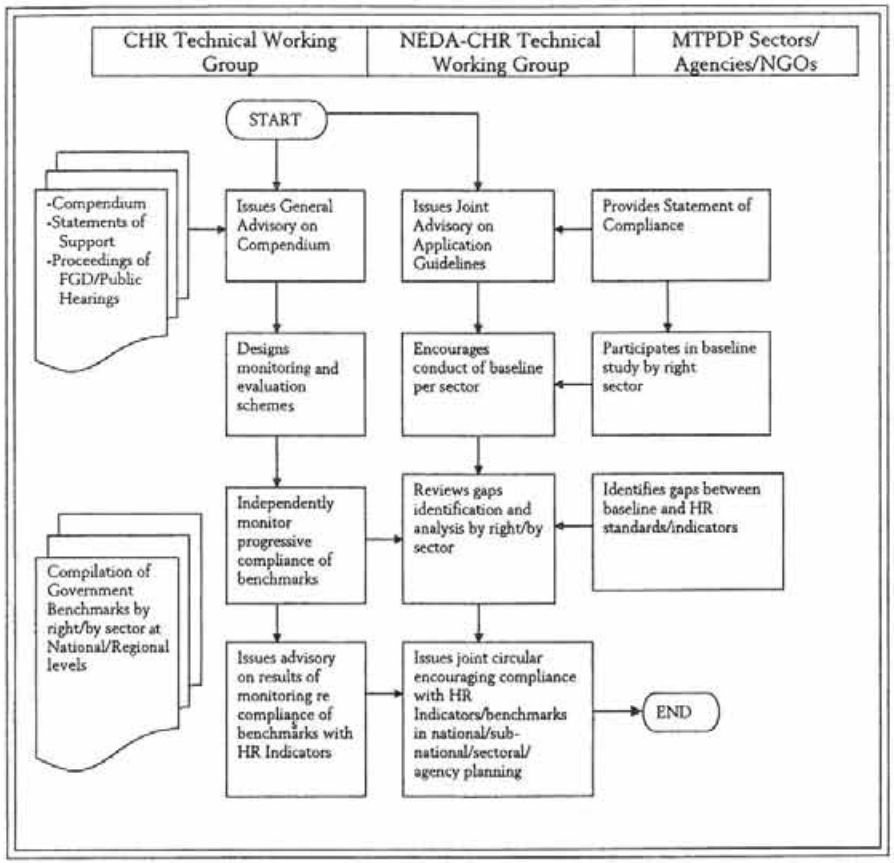


Figure 4-4 *Mainstreaming Human Rights Indicators into the Public Sector*
Sub-Process 4: Application Phase



5 Mainstreaming Human Rights in National, Sub-National, Sectoral and Agency Planning*

Introduction

This chapter focuses on the translation of a rights-based approach to development planning at the national, sub-national, sectoral and agency levels. With or without a Compendium of Human Rights Indicators, the design under this section proposes the practical processes where critical elements of human rights principles, approaches and tools may be used at every aspect of the development planning process.

This follows the general principle espoused under the UN Declaration on the Right to Development that development processes should be able to expand options and opportunities for people to realize human rights and freedoms. It focuses on the human person as the central subject of development, active participant and beneficiary of development. Individually and collectively, people's participation should therefore be encouraged, empowered and ensured in all spheres of activities as a necessary element of the development process.

The system involves mainstreaming human rights in development at the national, sub-national, regional, sectoral and agency levels. The intention is to weave together human rights and development through a process involving key facilitators and participants of development.

Policy Statements

Consistent with the role of the CHR as a national human rights institution under the Paris Principles, the CHR shall continually assist and advise government on the application and/or observance of human rights commitments and standards in development planning.

The CHR shall explore every possible approach and opportunity to work closely with the National Economic and Development Authority (NEDA) as the oversight agency in development planning in order to mainstream human rights at various levels of development planning, including its inter-agency planning mechanisms.

The CHR shall continually advocate for the programmatic application of human rights standards for the progressive realization of economic, social and cultural rights of the constituencies, using as basis the Compendium of Human Rights Indicators or such other existing indicators that are consistent with the prescribed human rights standards per categorization of human rights.

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*The discussion in this chapter was culled from "Annex 2: Mainstreaming Human Rights in National, Sub-National, Sectoral and Agency Planning Levels," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003: 75-92.

The CHR shall provide technical assistance to the NEDA and its inter-agency planning committees in translating human rights standards and indicators into development planning activities at national, sub-national, sectoral and agency levels, upon formal arrangements or request.

Description of the System

The Rights-Based Approach for capacitating the various government institutions and mechanisms uses human rights principles, national and international framework, state obligations and rights entitlement at every stage of the development planning process in the country. The system provides a framework for using human rights as criteria, standards and tools for development planning.

Objectives of the System

The system seeks to accomplish the following objectives:

1. To establish the parameters and the processes for mainstreaming human rights in development planning;
2. To define and delineate the roles and participation of the various stakeholders in the mainstreaming of human rights in the development planning process; and
3. To design the RBA tools to be used in the mainstreaming processes at the national, sub-national, sectoral and agency levels.

Key Reform Areas of the System

The system shall effect the following key reform areas along development planning:

1. The government machinery, especially the executive agencies, will be capacitated in undertaking development planning in the context of human rights standards and not only on perceived development needs. Standards for human life and dignity will be applied under each of the development sectors. The progressive and programmatic application of human rights standards will be factored in as the core objective of the development sectors.
2. Human rights, both as criteria and standards, will be woven into government's development planning processes, particularly in the areas of situation assessment, objective setting, strategy formulation and prioritization of programs and projects. To translate this, RBA tools have been designed for practical use of the RBA in development planning. These tools and the instruments on their use are discussed from Chapters 9 to 15 of this Manual.
3. The human rights principle of accountability in the government will be enhanced through the identification and analysis of state obligations under the relevant international human rights instruments and correspondingly applied according to their nature and levels under each development sector.
4. People, being at the core of all development efforts, will be recognized not only as participant and object of development, but, human beings with inalienable right to development, by virtue of which, are entitled to participate in, contribute to, and enjoy economic, social and political developments.

5. Development sectors (e.g., agriculture and agrarian reform, social services, trade and industry, macro-economy and public finance, infrastructure, international cooperation, governance and institution development, etc.) will be oriented to making situation assessment on a rights perspective with consideration of rights involved and the groups that should be factored in and should have participation in the development sectors, the applicable standards or normative content for every right involved, and the nature and levels of state obligations relative to each development sector.
6. In addition, the formulation of policy and strategy for each development sector will be oriented to combined rights and obligations mapping that should show the mix of priorities and thrusts for development planning.

Application of the System

This system for mainstreaming human rights into the development planning process shall take effect during the preparation of the Medium-Term Philippine Development Plan and in the annual updating of the Plan.

Sub-Processes of the System

This mainstreaming of human rights in development planning consists of activities and processes the CHR should be able to install jointly with the NEDA in the formulation and updating of the MTPDP, as the oversight agency on human rights under the Governance and Institution Development Sector. This oversight concern cuts across all the other MTPDP sectors as developments in these sectors could only come about through the corresponding governance processes that should be employed to facilitate developments in the sectors. The activities and processes described hereunder constitute the system.

Sub-Process 1: CHR-NEDA RBA Framework Setting

The CHR initiates the framework setting. The Strategic Development and Planning Office (SDPO) reviews the human development report, the CHR Institutional Review, and the revised version of the Medium Term Philippine Development Plan. Included in the Framework to be developed by the SDPO are the objectives, focus and priorities and institutional arrangements between the CHR and the NEDA for the mainstreaming of human rights in the MTPDP. The Framework is basically a policy action of the CHR as regards pressing human rights concerns and commitments that have to be considered in development planning. The Framework should attempt to link human rights with the revised MTPDP sectors to include the following:

1. Macro economic stability with equitable growth based on free enterprise
   - Ensuring sustained growth with equity and macroeconomic stability
   - Promoting full decent and productive employment
   - Enhancing competitiveness of industry and services
   - Building on the country's strengths in information and communication technology
   - Accelerating infrastructure development

- Putting the Philippines in the International Tourism Map

2. Agricultural and fisheries modernization with social equity
   - Modernizing agriculture and fisheries
   - Advancing social equity through agrarian reform
   - Promoting sustainable management and use of natural resources
3. Comprehensive human development and protecting the vulnerable
   - Investing in education and training
   - Enhancing health care
   - Expanding access to shelter
   - Protecting vulnerable groups
   - Pursuing balanced regional development
   - Securing peace and development in Mindanao
4. Good governance and the rule of law
   - Winning the battle against poverty through good governance
   - Peace and order, law enforcement and administration of justice
   - Harnessing good governance through international collective action

Sub- Process 2: CHR-NEDA Institutional Tie-Up

This is one key institutional arrangement that concretizes the recognition by government of the people's inalienable right to development. The partnership is between CHR as an oversight advisor, monitor and advocate of human rights standards, and the NEDA as the central agency for development planning in the country. The partnership is intended to bring about integration of the principles, standards and practices, and tools of human rights into the plans, policies and processes of development at the national, sub-national, sectoral and agency levels. In the setting up of the partnership, the CHR should operationalize its redefined role in relation to government as recommended under the Institutional Review conducted in 2002. These redefined roles cover the following:

1. External advisor and prescriber of applicable standards of human rights protection and promotion as embodied in international human rights treaties to which the Philippine Government is a signatory;
2. Independent monitor, evaluator and advocate in relation to human rights laws, policies, programs and performance;
3. Capacity builder in transforming government institutions into human rights and gender sensitive bodies; and
4. Prescriber of approaches for ensuring the human rights content of legislation, policies and development programs.

On the whole, under the partnership, the CHR should work out a rights-based approach to development planning, specifically in the MTPDP. The constituent elements of the approach are as follows:

1. The human person is the central subject of development on the perspective of his/her rights and not needs;
2. All human persons have responsibility for development individually and collectively taking into consideration full respect for their human rights and fundamental freedoms;
3. States have the right and duty to adopt appropriate measures for the realization of the right to development of the people; and
4. Development has expressed linkages to rights in enhancing accountability, empowerment, participation, non-discrimination and attention to vulnerable groups.

On its part, NEDA, as the lead facilitator of development planning, considers the integration of human rights under the various processes at the national, sub-national, sectoral and agency levels. Therefore, under the partnership, the NEDA seeks further cooperation with the development or MTPDP sectors on the operationalization of a rights-based approach into their development processes.

Hence, prior to the forging of this arrangement, the CHR shall ensure the formulation of a clear RBA framework in development planning, which its SDPO develops and packages as the basis of the CHR's partnership with the NEDA. With the CHR initiating the building of such partnership, the Commission *En Banc*, organized a technical working committee composed of the SDPO and other relevant offices, such as the International Monitoring Office (IMO) and the Government Cooperation Office (GCO). This group provides the staff work for the identification of areas of cooperation with the NEDA through the Office of the Secretary General or its designated office or staff.

Further, the SDPO, in collaboration with the IMO and the GCO, shall further develop the RBA framework and tools for inclusion in the NEDA Planning Circular, through the issuance of a CHR Advisory on RBA framework and tools. These framework and tools are to be developed by the SDPO in the context of the National Development Framework, General Statement of Policies and Thrusts and Strategies contained in the NEDA Planning Circular. Thus, prior to its issuance, the CHR shall seek from the NEDA a copy of the circular, which the SDPO-CHR shall review for integration of human rights criteria, standards and RBA tools. Principally, the SDPO-CHR should look into the human rights content of the development framework, thrusts and strategies and shall enhance them with a practical guide on the operationalization and integration of human rights principles, rights-based situation assessment, application of normative content and use of RBA tools in every development planning stage. Standard RBA tools are provided under this system for adaptation and accomplishment of the SDPO in collaboration with IMO and GCO.

Sub-Process 3: Orientation of the Development/MTPDP Sectors on RBA Framework and Tools

The CHR-NEDA partnership shall conduct an orientation on the RBA for the different development sectors or inter-agency clusters. The orientation shall cover discussions on the constituent elements of the RBA in development. A dry run of the RBA will be administered under each of the MTPDP sectors as may be determined by the NEDA.

Sub-Process 4: RBA Application in MTPDP Sectoral Plans

The Joint CHR–NEDA technical working group shall assist the different inter-agency clusters representing the MTPDP sectors in the application of the RBA tools. Depending on the level of preparedness of the MTPDP sectors, the CHR technical working group shall make itself available for advise on the use of the RBA tools. As a general guide, the tools provided in this Manual should be able to help in devising the final tools that the group may decide to apply.

Sub-Process 5: Development and Authorization of Review Guidelines

The SDPO shall draw up the framework and the indicators for the review of national/sector plans using the RBA tools. Likewise, Operating Guidelines shall be formulated indicating the criteria, standards and procedures for the conduct of the review. The same shall be submitted for approval by the Commission *en banc*.

Sub- Process 6: Production of an Independent Review Report

Upon approval of the Review Guidelines, an Independent Review Report shall be made on the national/sector plans. As part of its developmental functions, the SDPO shall conduct this review in order to determine the extent to which the different inter-agency clusters have applied the RBA criteria, standards and tools in their development planning. The Independent Report should be both quantitative and qualitative in substance.

Sub-Process 7: RDC Orientation and Setting of Tie-Ups

With a directive coming from NEDA central office, enhanced by an Advisory coming from the CHR, the Regional Development Councils (RDCs) shall receive an orientation from the CHR regional office. As an offshoot of this orientation, a tie-up for the preparation of a Rights-Based Regional Development Plan shall be forged between the CHR and the RDC. CHR Regional offices in the regions shall provide advisory assistance in the use and application of the RBA criteria, standards and tools in the production of the plan.

Sub-Process 8: Independent Review of the Regional Development Plan

The CHR regional offices shall conduct an independent review of the Regional Development Plans using the RBA Review Guidelines authorized by the Commission *en banc*.

The workflow chart presented in Figure 5-1 shows the different processes, inputs, outputs and the parties and offices responsible for running the system.

Figure 5-1 *Mainstreaming Human Rights in National/Sub-National/Sectoral and Agency Planning*

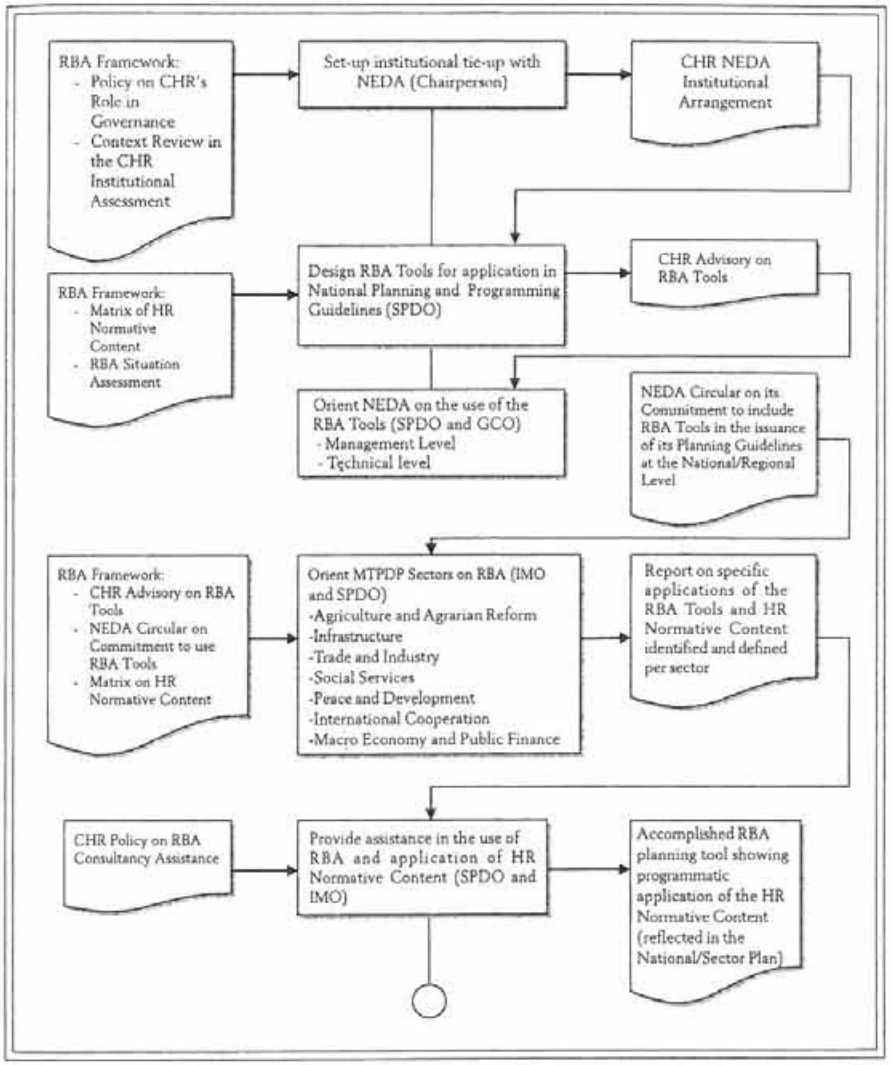
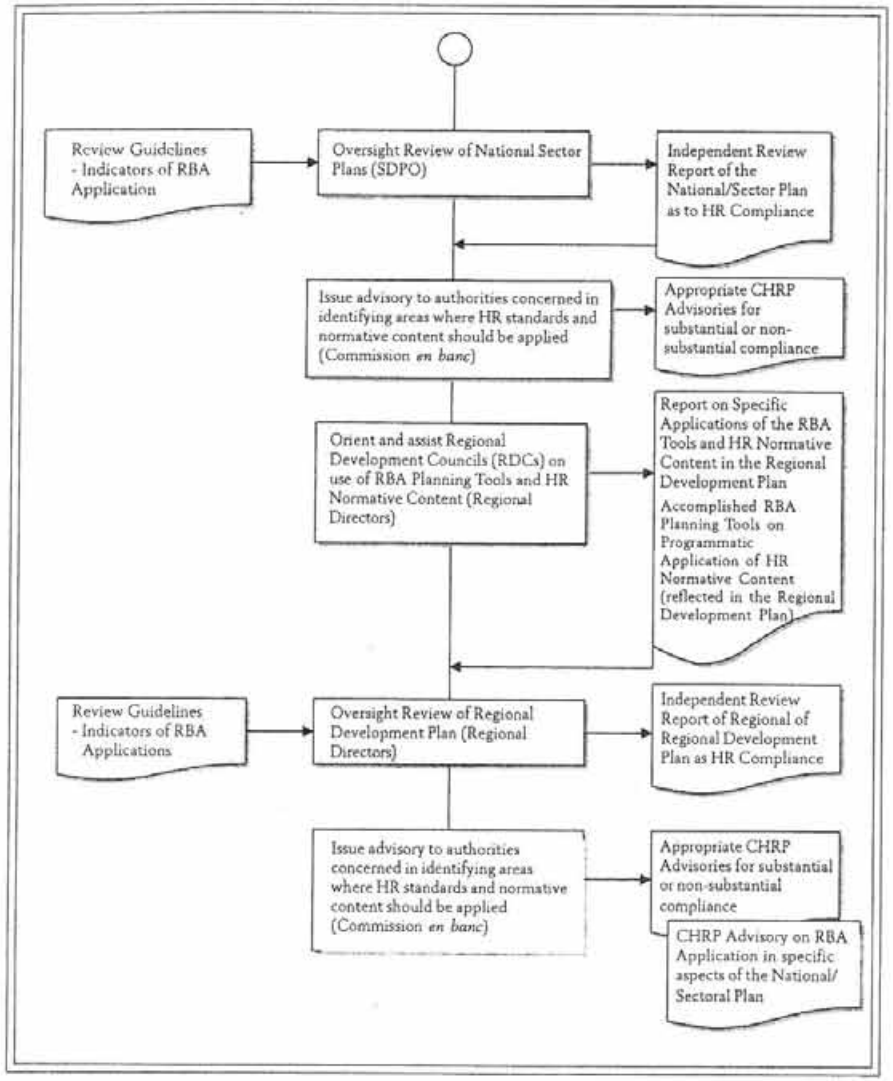


Figure 5-1. *Mainstreaming Human Rights in National/Sub-National/Sectoral*



6 Mainstreaming RBA in the Budgeting Process at the National Level*

Introduction

The mainstreaming of human rights in the budgeting process at the national level is a reform approach to effect changes in administrative governance of key agencies of government, particularly in the allocation of resources.

A rights-based budget planning, formulation and review will enhance the implementation of the government's international obligations and commitments on human rights and, thus, strengthen accountability of government in terms of prioritization of programs and projects for budgeting purposes.

Key to this reform approach are the Department of Budget and Management (DBM), as the principal agency with the function of drawing up the annual budget of the government and the Commission on Human Rights, as the national human rights institution constitutionally mandated for oversight respect, promotion, protection, and fulfillment of human rights.

Policies

Consistent with its role to advise and assist in the implementation of international human rights standards, the CHR adopts as a policy to explore other measures to have these standards applied by government through modifications in fiscal or monetary policy and adjustments in priorities involving development programs and social services.

In light of this policy, the CHR through its advisory function could and should ensure that the government is fully aware of the scope and extent of the state's human rights obligations in the context of the budgeting processes of government.

The CHR's main advisory to government, particularly to the Department of Budget and Management, is to incorporate into its National Budget Call, the human rights commitments of government. Such advisory on human rights commitments could or should be connected with the Human Development Report showing the level of people's access to and deprivation of their rights to education, housing, food, health and other services.

The CHR shall explore all possible mechanisms to ensure the application of the normative content of every right into the budgeting process of the government, especially in the agency budget planning and budget deliberation and authorization processes involving the DBM and the Congress of the Philippines.

*The discussion in this chapter was culled from "Annex 3: Mainstreaming Human Rights in Budgeting Processes at the National Level," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:93-107.

Description of the System

The system for mainstreaming human rights into the national budgeting process covers the following sub-processes: Formulation of a CHR Advisory on Human Development and Human Rights Issues and their Budget Implications; Rationalization of the CHR Advisory in the National Budget Call; Orientation on CHR Advisory; Technical Assistance on Application of the Normative Content of Human Rights; CHR Monitoring of the DBM Technical Budget Hearings; Formulation of Review Guidelines for the Mainstreaming of Human Rights in the Budget Process; CHR Participation in Congressional Committee Hearings; and Conduct of Public Forum on Independent Review Report.

Objectives of the System

The system for mainstreaming human rights in the national budgeting system seeks to attain the following:

1. To draw the attention and commitment of the entire government machinery on human rights protection and promotion through the national budgeting system from the issuance of the National Budget Call to the passage of the budget by Congress;
2. To establish the link between human development concerns and their underlying human rights issues and international human rights obligations through the application of the normative content of every right in the agency budget planning process, DBM's technical budget hearings and Congressional budget hearings; and
3. To progressively program the application of the normative content of every right in the resource planning and allocation processes of DBM.

Key Reform Areas of the System

The system for mainstreaming human rights in the national budgeting system is designed to effect significant differences or changes in the following:

1. Allocation of fiscal resources of government will somehow improve in terms of being responsive to human development and human rights concerns and balanced or weighed in relation with the proportion of the government's budgetary resources that go to debt servicing;
2. Fiscal planning and allocation will be sensitive to the international human rights commitments of government as enunciated in the various human rights instruments and that key fiscal players would be open to implementing these commitments progressively through the fiscal management processes;
3. Human development concerns, like housing, education, health, employment, social services, and the like, will be given fiscal considerations in accordance with the progressive application of the normative content prescribed for these rights; and
4. The entire fiscal planning and execution processes will be generally sensitive to human rights criteria, standards and operating tools.

Application of the System

The system will be applied every year upon issuance of the National Budget Call by the DBM. However, some preparatory work will have to be done before the fiscal planning processes commence.

Sub-Processes of the System

As earlier defined, the system consists of the following sub-processes:

1. Linking of Human Development Issues with Human Rights and its Budgetary Implication

   The process of linking these two concerns starts with the formulation of a framework, which should result from an in-depth analysis of the human development condition contained in the Institutional Review Report of the CHR. The latest human development report indicates that the general condition and plight of the Filipino people has not significantly changed and has even deteriorated in some human development indicators. Therefore, the framework that has to be developed should contain the position of the CHR as to the most pressing human rights issues and concerns arising from the human development report.

   Priority sectoral concerns should come out in terms of specific rights of the people needing much attention, both in the urban and the rural areas. For instance, the level of enjoyment of these specific rights could be gauged by a situation mapping that could be done based on the human development report. Again, the use of RBA tools on problem analysis and situation mapping would be useful in drawing up the framework on the pressing human rights issues and commitments that should be given fiscal priority. The RBA Situation Mapping Tool, which includes problem analysis, is discussed on Chapter 10 of this Manual.

2. Rationalization of the CHR Advisory into the National Budget Call

   The framework should now serve as the basis for the issuance of a CHR Advisory to the national government. Preferably, the CHR Advisory should be given to both the DBM and the Office of the President. It would have more clout if the President acts on the Advisory of the CHR through an endorsement of the human rights commitments for priority fiscal consideration. Also, it would be best that the different agencies are given the CHR Advisory for their advance information, which they could consider in their respective agency planning and budgeting exercises.

   To generate greater political will from government, the same advisory could be discussed with DBM alone or through the Development Budget Coordinating Committee chaired by the DBM. Whichever tract is possible, the Advisory should finally be rationalized and integrated into the National Budget Call issued by the DBM every fiscal year. Further rationalization and monitoring of the observance of the CHR Advisory by the DBM in the entire budgeting process should be made possible through a CHR-DBM tie-up.

3. Orientation on the CHR Advisory

   Major preparatory and liaison work should be done to ensure the success of the orientation on the Advisory. The CHR and the DBM should be able to come up

with a workable arrangement for the integration of the orientation activity during the convening of the different government agencies for the National Budget Call. Foremost, the DBM budget specialists and manager should conduct orientation and RBA sensitization for budgeting purposes. It is best that the DBM should have a separate one- or two-day orientation on the RBA for a better appreciation of the CHR Advisory. The same could be initiated under the governance portfolio of the GOP-UNDP Country Cooperation Agreement.

4. Technical Assistance on Application of Human Rights Normative Content

   As part of the CHR's oversight function on human rights and its tasks of advising and assisting the government on the implementation of international human rights instruments, it could provide technical assistance in interpreting the standards and application of specific rights covered by the mandates of the different agencies. To facilitate this form of assistance, the CHR could package an RBA Leaflet for Government Budgeting illustrating the various application procedures of the prescribed RBA tools and processes.

   Also as part of CHR's human rights capacity building concerns for government, it may schedule series of short sessions or courses on the HR Normative Content designed for planning officers of the different government agencies. The emphasis of the CHR's technical assistance should not only be the application of the normative content but also the application of the concept of progressive realization of such normative content in the medium- and short-term planning and budgeting processes of the agencies.

5. CHR Monitoring of the Human Rights Content of the Budget

   Under prior arrangement with the DBM, the CHR may ask for an observer's seat in the DBM Technical Budget Hearing. As clearly stated, the participation of the CHR is that of an observer. It is best that the CHR, after each agency budget is deliberated upon, makes some observations on the efforts done by particular agencies to apply the normative content and the programmatic application of such content over a specified period to include the commitments for the current year.

   The other approach that can be worked out with DBM is to design an HR compliance sheet, which the agencies could submit together with their respective agency plans and budgets. The one-page HR Compliance Sheet could contain a checklist of indicators along human rights criteria, standards and processes observed by the agencies.

6. Oversight Review of the Government Budget

   From the observation reports gathered during the budget deliberations and documents on the highlights of the agency budgets, the CHR could produce a review report subject to the CHR-approved framework and guidelines. The review report should contain the sensitivity of the budget to established criteria, standards and processes of human rights.

   The human rights sensitivity of the government budget could be determined on the basis of the framework set earlier by the CHR linking human development issues and human rights, the prioritization done based on pressing human rights commitments contained in the CHR Advisory and the particular bias on the

outcome of the fiscal prioritization done on the various public and social services and programs that would facilitate enhancement of level of enjoyment of specific rights contained in the CHR Advisory.

7. CHR's participation in the Congressional Budget Hearing at the Committee Level

   Like what it did with the DBM, the CHR could seek an observer's seat at the Congressional budget hearing at the committee level. Prior to this, the CHR could issue an advisory to Congress on the results of its review of the Government budget on the basis of human rights criteria, standards, commitments and processes. During the budget hearing, the CHR may give an observer's comments as part of its compliance monitoring function relative to the implementation of human rights instruments. Again, this could be possible with prior establishment of groundwork and rapport building with the appropriate committees or through the Committee on Human Rights of both chambers of Congress.

8. Development and Issuance of an Independent Review Report on the Government Budget

   The issuance of an independent review report should highlight the strengths and weaknesses of the government budget following human rights criteria, standards, commitments and processes. A public forum with the participation of representatives from the general public, civil society organizations, and government should serve as venue for raising people's awareness, consciousness and participation in the observance and monitoring of the state's observance and compliance with human rights standards and provisions of the international human rights instruments.

The workflow chart shown in Figure 6-1 demonstrates the processes involved in running the system to cover the inputs, outputs and the offices or parties involved.

Figure 6-1 *Mainstreaming Human Rights in Budgeting Processes at the National Level*

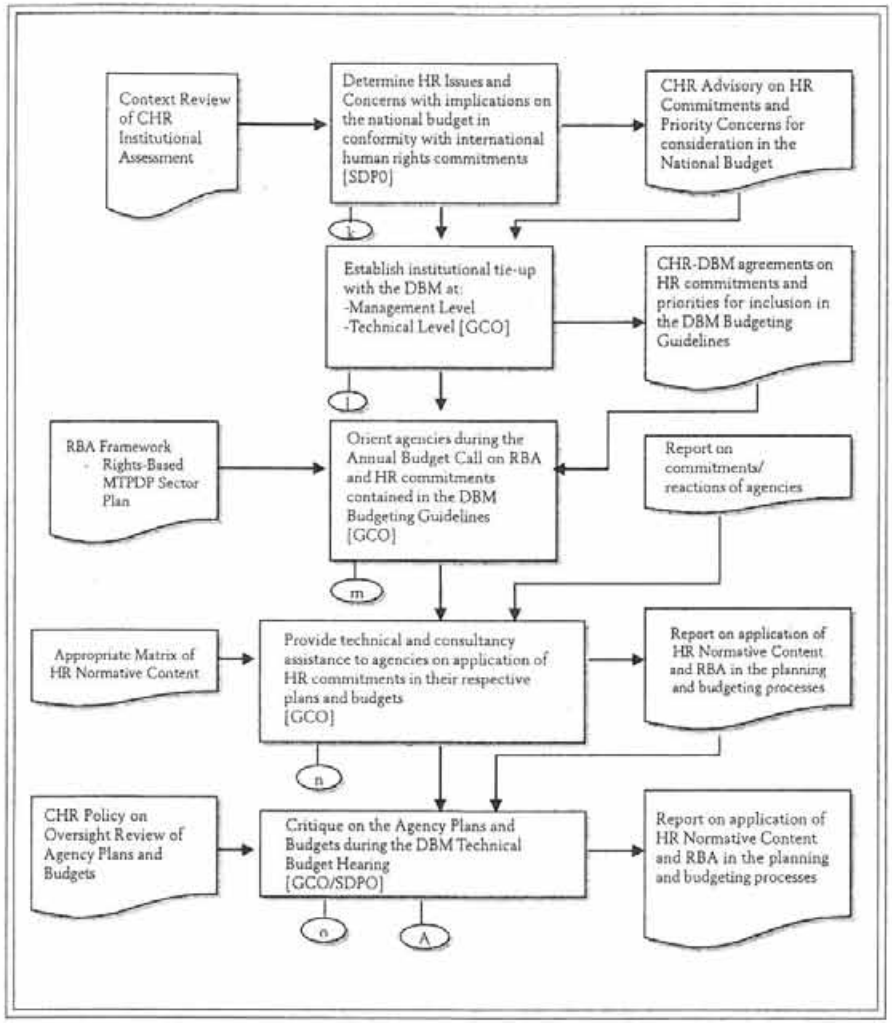
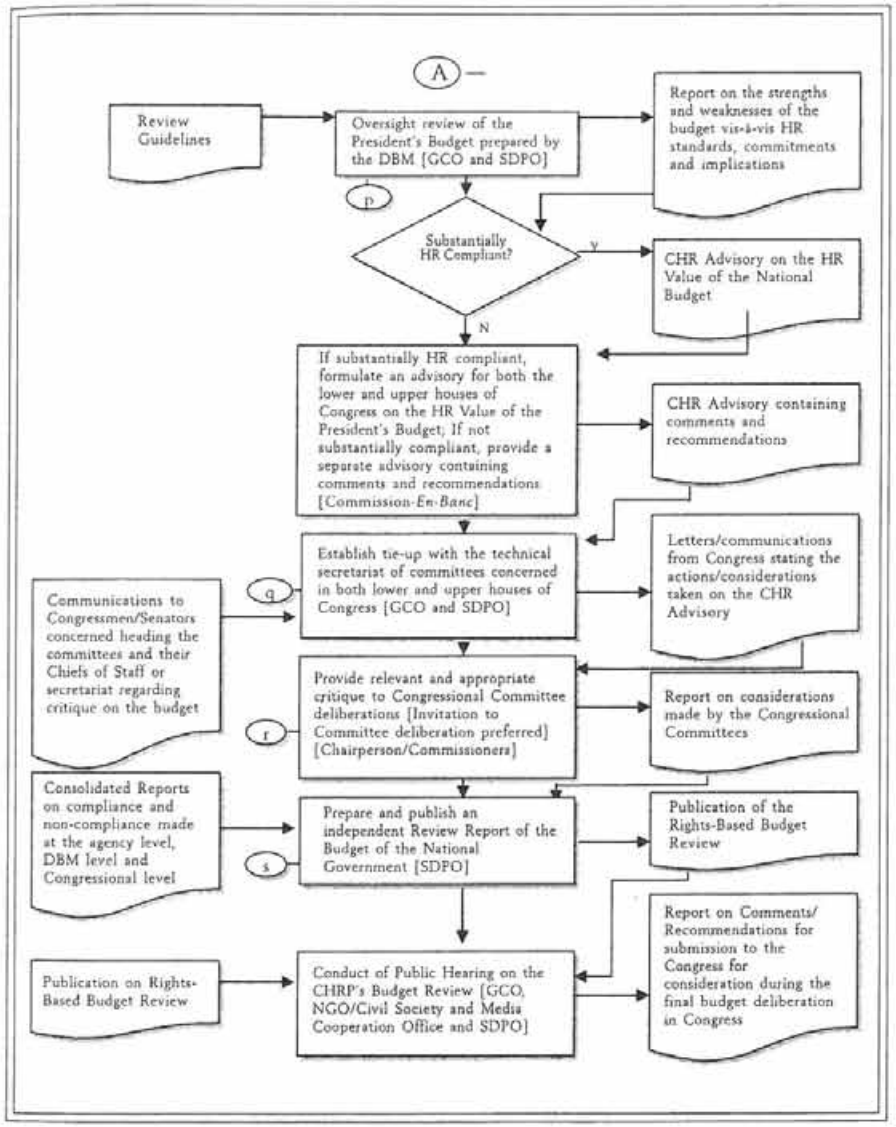


Figure 6-1. *Mainstreaming Human Rights in Budgeting Processes at the National Level (cont'd.)*



7 Mainstreaming Human Rights in LGU Planning and Budgeting*

Introduction

Under Republic Act No. 7160 or the Local Government Code of 1991, the government has provided for a more responsive and accountable local government structure through a system of decentralization and local autonomy whereby local government units (LGUs) exercise more powers, authority and responsibilities.

The LGUs serve as the front line operating mechanism of the government that should meet and service the requirements of their respective constituents. Attendant to their responsibilities over their constituents are concomitant tasks of ensuring viability of local autonomy for sustainable delivery of basic services and the development of community life in their respective areas of jurisdiction through the expansion of local community participation in the development process.

The functional jurisdiction of the LGUs covers economic, political and administrative governance. The LGUs serve as both administrators and economic managers of their respective local communities.

After over a decade of the implementation of the Local Government Code, poverty persists with higher incidence levels in the countryside where the LGUs operate. Poverty is an alarming condition indicative of a significant level of deprivation of the people to the enjoyment of their rights, especially in relation to their human development needs, such as housing, food, education, health, work or employment, and other basic services.

To the credit of LGUs, they have served as relatively effective partners of the Commission on Human Rights in the promotion, protection, and fulfillment of human rights.

Policy Statements

Through its various field offices, the CHR will explore every possible opportunity to extend its advisory and assistance services on human rights to the LGUs.

Central to CHR's advisory and assistance services to the LGUs is the application of human rights criteria, standards and practices to facilitate the implementation of international instruments. The CHR considers local planning and budgeting as a strategic entry point for its advisory assistance in the implementation of human rights criteria, standards and practices.

*The discussion in this chapter was culled from "Annex 4: Mainstreaming Human Rights in LGU Planning and Budgeting/Area Planning," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:108-118.

The CHR recognizes that the first step towards full implementation of human rights standards involves local measures, such as alterations in the local priorities and practices regarding the provision of services and modifications in fiscal and resource allocation.

The CHR will encourage LGUs to undertake rights-based local planning and budgeting through the institutionalization of tie-ups with the LGUs.

Description of the System

The system for mainstreaming human rights in local planning and budgeting covers (a) the formulation of a mainstreaming framework; (b) the setting up of a tie-up between the CHR and the Department of the Interior and Local Government (DILG) to include LGUs through the provincial and city/municipal leagues; (c) pilot testing in select LGUs; and (d) monitoring of pilot areas.

Objectives of the System

The system seeks to achieve the following objectives:

1. To institute the use of human rights criteria, standards and tools in local planning and budgeting of the LGUs;
2. To establish partnership and mobilization mechanism at the local level for the application of a rights-based local planning and budgeting through the Leagues of Governors, Mayors and the Associations of Barangay Captains; and
3. To encourage general application of the rights-based local planning and budgeting and the adoption of best practices through pilot testing scheme.

Key Strategic Reforms

Through the system, the LGUs will be oriented on the obligations of the State regarding the fulfillment of certain human rights obligations under the international treaties it has signed.

The LGUs will be equipped with the application of human rights criteria, standards and tools in local economic, political and administrative governance of the local communities.

The LGUs will be guided by human rights principles, criteria and standards in engaging constituents in local development planning and budgeting.

Application of the System

The system will be applied upon establishment of the CHR-DILG tie-up following a framework on the mainstreaming of human rights into the local planning and budgeting processes at the LGU level. The framework and guidelines will be of general application but piloting of the system will be done on select LGUs in order to document best practices for future replication.

Sub-Processes of the System

Sub-Process: Framework Development

The first step to mainstream human rights into the LGU planning and budgeting is framework development. This will entail defining the role of the CHR, particularly the Central and Regional Offices, in advocating the use of the RBA in local planning and budgeting through tie-ups with the DILG and the Leagues of Governors, Leagues of Mayors and the Association of Barangay Captains. Framework setting also includes the preparation of guidelines to facilitate the use of the RBA at the LGU level to include RBA tools and an advocacy plan that should be packaged into an instructive kit.

Sub-Process: Advocacy

Advocacy on the use of the RBA at the LGU level includes the formalization of the CHR-DILG tie-up through a Memorandum of Agreement, the issuance of a CHR Advisory on the use of RBA in Local Planning and Budgeting, network building with the leagues and associations of local officials, and the conduct of RBA orientation and solicitation of pledges of commitment for the RBA application in local planning and budgeting.

Sub-Process: Pilot Monitoring of RBA in Select LGUs

The CHR central office will provide the criteria and guidelines for pilot monitoring of RBA application in select LGUs. Activity Plan for Regional Offices will be prescribed containing a step-by-step set of instructions on how to facilitate the use of the RBA in select LGUs. The Activity Plan covers a proto-type sequence of activities on how to engage the local officials and local constituents in local planning and budgeting, as well as the RBA tools that are applicable at every stage of the exercise.

8 | *Mainstreaming RBA in Legislation and Policy Analysis**

Introduction

As a national institution, the CHR should act effectively as a watchdog in the legislative process. It has to be closely involved in legislation having the mandate of promoting, protecting, and fulfilling human rights as embodied in the Philippine Constitution. The legislative process has the overriding effect in governance: economic, political and administrative. It is where key decisions are made that affect the economic, social, political and cultural life of the national constituency.

Essentially, the power of legislation in the Philippines is the responsibility of Congress. In a functioning democracy, the executive and the judiciary provide safeguards in the lawmaking process. Thus, without interfering into the responsibilities and functional mechanisms of government agencies, the CHR serves as additional safeguard to ensure that legislative measures are consistent with human rights.[1]

The CHR's role as a legislative watchdog could be more effective if it works towards capacitating government organizations (GOs) and civil society organizations (CSOs) on the RBA in the formulation, review and amendment of bills. The deliberate, conscientious and systematic application of human rights criteria and standards in legislation is a guarantee that legislative oversights on human rights could be lessened, if not avoided. Underscoring the fact that legislative measures cut across economic, administrative and political governance, their implications on human rights are critical considerations for safeguarding the interest and welfare of the people, especially the poor, the vulnerable and the disadvantaged. More than any other governance instrument, the legislative process and the laws that are produced as outputs of such process should be a capacitating instrument for providing enabling environment for the full exercise and enhancement of people's inalienable right to development.

Policy Guidelines

Consistent with its Constitutional mandate, the CHR will exercise its independence in ensuring that legislative measures are in accord with both national and international human rights standards. The following guidelines will be observed in the performance of its role as legislative watchdog using the RBA to capacitate GOs and CSOs to participate in the legislative process:

*The discussion in this chapter was culled from "Annex 5: RBA in Legislation/Policy Analysis," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:119-130.

[1] *National Human Rights Institutions, A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, United Nations, New York and Geneva, 1995.

1. The CHR is an interest group like any other stakeholder in the legislative process. It seeks to ensure the promotion of human rights in existing and proposed legislations.
2. The CHR will seek every opportunity to orient and capacitate GOs and CSOs on the RBA to enable them to apply the human rights perspective in their participation at each stage of the legislative mill. This is an effective means of ascertaining compliance of legislative measures with both national and international human rights obligations.
3. The CHR will enhance its influence in the legislative process by capacitating its own organization and staff in the areas of effective communication and negotiation skills, research, advocacy and information dissemination.

Description of the System

The RBA in the legislative process allows the CHR to advise, train and advocate for human rights criteria and standards in the development and passage of laws. This would provide expanded opportunities for individuals, sectors and groups, especially the poor and the disadvantaged, to improve their quality of life under an enabling environment created with the passage of adequate pieces of legislation. The system consists of two components, namely:

1. Assisting in the Drafting of New Legislative Measures; and
2. Review of Existing and Proposed Legislative Measures.

Objectives of the System

The system generally aims to integrate human rights criteria and standards in the legislative process. Specifically, it will:

1. Enable the CHR to establish partnership with the Congress or through its committees vested with the responsibilities of drafting new legislative measures or reviewing existing laws or undertaking other related legislative activities in the application of the RBA in the legislative process;
2. Capacitate GOs and CSOs participating in the legislative process with RBA perspective and tools; and
3. Facilitate harmonization of domestic laws with international human rights instruments through the incorporation of these standards into domestic laws or through additional legislative initiatives as may be required.

Key Strategic Reforms

Through the application of the RBA in legislation, the CHR projects the following strategic reforms:

1. Improved protection of human rights in lawmaking through the increased level of awareness of GOs and CSOs on the human rights content and implications of legislative issues and concerns brought before Congress;

2. Application of human rights criteria and standards across all issues and concerns for legislation to address inadequacies of laws in such development areas as education, housing, health, food, employment, social security, etc; and
3. Orientation of congressional committees on the application of the RBA as an important tool for reviewing existing and proposed legislative measures and drafting new bills.

Application of the System

The RBA in legislation will be applied whenever there are issues and concerns needing legislation, areas where legislative improvements or changes are needed, and in determining whether domestic laws are in conformity with relevant human rights criteria and standards contained in international human rights treaty obligation; or, whether additional legislative initiatives would be required for the implementation of international human rights standards.

Responsible CHR Offices

The International Monitoring Office (IMO) and the NGO, Civil Society and Media Cooperation Office (NCSMCO) are primarily involved in making this system work at the national level. At the regional level, the regional director will directly assist local government units in the development of their capacities for a rights-based local legislation. To support these offices at the technical level are the Strategic Development and Planning Office (SDPO) and the IMO for development of tools for application of HR standards and RBA.

Process Flow Chart

The flow charts illustrated in Tables 8-1 and 8-2 show the processes of applying RBA in different aspects of legislation and policy analysis.

Table 8-1 *Assisting in the Drafting of New Legislation*

Process	GOs/CSOs/LGUs	CHR	
		Office	Responsibility
START			
Review HD Report		SDPO	Prepare a Review Report using HR Framework
Issue Advisory on critical HR issues		Commission *En Banc*	Issue an advisory to GOs and CSOs or LGUs concerned highlighting the pressing human development issues with human rights implications on the basis of national and international standards
Network with GOs/CSOs/ LGUs concerned	Respond to the CHR Advisory on critical HR issues within their respective areas of concern. Pledge support and cooperation in terms of membership and participation in the study groups.	IMO CSCO Regional Directors	
Form study groups			Guide and assist the study groups in the use of RBA tools for drafting new legislative agenda for pressing human rights issues and concerns
Conduct gaps analysis of all related laws	Conduct inventory, research and analysis of existing laws related to the issues for purposes of identifying new legislative agenda.	IMO CSCO Regional Directors	
Draft bills on identified legislative agenda	Coordinate with Congressional Committees concerned for sponsorship		Endorse draft bills to Congressional Committees concerned together with their HR position on the draft bill as to implications or compliance
		GCO	

Table 8-2 *Review of Existing/Proposed Legislation*

Process	GOs/CSOs/LGUs	CHR	
		Office	Responsibilities
START			
Identify critical HR issues from HD Report and Media Monitoring Reports	Operative network of GOs/CSOs to give inputs	SDPO IMO NCSMCO	Guide GOs/CSOs on the use of RBA tools in situation analysis
Map out stakeholders on the basis of their relevance to pressing HD issues with HR implications	Form study groups as per classifications of issues and make an inventory of related laws	IMO NCSMCO	Guide the GOs/CSOs on the use of RBA tools appropriate for stakeholders analysis and mapping out of existing laws according to issues and relevant stakeholders
Conduct gaps analysis between standards in existing laws and international standards	Study on the consistency, appropriateness and effectiveness of the existing laws; study of the application of international standards and how these can be applied as to immediate or progressive application	IMO NCSMCO	Guide GOs and CSOs on the use of RBA tools in the application of the gaps analysis and the immediate or programmatic application of HR standards
Revise existing legislation/ordinance/ resolution	Formulate revisions subject to consultations/ hearings	Commission *En Banc*	Endorse revised legislation/ordinance with CHR's position on HR implications and compliance

9 | *Mainstreaming RBA in National Action Planning**

Introduction

The CHR initiated the first National Action Plan in the Philippines in 1995 in response to a UN Resolution enjoining member states to draw up national action plans. The plan covered the period 1995-2000. The CHR figured significantly in the development of this plan by acting as the head of the Inter-Agency Task Force created by the President. It also performed overall secretariat functions both in the planning and implementation of the plan.

The plan was structured by sectors covering all the 15 vulnerable and disadvantaged sectors of the Philippine society. Sectoral working groups composed of government, non-government organizations and people's organizations were formed. The CHR, together with a sectoral consultant of the convening government agencies, coordinated all these groups. The sectoral working groups consulted with their local counterparts down to the regional, provincial and municipal levels in drawing up national sector plans. The consolidation of the sector plans was done by the agency convenor corresponding to each sector with technical support from the CHR.

Policy Guidelines

Consistent with its role as a national human rights institution under the UN System, the CHR would assist in the development of a National Action Plan. Specifically in the 1993 Vienna Declaration and Programme of Action (Part II, para. 71), the World Conference on Human Rights recommended that each member State considers the desirability of drawing up a national action plan, identifying steps whereby that State would improve the promotion and protection of human rights. Under such pronouncement, States are required to set priorities in the field of human rights as well as to identify the appropriate vehicles through which the plan is to be implemented.[1]

The national action plan will serve as a showcase and "best practice" on the real convergence of development and human rights, with the latter serving as the criteria and standards for the former, with human development as the cross-cutting goal at every stage of the planning

*The discussion in this chapter was culled from "Annex 6: RBA in National Action Planning (NAP)," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:cxxxi-cxlii.

[1] *National Human Rights Institutions, A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, Professional Training Series No. 4, United Nations, New York and Geneva: 1995.

process. This should now be the thrust in the development of the second National Action Plan to be formulated by the national government with the assistance of CHR.

Thus, recognizing the experience and expertise of the CHR in the field of national action planning, the CHR will encourage and assist the Philippine Government consistent with the following guidelines:

1. The development of a national action plan is the accountability and responsibility of the Philippine Government under the 1993 Vienna Declaration and Programme of Action. The setting of priorities and the identification of appropriate vehicles through which the plan will be implemented are primarily the tasks of the government.
2. The development of the plan will be guided by the following principles:
    a. The states are expected to "undertake, at the national level, all necessary measures for the realization of the right to development and to ensure *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income."[2]
    b. The plan will be guided by the universality, interdependence and indivisibility of human rights;
    c. Human Rights value formation is essential in the country's pursuit of people empowerment and sustainable development thrusts in a competitive global environment—meaning that respect, promotion, protection, and fulfillment of human rights of individuals, sectors and communities must be ensured for their greater participation and benefits in the country's development;
    d. Poverty, specifically the vulnerability of the poor and the marginalized and the disadvantaged, shall be the focus of the national action plan; and
    e. The different collaborating stakeholders primarily by the people participating in and contributing to the plan formulation shall have ownership of the plan, and in the end, benefit from the plan.
3. The RBA shall be used in the formulation of the national action plan. This covers the raising of human rights consciousness of the various stakeholders, focusing on poverty, the marginalized and the vulnerable sectors. It expressly links and integrates human rights issues and concerns with the development thrusts and priorities under the plan. It identifies measures consistent with human rights obligations of the Philippines and rights entitlement of the people under various international human rights treaties to which the country is a signatory and the progressive compliance of the Philippine Government with the norms and standards to be applied in the national action plan.

[2] Declaration on the Right to Development

Description of the System

The System for the national action plan shall be a showcase of the convergence of development and human rights under the framework of the Right to Development. Under this framework, the right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized.[3] The system for the formulation and development of the national action plan defines the processes to be undertaken by government and the assistance that the CHR, as a national human rights institution, will be providing in the course of plan formulation. The cross-cutting development phases of the plan comprising the entire system are, as follows:

1. Preparatory Phase;
2. Organization Phase;
3. Planning Phase; and
4. Development and Authorization Phase.

Objectives of the System

The system for the national action plan seeks to attain the following objectives:

1. To provide the general processes for a national action planning through which the CHR may perform its role of assisting government in using the RBA;
2. To translate the assisting role of the CHR in the context of the RBA at every stage of the national action planning process; and
3. To define the oversight monitoring responsibility of the CHR over the national action plan.

Key Strategic Reforms

The changes desired to take effect with the use of RBA in national action planning by the government, through the assistance of the CHR, are:

1. Rights-specific identification of poverty and human development problems expressly linking them with human rights criteria and standards as provided under the international human rights treaties to which the Philippine Government is a signatory;
2. Progressive enhancement of the right to development, as an inalienable human right of every human person and people of the Philippine society through a graduated application and realization of the normative content of every right through the various measures that provide equal opportunity for all in their access to services and resources, such as food, housing, education, health services, employment, and other inter-related concerns;

[3] Ibid

3. Enhanced conscientization among participating government institutions as duty holders of rights and among members of civil society groups as claim holders of rights;
4. Practical translation of the human development goals of development through the direct application of human rights criteria and standards in different stages of national action planning;
5. Increased understanding and collaboration among different governance stakeholders within the RBA framework as applied in all necessary measures that create opportunities and conditions favorable to the fulfillment of rights-specific development concerns of individuals, groups, sectors and communities; and
6. Increased harmonization of local and national measures with international human rights standards for progressive realization of the qualitative normative content of every right, such as food, housing, education, health, work, etc.

Application of the System

The system will be applied upon recognition of government of its role and responsibility in national action planning through the advocacy of the CHR.

Responsible CHR Offices

In the CHR, the International Monitoring Office (IMO) will be responsible for establishing ground work with government and, hence, facilitating the partnership arrangement with the key government convenor of the national action plan. The Strategic Development and Planning Office (SDPO) will assist in terms of enabling the convenor and participating agencies in coming up with a rights-based framework for the plan and the NGO, Civil Society and Media Cooperation Office (NCSMCO) will help government ensure participation of the CSO members concerned. The IMO shall assist in the interpretation of human rights obligations and entitlements as enunciated under at least the core human rights instruments. The regional offices will also be assisting in local consultations.

Thus, CHR will be performing through these offices, its institutional roles as advocate, educator, interpreter of human rights standards to specific development issues and concerns, monitor, and evaluator at the oversight level consistent with its constitutional mandates.

Components of the System

The various components of the system for the national action plan are described as follows:

1. Preparatory Phase

This phase includes IMO-NCSMCO core group formation, framework setting (Context, Vision, Goals, Objectives, Content Outline and Planning Scope and Coverage); drawing up of the components of the plan; the planning approach and strategy; the participatory planning mechanism and mobilization plan; the GO-CSO planning organization structure; the general plan of work; authorization and fund sourcing; and actual advocacy work.

2. Organization Phase

This phase involves formal organization and orientation of GO-CSO Planning Advisory Group and Secretariat, inventory of GOs and CSOs that should comprise the component clusters by right, firming up of organizational arrangements and agreements, resource sharing and mobilization agreements, and planning and adoption of the general plan of work.

3. Planning Proper

Consultations at different levels characterize this phase. GOs and CSOs classified under the various clusters are categorized by right (to be decided during the preparatory phase). Heads of these organizations consult their respective orgnizations at the national, regional, provincial, municipal and barangay levels (depending on their respective levels of operation) following the prescribed planning framework and guidelines. Depending on the planning levels agreed upon, the various consultations result in a regional action plan. Thereafter, these regional plans are submitted to the different clusters and integrated into the national action plan. The designated planning secretariat coordinates the writing up of cluster plans (categorized by specific right). The plans categorized by right are subjected to public hearings or consultations by cluster to be participated in by other GOs and CSOs, also to be categorized by right on the basis of their mandates.

4. Development and Authorization Phase

A GO-CSO Plan Development Committee is constituted to be composed of the principal convenor of each cluster (by right). Plans will be developed according to the agreed content outline. Regional plans undergo public hearing and receive authorization from the Regional Development Council (RDC). The draft national action plan is subjected to a national public hearing. Thereafter, the regional and national action plans are submitted to the President for approval and issuance of Presidential directives to all government agencies concerned as well as for funds authorization.

System Flow Chart

The charts in Tables 9-1, 9-2, 9-3 and 9-4 illustrate the process flow in mainstreaming human rights at the various phases of the national action planning process.

Table 9-1 *Mainstreaming RBA in National Action Planning: Preparatory Phase*

Process	Delineation of Responsibilities		
	Government	CHR	
		Assistance	Office Concerned
START	▪ Presidential Committee on Human Rights (PCHR) calls for exploratory meeting involving present member GOs and CSOs with extended invitation to NEDA, DBM and DILG ▪ PCHR takes up with the group the HDI Report and seeks consensus on priority human development concerns needing special focus, e.g., food, education, housing, health, work, etc. ▪ PCHR forms a core group	▪ CHR issues a general advisory on the National Action Plan (PHRP) and the latest HDI Report and the possibility of PHRP 2 also in light of RBA to development ▪ CHR conducts separate meeting with PCHR on NAP (PHRP 2) with special focus on specific rights responsive to issues emanating from the HDI Report	IMO CSO Commissioner-in-Charge Commission *en banc*
Form a Core Group			
Conduct an Orientation-Workshop for the Core Group	▪ PCHR and Core Group organize a Workshop on results of PHRP 1, latest HDI Report and the RBA to development ▪ Core Group agrees on the development of a National Action Plan (PHRP 2) ▪ Core Group agrees on working committee to draft a framework	▪ CHR provides core group with background papers on PHRP 1 Evaluation, Advisory on HR implications of latest HDI Report and Document on RBA ▪ CHR sends resource persons on the subject when requested ▪ CHR sends representative to the Core Group as adviser for HR/RBA capacity building of the group	IMO CSO Commissioner-in-Charge Commission *en banc*
Develop a Rights-Based Planning Framework and Guidelines	▪ Core Group conceptualizes and develops PHRP 2 framework, vision, guiding principles, development planning strategies and tools using RBA, mobilization plan, and components of the plan ▪ Core Group packages and disseminates planning framework and guidelines to GOs and CSOs concerned	▪ CHR assists in the designing of RBA planning tools ▪ CHR provides resource person/adviser in the application of planning tools	SDPO IMO CSO Commissioner-in-Charge
END			

Table 9-2 *Mainstreaming RBA in National Action Planning: Organizational Phase*

Process	Delineation of Responsibilities		
	Government	CHR	
		Assistance	Office Concerned
START	▪ PCHR/Core Group works for the issuance of a new Presidential Memorandum Order for the updating of the PHRP (PHRP I Memorandum Orders 258 and 335) using the RBA for development of priority concerns arising from PHRP 1 and latest HDI Report; creating a new task force consisting of PCHR member, NEDA, DBM, DILG and other CSOs; formation of GO-CSO clusters by specific right and designating a planning secretariat; allocating funds for PHRP	▪ Issues advisory to the President endorsing PHRP 2 initiative and a statement on institutional commitment to advise government on HR criteria and standards to ensure a rights-based PHRP 2	▪ SDPO ▪ IMO ▪ Commissioner-in-Charge
Work for Issuance of Presidential Memorandum Order			
Firm Up Organization, Technical and Administrative Support	▪ Task Force convenes its members and clusters (by right) for detailed orientation on the planning framework, guidelines and work timetable ▪ Planning secretariat sets up its technical and support services to the task force and cluster meetings, consultations and workshops ▪ Clusters convene their members and set targets for completion of cluster plan at the regional and national levels ▪ Planning secretariat designs planning tools for clusters	▪ Offers advisory on use of RBA in the planning process ▪ Offers training assistance to the task force and cluster members on RBA prior to the planning of PHRP, particularly in the areas of: o Rights-based situation mapping; o Stakeholders analysis o Rights-based baseline o Obligations/ entitlements mapping o Identification and progressive application of normative content of every right o Development of HR indicators	▪ SDPO ▪ IMO ▪ CSO ▪ Commissioner-in-Charge
Set Work Plan/ Timetable			
Orient on the Use of RBA Tools and Processes in Planning			
END			

Table 9-3 *Mainstreaming RBA in National Action Planning: Planning Proper*

Process	Delineation of Responsibilities		
	Government	CHR	
		Assistance	Office Concerned
START ↓ Administer Baseline/ Assessment Instrument by Right/ by Cluster	▪ Review of existing baselines/studies on right to food, housing, education, health, work, etc. using HR criteria ▪ Identification of gaps based on baseline and normative content of every right ▪ Consultations with stakeholders duty holders and claimholders identified for every right based on their respective mandates ▪ Consultations on the assessment at the local level through RDC, PDC, MDC ▪ Identification of appropriate local measures to improve conditions by right, e.g., legislative, administrative and programs/projects	▪ Assist in RBA orientation at the regional, provincial and municipal levels ▪ Assist in the interpretation of normative content of every right for use in the gaps analysis and assessment ▪ Assist in the interpretation of progressive realization of rights through the use of appropriate RBA tools	SDPO ITO Regional Offices Regional Commisioner-in-Charge
↓ Analyze Gaps Based on HR Normative Content ↓ Consult with RDC, PDC and MDC on Assessment by Right and Appropritae Measures			
↓ Conduct of Local Public Hearings on Identified Local Measures	▪ Identification/tapping of appropriate mechanisms for people's participation in the public consultations and hearings ▪ Mapping out of measures progressively over medium-term and long term bases	▪ Assist in the interpretation and harmonization of local measures with international standards set for every right ▪ Assist in the interpretation of qualitative and quantitative progressive application of normative content over a specified period	Regional Offices SDPO IMO CSCO Regional Commissioner-in-Charge
↓ Integration of Assessment of Conditions by Right and Appropriate Legal Measures ↓ END			

Table 9-3 *Mainstreaming RBA in National Action Planning: Planning Proper (cont'd.)*

Process	Delineation of Responsibilities		
	Government	CHR	
		Assistance	Office Concerned
START ↓ Prepare Integrated Assessment Report by Right to Include Local Measures ↓ Identify Appropriate Legislative, Administrative and Program Measures Responsive to Identified Conditons and Matching with Local Measures	▪ Convening of the clusters for integration of assessment by right ▪ Review of institutional mandates/programs, activities and projects of cluster member agencies by right and by appropriateness against normative standards ▪ Assessment of the responsiveness of these institutional mandates, programs, activities and projects to identified conditions by right	▪ Train/assist cluster member GOs and CSOs on rights-based review of institutional mandates and programs	IMO CSCO SDPO Commissioner-in-Charge
↓ Consultative Consultative Planning by Cluster to Cover Medium - Term and Long-Term Progressive Compliance with Normative Content of Every Right to Include Financial Considerations ↓ END	▪ Programming of legislative, administrative and program measures over the medium-term and long-term reflecting progressive compliance with normative content for every right ▪ Convening of cluster member GOs and CSOs for rights-based review of mandates/programs and adjustments vis-a-vis assessment and projective measures	▪ Train/assist cluster member GOs and CSOs on programming of measures for progressive realization over medium/long terms	IMO CSCO SDPO Commissioner-in-Charge

Table 9-4 *Mainstreaming RBA in National Action Planning: Development and Authorization Phase*

Process	Delineation of Responsibilities		
	Government	CHR	
		Assistance	Office Concerned
START ↓ Develop First Draft of National Action Plan (PHRP2)	• Convening of cluster member GOs and CSOs for writeshop • Conduct of focus group discussion by cluster involving experts on specific right • Refinement and production of the first draft	Provision of advisory assistance upon request	IMO SDPO CSCO Commissioner-in-Charge
↓ Conduct National Public Hearing	• Convening of the various stakeholders for presentation and hearing of NAP (PHRP 2) by cluster and by right • Refinement of the NAP or PHRP 2 • Production of the second draft	Advisory services upon request	IMO SDPO CSCO Commissioner-in-Charge

↓
Convene Task Force for Final Review and Approval
	• Final deliberation of the NAP (PHRP 2)
	• Integrative Plan
	  • Assessment by Specific Right
	  • Programmatic Measures (legislative, administrative and program) over medium/long term showing progressive compliance with normative content of every right
	  • Allocation of funding requirements for periodic monitoring and evaluation
		Advisory assistance upon request	IMO
			SDPO
			CSCO
			Commissioner-in-Charge

↓ Submit to President for Issuance of Directive to GOs Concerned for Implementation	• Integration into the MTPDP • Integration into the planning of public resource sectors by the DBM • Basis for agency planning and budgeting of cluster GOs concerned • Authorization of funding allocation at the agency level • Authorization of funding for periodic monitoring and evaluation by the NAP Task Force	• Oversight monitoring of required responsibilities of government • Training on a rights-based monitoring and evaluation of the NAP	IMO SDPO CSCO Commissioner-in-Charge
↓ END			

Part III

The RBA Tools

On the whole, Part III is concerned with the different RBA tools and how they can be applied under specific conditions and for achieving definite purposes. Specifically, Chapter 10 (Participatory Concept Mapping) gives the instructions for users on how to do Situation Mapping and Mapping of People's Rights Entitlement.

Chapter 10 shows how to apply the Situation Mapping Tool to correlate human development issues, problems and concerns with human rights by, *first*, identifying the issues/problems/concerns and their root causes; *second*, examining relevant laws, rules, practices, structures and processes; *third*, analyzing the extent and level of the issues/problems/concerns and their impact on the sectors affected; *fourth*, determining the specific human rights involved; *fifth*, establishing the appropriate core content of the human rights involved and the perceived gaps between the current state of the issue/problem/concern and the applicable core content; and, *finally*, identifying the relevant solutions or strategic measures that will properly address the issue/concern or problematic situation as well as matching them with pertinent human rights principles.

In connection with the Mapping of People's Rights Entitlement Tool, Chapter 10 details how people, as claim holders of human rights, will be able to realize their essential freedom and rights in an environment that allows them to participate in, or contribute to, the entire process of development.

Chapter 11 (Institutional Mapping) deals with the process of mapping out of development institutions at two levels, i.e., relevant government agencies (GAs) and civil society organizations (CSOs). It highlights the significance of ensuring the responsiveness of institutional programs to human development needs of people working in the organizations concerned as well as the general public these institutions are mandated to serve. The Chapter also provides the instructions for preparing comprehensive inventories of programs, projects and services of relevant institutions geared towards the protection, promotion, and fulfillment of individual human rights at the agency and community levels.

Chapter 12 (Rights, Responsibilities and Root Causes Analysis) focuses its instructions on two RBA tools, which are: (1) Duty Holders' Mapping and (2) Governance Orientation Mapping. The Chapter presents how Duty Holders' Mapping can be used to determine and analyze the extent of duty holders' fulfillment of their obligation to comply with internationally established human rights standards. The Manual then gives easy-to-follow instructions on how to apply Governance Orientation Mapping in varying governance functions to ensure that public entities and processes are operating within the bounds of the State's obligation to provide an enabling environment so people can fulfill their rights to development.

Chapter 13 (RBA in Policy Review) instructs Manual users on how to apply RBA in the areas of policy analysis, policy review, and policy evaluation. It tackles practical guides for using human rights criteria and standards in order to know how responsive relevant policies are as well as to evaluate policy performance.

Chapter 14 (RBA in Program/Project Development) dwells on several interrelated aspects of program/project development, namely: formulation of program goals, objectives and

strategies; programmatic application of human rights normative standards; development programming; and project development/proposal writing.

It includes instructions to ensure the application of human rights principles, levels of state obligations and normative content at the various stages of the program development process. It identifies the kinds of information needed as inputs for program goals, objectives and strategies to be formulated, as well as the specific programs to be developed and implemented by agencies concerned.

Chapter 14 also provides instructions for monitoring and assessing the extent to which relevant institutions have applied human rights normative content. There are suggested steps to be followed in the operational use of the rights-based approach in the different phases of the development programming process, e.g., situation analysis, objective formulation, program designing, actual implementation, and monitoring and evaluation. Finally, there are guidelines that are applicable in the human rights mainstreaming process at every stage of project development, including project proposal writing.

Chapter 15 (RBA in Impact Assessment) focuses on how to measure and assess the acceptability or non-acceptability of programs or projects that directly or indirectly affect the communities where the said programs/projects are implemented. Entities that will benefit from the results of using this RBA tool are the competent national government agencies/bodies, local government units and civil society organizations whose legal mandates include the performance of regulatory or licensing functions.

10 | *Participatory Concept Mapping**

Introduction

Participation is an indispensable key to effective governance and responsive development. If the major sectors of society are given the chance to participate in shaping and managing their future, they become legitimate co-owners of development. Their participation allows them to gain better understanding of what the government and other development organizations are doing, and the opportunities for them to give feedback to help improve public service delivery performance. Participation also improves transparency and accountability of government and private development entities, thus, winning the people's trust and encouraging their support for development programs and projects located in their communities.

To ensure meaningful participation in governance and development processes to achieve their full human development, stakeholders must be adequately equipped with relevant know-how and skills. This raises the importance of capacitating them on how to use participatory RBA mapping tools, so they themselves become part of the process.

This chapter presents two RBA tools that can help stakeholders enhance their capabilities as key players in the development arena. These tools are: RBA Situation Mapping and RBA Mapping of People's Rights Entitlement. RBA Situation Mapping facilitates empowerment of stakeholders in analyzing the community situation they are in, including specific problems and issues affecting them. In the programming process, this is the basic tool or the first step to undertake in order to determine the appropriate measure or interventions that requires an RBA response. RBA Mapping of People's Rights Entitlement leads to a deeper inquiry on the level and extent to which the issues and problems affect people's rights entitlements, and challenges critical thinking as to specific contributions stakeholders can commit towards resolving human rights issues and problems.

RBA Situation Mapping

The Meaning of RBA Situation Mapping

RBA Situation Mapping is a tool that relates human development issues, problems and concerns with human rights. It is an effective method for generating people's participation in diagnosing community situation, issues and problems and their effects, the perceived human rights gaps, and the appropriate measures needed to fill in those gaps.

*The discussion in this chapter draws heavily from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:29-56.

The Benefits of RBA Situation Mapping

The application of RBA Situation Mapping has a number of benefits. Among them are the following:

1. It ensures direct and more active participation of key stakeholders because they themselves undertake the various steps involved in analyzing the situation and the problems of their communities.
2. People's direct involvement in the process constitutes further empowerment of major stakeholders. It enhances their capacities in diagnosing the situation of their community from a rights perspective.
3. There is greater assurance about the reliability of the findings and results of situation analysis because the information comes from community members and sectors that are directly affected by the problems.
4. It raises stakeholders' awareness of the fact that they not only have the right to demand from government appropriate solutions to community problems, but also the responsibility to do their share in responding to those problems, issues and concerns.
5. Since this method views situation analysis and responding to problems and issues as a basic right of stakeholders at the national and local government levels, it is essentially a method of "putting a human face" to the prevailing development challenges and realities. In the end, people really become the main focus of development efforts. As such, they are not only objects of development, but, real participants in, and contributors to, different stages of the entire process.
6. As stakeholders competently perform the analysis and assessment, they relieve government institutions of doing this very important but time-consuming job. Hence, this affords public and private development organizations more time to concentrate on other major concerns that are strictly within their jurisdiction and field of expertise. This kind of arrangement eventually promotes better cooperation and institutional relationship between stakeholders and development entities.

How RBA Situation Mapping is Done

The RBA Situation Mapping is done by following eight steps or processes. These are:

1. Identify the development problems, issues or concerns facing the community, municipality/city, province, region, sector and the country as a whole;
2. Determine the cause/s of these problems/issues/concerns;
3. Examine the practices, rules, structures, processes and laws relevant to the problems/issues/concerns;
4. Analyze and establish the degree to which the problems/issues/concerns are affecting individuals, groups/sectors, communities, the municipality/city, province, region or the entire country;
5. Link the problems/issues/concerns with human rights by identifying specific rights and the particular aspect/s of the rights involved and whether these are not being observed or are violated;

6. Identify the appropriate core content corresponding to each of the rights involved in accordance with relevant international human rights instruments or domestic laws (Refer to Table 2-2 on page 13);
7. Identify the peoples affected, how they are affected, and the perceived gaps between the current state of the problems, issues or concerns vis-à-vis the applicable core content of the right/s involved; and
8. Identify and propose strategic measures or solutions to address or resolve the issues/problems/concerns in accordance with pertinent human rights principles.

To undertake an RBA Situation Mapping, RBA workers or point persons may use as their guide the matrix suggested in Table 10-1.

Table 10-1 *Situation Mapping Matrix*

Statement of the Issue/ Problem [1]	Sectors and/or Areas Affected [2]	Relevant Data/ Facts/ Information [3]	Rights Involved and Applicable HR Standards [4]	Perceived Gaps and Proposed Measures [5]		
				Legislative	Administrative	Programs

The guidelines provided below will aid in filling in the above matrix with appropriate information.

Column [1] Statement of the Issue/Problem

This refers to identifying and stating the national or local issue/s or problem/s in relation to:

1. Macro economic stability with equitable growth based on free enterprise
   - Ensuring sustained growth with equity and macroeconomic stability
   - Promoting full decent and productive employment
   - Enhancing Competitiveness of industry and services
   - Building on the country's strengths in information and communication technology
   - Accelerating infrastructure development
   - Putting the Philippines in the international tourism map
2. Agricultural and fisheries modernization with social equity
   - Modernizing agriculture and fisheries
   - Advancing social equity through agrarian reform
   - Promoting sustainable management and use of natural resources

3. Comprehensive human development and protecting vulnerable sectors
   - Investing in education and training
   - Enhancing health care
   - Expanding access to shelter
   - Protecting vulnerable groups
   - Pursuing balanced regional development
   - Securing peace and development in Mindanao
4. Good governance and the rule of law
   - Winning the battle against poverty through good governance
   - Peace and order, law enforcement and administration of justice
   - Harnessing good governance through international collective action

To be able to formulate the issue/problem, one has to undergo the processes described below:

Group discussion of the national or local issue or problem in relation to each of the above-mentioned MTPDP items. The process must consider the areas of dissatisfaction or condition between the desired and the actual condition. Areas of dissatisfaction could be numerous and, hence, the use of the Problem Tree method as a tool for analysis is suggested.

Problem Tree seeks to identify problems in the locality and analyze the existing situation surrounding the context of the problems. A problem Tree illustrates how problems are linked and interrelated in a situation, and defines which appears to be the causes and effects of identified core problem and other problems that appear to result.

Illustration

An example or theme is the mapping of children's rights (Box 10.1). The aim of the problem analysis is to ensure that the central problem and the causes and effects of these problems are identified. This is also to ensure that the intervention not only treats the symptoms but also the causes of the core problem. Given the example on children's rights, it is important to establish what the rights of children are and the rights that are violated. The basis of problem analysis is on the findings from the mapping undertaken on the violations of children's rights.

Mapping the violations of children's rights is the first step in the children's rights program approach. The aim of mapping violations of children's rights is to provide a broader picture of the right situation in a specific area or locality. By conducting the mapping, it is possible to identify the most exposed groups of children, those most at risk of having their rights violated or those whose rights have already been violated. A thorough review of documents on children's situation and conduct of research is important in order to be able to state the issues/problems concerning their situation.

Box 10-1
Using Child Rights as a Framework for Situation Analysis

> A child rights framework allows you to look at the rights of children from a holistic point of view. All the various aspects of the protection of the child's right to life, survival and development are addressed in the Convention on the Rights of the Child. By using the Convention as the point of departure, you will be sure to cover all aspects of the child's life. The rights framework will allow you to analyze and understand the mix of causes which stop the child from enjoying his/her rights.

Column [2] Sectors and/or Areas Affected

This refers to the vulnerable and disadvantaged sectors, such as women, children, youth, elderly, Muslim, indigenous people, displaced persons and communities, private labor, informal labor, rural poor, urban poor, prisoners and detainees, and migrant workers affected by the issue/problem identified.

Areas may be national or regional, with mention of specific regions, provinces, municipalities or barangays/communities.

Column [3] Relevant Data/Facts/Information

This refers to data, statistics or any type of information that would describe the extent to which the problem or issue is affecting certain sectors or areas. The sources may be reports, issuances, bulletins and other related information derived from government, non-government and international organizations.

Column [4] Rights Involved and Applicable HR Standards

This refers to rights involved in the issues or problems identified. It includes the normative content of human rights that may be sourced out from international human rights instruments and domestic laws (Refer to Table 2-3, pages 14-16). The normative content of human rights sets out specific entitlement of claim holders and obligations of duty bearers in relation to a particular right.

Column [5] Perceived Gaps and Proposed Measures

This refers to perceived gaps between the current state of the issue or concern and the desirable state vis-a-vis the applicable core content of the right/s involved. Gaps are determined after a thorough discussion and assessment of the issues that have been identified, how these issues are affecting the sectors and areas, and after examining these further with the identified rights involved and their normative content. The gaps are determined in terms of inadequacy of legislative, administrative and program measures.

Legislative measure means identifying necessary amendments to existing laws pertinent to a particular right, say for instance, right to work. To make this responsive to the international human rights standards, the legislators may address the gaps between these standards and the rights of workers.

Administrative measure refers to the formulation of standards, procedures and guidelines in terms of implementing the legislative measure.

And, finally, program measure refers to the programs that the government has identified in response to the issues/problems.

Box 10-2
Notes to RBA Worker or Point Person

1. Problem analysis is useful in encouraging people to express and reflect on their views of situation and events affecting their lives. Intensive discussion will lead to validation of data gathered and reaching a consensus about the issues and problems.
2. A problem is a situation that presents uncertainty or difficulty. It arises when community needs are not met or when there are obstacles to their fulfillment. It is a current negative condition, not a description of a pre-conceived solution.
3. Cause is the reason behind the existence of the negative condition. It is the core of the issue and needs immediate response. It must be the focus of analysis.
4. Effect is the outcome or result of any negative condition.

RBA Mapping of People's Rights Entitlement

As the center of development, people are claim holders of human rights. The state or government has the duty to create and sustain a kind of environment that enables the people to enjoy expanding opportunities and wider choices for the fulfillment of their essential freedoms and rights.

An enabling environment allows the different processes of development to proceed smoothly at the national or the local levels. These processes are geared towards making people pro-active players in the development arena. Thus, people are regarded not only as mere objects or focus of development, but, as active participants in and contributors to the achievement of strategic development goals and objectives.

This scenario challenges development partners and human rights workers to be very careful in their role in development. As a first necessary step, they have to exercise sound judgment in identifying the individuals and sectors/groups that have the right claim to certain entitlements relative to issues and problems which need to be resolved in order to avert negative effects on the community or people affected.

The Meaning of RBA Mapping of People's Rights Entitlement

Mapping of People's Rights Entitlement is the RBA tool for analyzing the people's claim to certain human rights and entitlements that may be prejudiced by some development issues, problems or concerns affecting them. Problems/issues/concerns could restraint people from enjoying or fulfilling the rights they are entitled to under international human rights instruments and enabling domestic laws. As a result, the situation weakens their participation in governance and self-development. Thus, there is a need to help address issues/problems/concerns to enhance their participation in development process.

The Benefits of Mapping Out People's Rights Entitlement

Using this RBA tool has a number of benefits as described below.

1. The application of this particular RBA tool results in greater public awareness regarding inalienable rights they have a claim or are entitled to based on international instruments and standards. This increasing awareness makes people more vigilant and aggressive in claiming their said human rights.

2. People also come to realize that their participation does not end with simply claiming their rights or entitlements. They come to know that they have specific duties to perform while availing themselves of the opportunities provided for them by the enabling environment. Likewise, they have the responsibility to share their own resources, no matter how meager, and to hone their potentials towards achieving their vital freedoms and rights.
3. A well-informed public cannot be easily deceived or persuaded. This becomes true with people dealing with government and other organizations interested in human development. As people learn more about their rights, they become more active "watchdogs" of the government, particularly with regard to the latter's mandate to provide the enabling environment for people to participate in various development processes. As a result, the government tends to be more responsive to legitimate public demands and choices.
4. The findings and results of mapping out people's rights entitlement can serve as one of the bases in determining the mechanisms for people's participation in decision making at all levels of sector planning, from situation assessment, goals and objectives formulation; determination of plans, programs or activities; identifying baseline, benchmarks and performance standards through implementation up to monitoring and evaluation.

Application of RBA Mapping of People's Rights Entitlement

The application of this RBA tool involves five steps, which are explained below.

1. Identify the individuals or groups of people who are directly or indirectly affected by the issue, problem or concern being tackled. In so doing, always bear in mind that special attention must be given to vulnerable and disadvantaged groups, e.g., children, youth, public/private and informal labor, displaced communities, prisoners and detainees, migrant workers, differently-abled persons, urban poor, rural workers, Muslims, indigenous peoples, and other marginalized sectors in the community.
2. Determine the sector or category under which the people affected (as identified in Step 1 described above) may be classified. Examples of sector classifications are the elderly, children, youth, women, public/private and informal labor, displaced communities, prisoners and detainees, migrant workers, differently-abled persons, urban poor, rural workers, Muslims, indigenous peoples, and other marginalized sectors.
3. Identify and establish the effects of the issues/problems on the individuals and/or groups concerned as well as the sector to which they belong.
4. Determine the relevant human rights entitlements as drawn from international instruments, including those contained in applicable domestic laws and issuances.
5. Draw out or gather the opinions of the people affected by the problem/issue regarding their own perception of how they themselves will be able to contribute to, or participate in, the process of resolving the issue/problem/concern.

For effective integration and processing of the information generated from using this RBA tool, the matrix suggested in Table 10-2 could be helpful.

Table 10-2 *Matrix for Claim Holders Analysis and Entitlements Mapping*

Individuals/ Groups Affected by the Issue/ Problem/Concern [1]	Sector [2]	How they are Affected [3]	Their Rights Entitlements [4]	How They can Participate or Contribute [5]

List responses to Step 1 in Column 1, information drawn from Step 2 in Column 2, effects identified following Step 3 in Column 3, relevant rights identified in Step 4 in Column 4, and people's perceptions gathered in Step 5 in Column 5.

Indeed, the significance of people's participation in development cannot be overemphasized nor ignored. To optimize its benefits, development agencies and workers in different sectors and levels must always integrate it into their planning process. The most critical is at the national or macro level where socio-economic and political decision making on concerns affecting people's lives takes place. The important key is to institutionalize people's participation as a vital component of decentralized development planning process that employs a multi-level mechanism which is legally binding.

For the purpose of monitoring the progress in people's participation and the attainment of development goals and objectives, institutions and sectors concerned will find it relevant to develop applicable indicators for qualitative, voluntary, free and systematic participation. This will help ensure that people are always the center of development efforts and the legitimate co-owner of human development.

11 | *Institutional Mapping**

Introduction

Institutional mapping refers to the inventory of development institutions and the corresponding information on integration of human rights in their development programs and activities. Development institutions are of two categories: government agencies (GAs) and civil society organizations (CSOs). The Commission on Human Rights has developed separate RBA mapping tools for each category of institution to analyze and clarify strategies for actions of development agencies. These are the focus of discussion in this chapter.

Benefits of Applying RBA Institutional Mapping

The benefits that can be derived from the application of RBA Institutional Mapping, in general, are:

1. A regularly updated comprehensive inventory of development institutions provides relevant information on the extent to which they contribute to the protection, promotion, and fulfillment of individual human rights at the organizational and the community levels.
2. The information generated out of this inventory help the Commission on Human Rights in monitoring the compliance of agencies concerned with their respective mandates as duty holders of human rights.
3. As a self assessment tool, the inventory enables the institutions concerned to determine the gaps in their RBA work and, subsequently, to formulate and undertake appropriate remedies that would bridge the gaps they themselves have identified.
4. It is also a means to inform the public about the programs, services and activities the institutions concerned are implementing, not only to uphold and fulfill human rights, but to contribute to the total development of human beings. Given this, the inventory fosters greater accountability and promotes transparency among development institutions. On the part of the public or the community, it helps build their trust and confidence in government and the work of other development partner organizations. Additionally, it encourages them to become more responsible citizens, supportive of development programs and activities.

*The discussion in this chapter draws heavily from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:29-56.

RBA Mapping of Agencies

Rationale and Objectives of the Tool

RBA Mapping of Agencies is an assessment tool that measures the observance of the rights-based approach in development agencies. The purpose of this tool is to map out the performance of development agencies as duty holders of rights guaranteed under the international instruments. By their very nature, government agencies are expected to ensure that human rights are respected, promoted and fulfilled in their respective organizations. To attain this, government agencies have to mainstream human rights in their institutional plans, programs, projects and activities. The mainstreaming process requires the setting up of necessary mechanisms that will enable these agencies to link their mandates with the proper observance of human rights in their day-to-day operation.

Application of the Tool in RBA Mapping of Agencies

There are five steps to be followed in applying the tool. These are:

1. Preparing a list of human rights, clustering them into (a) economic, social and cultural rights; and (b) civil and political rights;
2. Identifying the criteria, standards or normative content of every right as specified under the international human rights instruments;
3. Preparing a comprehensive listing of all government agencies, corporations and instrumentalities concerned that correspond to each of the human rights identified under Step 1;
4. Defining agency mandates for each of the duty holders identified; and
5. Stating the nature and levels of pertinent state obligations under the international human rights instruments that correspond to each of the human rights listed by category.

Preparing a List of Human Rights Concerns

The term "human rights" is defined as "fundamental moral and legal entitlements that belong to all individuals and/or groups from action and omissions that affect fundamental human dignity" (Office of the High Commission for Human Rights, 1997). Rights are enshrined in both oral and written traditions, e.g., economic, social and cultural rights; and civil and political rights. These rights are generally expressed in national constitution or international conventions such as the Universal Declaration of Human Rights and the International Convention on all Forms of Discrimination Against Women. The list of the human rights concerns are found in Column 1, Table 11-1.

Table 11-1 *Rights-Based Matrix of Development*

Human Rights [1]	International Standards [2]	Duty Holders [3]	Specific Mandate [4]	Applicable State Obligations [5]
A. Economic, social and cultural rights				
1. Right to work				
2. Right to Food				
3. Right to Housing				
4. Right to Health				
5. Right to Education				
6. Right to take part in the conservation, development and diffusion of science and culture				
7. Right to Social Security				
B. Civil and Political Rights				
1. Right of Self-Determination				
2. Equal Right of Men and Women				
3. Right not to be subjected to torture or cruel, inhuman and degrading treatment				
4. Freedom from slavery and slave trade				
5. Right to liberty and security of persons				
6. Liberty of movement and freedom				
7. Equality before the courts and tribunals				
8. Right to access to justice				
9. Freedom of thought, conscience and religion				
10. Right to hold opinion without interference				
11. Equality and non-discrimination				

Source: CHR Reengineering Project: Rights-Based Approach (RBA) Design Report, October 2003

For example, to generate a human rights profile of the Department of Health (DOH), the RBA worker shall facilitate the listing of human rights concerns relevant to the DOH, e.g., right to health, right to life, right to participate, etc.

Identifying Criteria, Standards or Normative Content

This refers to the process of identifying criteria, standard or normative content of every right as specified under the international human rights instruments. Integrating human rights standards throughout the process is essential if agencies are to link their roles in real human rights concerns.

For example, one of the rights relevant to the DOH is the right to health. Translating this right to health into its normative content needs the use of bases upon which the right is anchored. The right to health is based on various international conventions and treaties, such as UDHR, ICESCR, DRD, ICERD, CEDAW, and CRC, as well as the 1987 Philippine Constitution (Refer to Table 2-3 on page 15). This covers the right to access to and enjoyment of health services and facilities, and to enjoy certain social conditions favorable to the highest attainable standards of health (Refer to Supplementary Readings of the RBA Orientation Training Manual).

Under Column 2 of the Matrix, identify the international instruments corresponding to the right/s enumerated in the first column. Reference to international standards provides an objective and authoritative basis for understanding the human rights concerns and prevents one from gathering superfluous information for the sake of collecting as much data as possible with no clear link to the ultimate objective of institutional analysis.

Identifying Duty Holders

The task of identifying who is responsible for ensuring that a given right is not violated is one of the key features of RBA. The task involves identifying institutions with the duty to prevent violations and encouraging them to fulfill that duty.

The process of identifying the duty holders is often complex. There is usually a hierarchy of duty holders from the head of state down to the local level of those working with particular human rights concerns. It is important to understand these various levels, because duties are often shared among different agencies and departments, often with gray areas where responsibilities are not clearly designated.

Another feature to consider is that the concept of duty holder is closely bound with the notion of public accountability. This is arguably the most important value-added of a rights-based approach. Accountability requires that the government, as the legal and principal duty holder, accepts responsibility for its impact on people's lives, provides information, undertakes transparent processes, hears people's views, and responds adequately to those views (UNDP, 2000).

The UNDP Poverty Report of 2000 states, "holding governments accountable is a bottom-line requirement for good governance." Likewise, the Stamford Common Understanding considers accountability as a human rights principle that "guides all development cooperation and programming."

It is at this stage that all the duty holders of each of the most influential human rights concerns are listed. It means identifying the institutions with the capacity and the obligations to respond to such concerns. From the executive branch, for example, the duty holders of the

right to health include, among others, the Department of Health, the Cabinet including the Chief Executive who decides on budgeting priorities for health, etc.

If consensus on who should be included in the list of duty holders can not be reached at this stage, a final decision is not needed. Instead, agree on a tentative list and make adjustments later.

Box 11-1
A Success Story

Region V is perhaps one of the best examples in applying this tool. It was able to elicit information on agencies' claims on human rights concerns through the use of interviews and questionnaire designed for this purpose. It revisited the specific mandates of the duty holders or government agencies and was able to relate these to the various state obligations applicable under the international human rights instruments.

In the application of this tool, Region V was able to validate the findings during the Regional Forum on Human Rights held on December 8, 2004 at the DOH Region V Regional Office and to use these findings as bases for drawing up the Human Rights Situation Report in Region V.

Assessing Agency Mandate

After completing a comprehensive listing of the duty holders, the next step is to review the agency vision, mission and goals. The mandate should be governed by the principles of transparency, empowerment, equality, and attention to vulnerable groups. It should identify the measures taken up to respond to the human rights principles. Likewise, the mandate of the agency should reflect the obligations of the state to respect, promote, protect and fulfill human rights.

It is important for the RBA worker or point person to make sure that the participants have copies of the identified agency mandates, vision and mission. If the agency was created by a special law or directive, review the law and what it says about the function of the agency. Write down the mandate of the agency in the fourth column of Table 11-1 corresponding to a particular right that the particular mandate must promote, protect and fulfill as an organization adhering to the human rights framework.

Assessing State Obligations

One of the principles underlying the rights-based approach is that development should be in accordance with the levels and nature of the State human rights obligations. By signing human rights treaties, the government is the State party and the principal duty bearer. Government is obliged to respect, protect and fulfill all human rights of all citizens. Fulfilling human rights requires the government to facilitate, provide and/or promote rights; but, not necessarily directly meeting all people's socio-economic needs. The government can meet the obligations by acting as a regulator or facilitator of other players who provide services, such as the market and civil society (Moser and Norton, 2001). The last column in Table 11-1 identifies the corresponding state obligations for a particular right.

Assessing State obligations entails understanding the nature and level of State obligations, which originated from the national and international human rights frameworks. It requires a particular conduct now ("immediately") and the attainment of certain results over time ("progressively"). Human rights always imply human duties and responsibilities and most of these duties or obligations lay with the State because the State's political, economic and military power over its citizens is both the major threat to human rights as well as its major

guarantee and protection. The State is under obligation to take steps, to the maximum of its available resources and by all appropriate means, with a view of achieving progressively the full realization of rights (CHR, RBA Orientation Training Manual, 2002).

There are two ways of classifying State obligations. These are obligations of conduct and result; and obligations to respect, protect and fulfill. The obligation of conduct refers to the obligation of the State to act or not to act in a certain manner, while obligation of result sees the State as facilitator and provider of rights.

The State's obligations to respect, promote, protect, and fulfill human rights are the generic obligations of the State, also known as the levels of State obligations. The obligation to respect means that the State should not directly violate the rights of its citizens, should not destroy people's livelihood, people's personal security or health, people's homes, people's cultural identity, etc. The obligation to protect means that the State should protect its citizens from human rights violations committed by others. It has the obligation to prohibit and prevent the human rights violations, and to ensure adequate access to legal remedies in case of violations by third parties, and not conniving with nor allowing any third party to destroy people's possessions.

The obligation to fulfill means that the State should facilitate and promote the full exercise of rights by citizens, becoming a direct provider in exceptional cases. It has two dimensions, namely: obligation to facilitate or promote, and obligation to provide. The former means that the State should take the necessary measures to "facilitate" as much as possible the exercise of rights by individuals by guaranteeing real opportunities for people to exercise their rights fully, while the latter means the State has the obligation to directly provide the right in question when individuals or groups are unable to realize their rights by the means at their disposal, for reasons beyond their control.

RBA Mapping Tool for Civil Society Organizations

Rationale for Mapping CSOs

The rights-based approach stresses the importance of participation of all stakeholders to ensure that their interests and rights are included in the final development outcomes. Civil society organizations (CSOs) are relevant stakeholders of the rights-based approach. Civil society has been defined as "the plethora of private non-profit and non-governmental organizations that have emerged in recent decades in virtually every corner of the world to provide vehicles through which citizens can express individual initiative in the private pursuit of public purposes (Salaman and Anheier, 1997).

Civil society organizations in the Philippines have taken the responsibility of addressing human rights in their development activities. In many instances they have advocated in behalf of vulnerable sectors that governments find hard to reach. They have worked to ensure that public services respect the legal framework that entitles people to achieve quality standards and support equitable access of services.

For partnership between government and CSOs to develop and to thrive, it is best to institute specific channels and mechanisms to facilitate constructive dialogues on programs and policies related to human rights. It is also important to obtain information on where CSOs are strong and more active, what type of activities on human rights they are involved in, and what sectors they serve at the national, regional and local levels.

Description and Objectives of the Tool

The RBA Mapping Tool for CSOs is a simple process involving the conduct of interviews and dialogues in order to identify the various civil society organizations and their stake on human rights through an inventory of their services, businesses and programs.

Mapping out civil society organizations produces an up-to-date comprehensive inventory of CSOs at the national, regional, municipal and community levels. It aims to provide the CHR and other RBA users with useful information about the organizations that may be tapped in various human rights promotion and protection activities as well as in other mobilization work for the participation of civil society in RBA work.

The data/information to be generated by this tool would serve as a handy and reliable reference for some groups, associations and/or institutions interested in forging ties with civil society organizations in their development work. It gives them clear ideas regarding potential partner CSOs, their line of business/services, and the clients they serve.

Application of RBA Mapping Tool for CSOs

The use of RBA Mapping Tool for CSOs involves processes discussed below.

Preparatory Stage

The first stage in the process requires research and document review in order to identify and come up with a list of the CSOs involved in human rights activities, e.g., promotion and protection activities.

Profiling of Identified CSOs

This stage involves interviews and dialogues with the identified CSOs. The following questions may be used as guide for the interview:

1. What is the name and the scope of operation of the CSO being profiled (include geographic reach; specify if group organization is a member of a coalition network; if group/organization implements activities alone or in congruence with other entities/organizations, government agencies, etc.)
2. What are the human rights activities or tasks of the CSO? Activities or tasks of the CSO may be categorized into: representation activities, mobilizing, regulation and monitoring, development and social activities, and others.
3. Who are the target group(s) of each program/activity described? The program foci and activities may include gender equity and/or empowering of vulnerable and disadvantaged sectors.

Expect the answers to the questions to differ according to each group's social, political, professional, economic and religious background. It is, therefore, important to clarify the activities of each CSO and the clients, and the services/programs they provide.

Box 11-2
Application of RBA Mapping Matrix for CSOs: An Example

> Region V used the tool in preparing the 2003 Regional Human Rights Situation Report. The matrix painted an accurate picture of the CSOs in the Bicol Region. The work has been made easy with the identification of the different sectors under the Philippine Human Rights Plan (PHRP).

RBA workers and/or point persons who are responsible for the processing of relevant information generated out of the foregoing process are encouraged to use the matrix suggested in Table 11-2 for RBA Mapping of Civil Society Organizations.

Table 11-2 *Matrix for RBA Mapping of CSOs*

Name of Organization (include basic information on the CSO) [1]	Business/Services/ Programs [2]	Human Rights Clients/Sectors being served [3]
1. Private Sector		
a. Name of Organization		
b. Location/Address		
c. Indicate if organization is: • member organization • member of a coalition or network • implementing activities alone or in congruence with other entities		
2. NGOs		
a.		
b.		
c.		
3. Religious		
a.		
b.		
c.		
4. Media		
a.		
b.		
c.		

Source: CHR Reengineering Project: Rights-Based Approach (RBA) Design Report, October 2003

As an important guide for RBA workers, please note that responses intended for Step 2 should be placed in Columns 1, 2 and 3 of the foregoing matrix.

12 | *Rights, Responsibilities, and Root Causes Mapping**

Introduction

A very important indicator of the level of human development is the extent to which people enjoy and realize the basic human rights they are entitled to under international human rights instruments. To be able to gauge this requires a clear picture first of the level of compliance among duty holders of their obligations to respect, promote, and fulfill those human rights. Thus, RBA Duty Holders' Mapping and RBA Governance Orientation Mapping are critical. These RBA tools are the main focus of discussion in this chapter.

RBA Duty Holders' Mapping

The Meaning of RBA Duty Holders' Mapping

This RBA tool links duty holders' compliance of their human rights obligations to respect, promote and fulfill people's basic rights with relevant issues, problems and concerns prevailing in an organization or community.

The Benefits of RBA Duty Holders' Mapping

The findings and results of mapping out duty holders' human rights obligations help establish the extent of compliance with their mandate to protect, promote and realize people's essential freedoms and rights. Having done this, gaps in their compliance, if any, will also become apparent. Duty holders concerned can then devise effective ways and means of filling in those gaps in their daily operation. These include strategic measures to resolve the different rights-related issues, problems and concerns.

The Application of RBA Duty Holders' Mapping

There are five steps to be followed in the application of this particular RBA tool. These are:

1. Identify the issues, problems and/or concerns that pertain to human rights;
2. Determine the specific human rights involved in the problem/issue/concern;

*The discussion in this chapter draws mainly from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003: 29-56.

3. Indicate the normative content that correspond to each of the rights involved in the issues/problems/concerns already identified;
4. Enumerate the duty holders concerned with each of the rights listed in Step 2; and
5. Determine the nature and levels of obligations (e.g., to respect, promote or fulfill basic rights) of the duty holders concerned based on the various rights involved in the problems, issues, and concerns diagnosed earlier.

Table 12-1 is a helpful guide in RBA Duty Holders' Mapping.

Table 12-1 *Matrix for Duty Holders Analysis and Obligations Mapping*

Issue/Problem [1]	Rights involved [2]	Applicable Normative Content [3]	Duty Holders [4]	Nature and Levels of Obligations [5]		
				Respect	Protect	Fulfill

To be listed in Column 1 are the specific issues, problems and/or concerns that are related to human rights. These could be the same issues/problems/concerns identified and listed in the RBA Situation Mapping (detailed in Chapter 10 of this Manual).

For the information needed for Column 2, the Situation Mapping exercise discussed in Chapter 10 would be helpful.

For Column 3, workers can also refer to the applicable normative content explained in Chapter 1 of this Manual.

The information to be drawn for Column 4 refer to as many government agencies/ corprations concerned with mandates corresponding to the issues and rights involved.

Column 5 refers to any existing legislative, administrative or program measures that have been undertaken by government categorized as obligations to respect, protect, and fulfill human rights under the international human rights treaty obligations.

RBA Governance Orientation Mapping

How is the Rights-Based Governance Orientation Mapping Applied?

The human rights framework can be applied in different governance functions to ensure that government institutions and processes will provide an enabling environment for the fulfillment of people's right to development. This particularly refers to the level of people's enjoyment of both civil and political rights and economic, social and cultural rights.

The human rights principles, international human rights instruments, concepts of duty holder and claim holders, and application of the normative content of every right are critical criteria and standards, which could be enumerated under economic governance, political governance, and administrative governance. Table 12-2 enumerates the various steps involved in conducting a Rights-Based Governance Orientation Mapping.

Table 12-2 *Matrix for Rights-Based Governance Orientation Mapping*

Steps	Application Processes
1	Select one governance function under economic, political and administrative governance as enumerated in Table 3-1.
2	Enumerate as many government agencies/corporations performing the selected function, e.g., regulatory.
3	State their respective mandate/s.
4	Identify their individual program/project/activity (PAP) based on the General Appropriations Act (GAA).
5	Determine the rights involved corresponding to each PAP or rights enhanced or protected, promoted or fulfilled.
6	Determine under which International HR Instruments are these rights guaranteed.
7	What are the standards (normative content) to be applied to enhance human rights linkage or centeredness of each of the PAP?
8	Determine where and how these standards could be applied, e.g., policy formulation, program development, work and financial planning, performance target setting.
9	Determine programmatically over the short-term or medium-term how the identified HR standards (normative content) could be realized over a specified period in the Agency/Corporate Policies, Agency/Corporate Plan, Performance Targets.
10	Identify the various stakeholders under each PAP to include other GOs, NGOs, private sector, vulnerable/disadvantaged groups, media, and cite reasons for their involvement.
11	Determine how men and women are differently involved or affected under each PAP.
12	Determine ways and means or identify mechanisms through which various stakeholders could have meaningful participation in the PAP taking into consideration the HR Principles.
13	Determine ways and means of monitoring and evaluating the level to which HR standards are complied with.

13 | *RBA in Policy Review**

Introduction

Policies are necessary instruments for accelerating human development. Whether enacted nationally or adopted by local legislative bodies, or issued by other competent government authorities, policies must be related to human rights and to human dignity in order to bring about real development of the people as human beings. This is the very essence of mainstreaming the rights-based approach in policy analysis, review, and evaluation.

Policy review is conducted in order to ascertain the effects of a policy on the lives of people who are affected by its implementation or non-implementation.

Rationale for Using RBA in Policy Review

The main purpose of applying RBA in policy review is to determine the responsiveness and performance of a policy in terms of satisfying human rights claims through the compliance of relevant state duties and obligations.

The Application of RBA in Policy Review

RBA policy review focuses on three essential aspects, which are discussed subsequently.

Human Rights Dimensions of the Problem/Situation

Basically, this is a critical assessment of the human rights dimensions of the problem being addressed by a particular legislative measure or policy. It involves several steps.

1. Identify the specific rights that are involved in the problem being raised and examine their causes as well as other related issues and concerns.
2. Establish the inter-relatedness between and among the rights that have been identified.
3. Determine if the rights affected involve core compliance or progressive compliance of state obligations to satisfy claim holders' human rights.
4. Identify the corresponding state obligations that have to be raised on the basis of international human rights instruments to respect, protect and/or fulfill the rights that are being affected.

*The discussion in this chapter draws mainly from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:29-56.

5. Determine which vulnerable/disadvantaged groups or sectors are really affected and how they are affected by the problem/situation.
6. Examine the effects or impact of the problem/situation on both women and men.

Outcomes Described in Terms of Raising the Level of Human Rights Enjoyment

This aspect is concerned with the results or outcomes of the policy in terms of upgrading the level of human rights enjoyment by the target groups or sectors. It seeks to establish whether or not the policy considers definite improvements in the quality of life of the vulnerable and disadvantaged groups/sectors that are targeted to benefit from the implementation of the policy being reviewed or evaluated. During policy assessment, the RBA worker or point person has to determine the specific changes that have taken place in the socio-economic, political and cultural life of the people affected. Conscious efforts should be made in a way that the analysis would show if expanded opportunities for people's enjoyment of their rights have proceeded as a result of the implementation of the policy which is subject for evaluation. The analysis should also include an examination of the normative content of the particular human rights that have been realized during or after policy implementation.

Human Rights Criteria Used in the Assessment of Past Policy Performance

The main concern of the RBA worker or point person in this aspect is to determine whether or not the target disadvantaged or vulnerable groups/sectors were indeed consulted during the formulation and the actual implementation of the policy affecting their enjoyment of human rights. This is very important because policies become more effective and responsive to the target groups' needs and interests if the beneficiaries themselves are allowed to participate in the process. Eliciting their participation in policy formulation enables them to express their own sentiments and, thereby essentially make them co-owners of the policies they help develop and the kind of future those policies help shape.

At this stage also, the RBA worker or point person will be able to assess the performance of the implementing agencies and human rights duty holders concerned based on the gains and accomplishments obtained in terms of improving the level of people's enjoyment of their rights through the implementation of the policies under review.

This part of the analysis will, likewise, inquire into the different human rights principles (e.g., non-discriminatory, equity, transparency, accountability, empowerment, etc.) that became evident during the evaluation of policy performance. Implementation gaps will then subsequently be determined and enable policy and decision makers to propose additional necessary policies and legislative enactments.

This process of undertaking RBA policy review, analysis and evaluation may be done using the practical guides in the application of human rights criteria and standards outlined in the matrix shown in Table 13-1.

Table 13-1 *RBA in Policy Review Matrix*

Consideration	Human Rights Guide
Human rights dimensions of the problem/situation	1. What are the specific rights involved based on the problem raised? What are the causes of the problem and its underlying issues? 2. What other rights are affected to show inter-relatedness? 3. Do these rights involve core compliance or progressive compliance? 4. What are the State obligations to be raised based on international human rights instruments? 5. Which vulnerable/disadvantaged sectors are affected and how are they affected? 6. What is the effect on both women and men?
Outcomes described in terms of raising the level of human rights enjoyment	1. Does the policy consider changes in the quality of life of vulnerable and disadvantaged sectors affected? 2. How is quality of life translated (economic, social, political, cultural rights to be enjoyed) in terms of the opportunities created for the sectors affected? What is the normative content of specific right/s realized?
Human rights criteria used in the assessment of past policy performance	1. What sectors were affected? Were they consulted? 2. Were their contributions or participation elicited? 3. Do accomplishments reflect performance of State obligation by government agencies concerned? 4. What human rights principles are evident in the policy performance? Non-discriminatory, equity, transparency, accountability, empowerment, etc?

14 | *RBA in Program Development**

Introduction

This Chapter contains tools pertinent to rights-based approach to the development process. In essence, the tools included in this chapter are not totally new to development planners and managers because these are existing tools they have been using in recent years for the attainment of development goals and objectives. The difference, however, lies in the incorporation of the concepts, principles and standards of the rights-based approach to existing development programming tools and techniques. It integrates the norms and standards of both local and international human rights framework into development plans, policies, programs, projects, and processes.

The aim of this chapter is to provide individuals or groups with the knowledge on how the human rights perspective can be integrated into existing models of development to enhance programming tools, techniques and methodologies. The innovation introduced by the rights-based approach to development is the shift from the needs perspective to a rights-based perspective—treating development goals and objectives not as mere needs or wants but as human rights that are inherent to every human being.

Included in this chapter are four development tools, namely:

1. **RBA in Program Development,** which explains rights-based formulation of goals, objectives, strategies and programs within the context of basic human rights framework, norms, and standards.

2. **RBA in Programmatic Application of Human Rights (HR) Normative Standards** tackles programmatic application of HR normative content and human rights indicators based on the overall statement of goals, objectives, strategies, and programs by means of identifying priority concerns and corresponding human rights, as well as the duty holders concerned. The commitments may be programmed from year to year over a specified period in two ways: (a) in terms of legislative, administrative, judicial, and programs commitments, and (b) in terms of minimum, maximum and optimum levels.

*The discussion in this chapter draws heavily from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:29-56.

3. **RBA in Development Programming** provides guides and operating tool on the use of human rights framework. It focuses on the application of human rights as criteria and standards in the development programming process from situation analysis to program monitoring and evaluation.

4. **RBA in Project Development and Writing of Project Proposals** integrates human rights concepts, standards and principles into the various phases of project development. This also provides guidelines in writing project proposals based on the human rights framework.

RBA in Program Development

RBA can very well serve as the process of applying human rights principles, levels of State obligations and normative content at every stage of the program development process. Recall that human rights principles (e.g., universality, non-discrimination and equality, attention to vulnerable groups, etc.) are the essential conditions to facilitate the definite enjoyment of rights. These principles have their origins from human rights norms. State obligations refer to the duties or obligations that lay on the State to respect, protect and fulfill human rights immediately and obtain results progressively over a certain period. The normative content of a particular right is the specific standard protected by such right or the actual meaning of human rights that can be used as objective standards of human dignity.

The program development process jumps off from the situational analysis (please refer to the discussion on Situation Mapping Tool in Chapter 10) where rights entitlements as well as deprivation of human rights are identified. Programs to be developed should be based on this analysis which is done using the RB lens. The results of the situational analysis will indicate the set of solutions. From such set of solutions, goals are then formulated. Goals are more general statements of what the project wants to attain to address concerns on the deprivation of rights of the groups or sectors identified as vulnerable. The goals are the desired future state of the groups or sectors affected by the problem. These goals must then be segregated into objectives that are more specific. Objectives may be considered as the "ladder" towards the achievement of a certain goal. In delineating the difference between goals and objectives, it is also helpful to consider a time frame since objectives have a shorter time frame than goals. After the objectives have been set, formulation of strategies logically follows. Strategies are plans of actions to achieve certain goals and objectives. In laymen's term, a strategy is the game plan for achieving the desired quality of life of the vulnerable groups or sectors. Once goals, objectives and strategies have been set, the next task is to formulate programs that would embody the results of the preceding stages in program development.

In the process of formulating goals, objectives, strategies and programs, it is best that development and governance workers are similarly guided by basic human rights framework, concepts, and standards. Moreover, the process must be participatory wherein stakeholders are given the opportunity to participate in every stage of the program development process. It is important to note that among the important principles of human rights are participation and empowerment. Whether development programs are still in the formulation stage or are already existing, the RBA can be applied. As postulated earlier, human rights both as criteria and standards could be used to ensure that development programs are expressly linked with human development.

For purposes of discussion, the case of the Bigay-Kalinga Program in Sampaloc, Quezon[1] shall be used as an illustration. It must be emphasized that this case did NOT deliberately use the RBA as an approach to the formulation of the program. The case has been chosen only for purposes of illustrating the process of program development in a specific area. Some comments are then integrated by the writer to put the process in the rights-based perspective.

Statement of Goals, Objectives, Strategies, and Programs

The first step in this tool is to define the goals, objectives, strategies and programs as responses to the issues and problems identified during the situation mapping.

The Bigay-Kalinga program was a "municipality-wide development through community-based problem solving" (Guiza and Del, 1999: 9). Essential in this program is the participation of the community. The communities within the municipalities were organized to facilitate people's participation. Based on the community assessments, among the major problems confronting the constituents of Sampaloc were lack of "adequate income, unemployment and underemployment, landlessness and the lack of infrastructure and support services" (Guiza and Del, 1999: 4-5). The people were involved in the formulation of the specific objectives of the program.

Please refer to Column 1 of Table 14-1 for the complete statements of goals, objectives, strategies and program.

Identification of Human Rights Principles

Column 2 of Table 14-1 delineates the identifiable use of particular human rights principles in the formulation of goals, objectives, strategies and programs. Opposite each formulation, corresponding specific human rights principles are identified and applied. For instance, the goal of making the beneficiaries participate in planning and implementing, as well as monitoring, a certain program or project intended for them corresponds to the human right principle of empowerment. The user of this Manual may refer to Chapter 2, Table 2-1 for a complete listing of human rights principles.

The task is to identify the principles that correspond to each of the goals, objectives, strategies and program identified. In Table 14-1, the corresponding human rights principles are linked with the objectives and strategies of the program. The listings are, however, not exhaustive and not limited to the ones provided in the example. This linkage should also be done with other formulations. The linkage to human rights principles is ideally done prior to the formulation of goals, objectives, strategies and programs.

Government Obligations

After the goals and objectives are identified with the corresponding human rights principles, the next step is to identify the responsibilities or obligations of the government agencies whose mandates are pertinent to the attainment of the human rights involved. The items under Column 3 of Table 14-1 refer to the deliberate observance of the government obligation, which could be considered at the outset of the preparation of the plan or used for appraising existing development plans. Obligations are classified in two: (1) obligations of conduct and result, and (2) obligation to respect, protect and fulfill.

[1] Guiza, E.C. and del, D.B. *The Bigay-Kalinga Program: Sampaloc, Quezon*. Local Government Academy, 1999.

The first way of classifying obligations is two-pronged: one part is the obligation of conduct. This refers to the obligation of the State to act or not to act in a certain manner. The obligation of result basically denotes the State as the facilitator and provider of rights. The obligation to respect, protect and fulfill is composed of three levels of State obligations. The obligation to respect means that the state should not directly violate the rights of its citizens. The obligation to protect means that the state should protect its citizens from human rights violations committed by others. The third is the obligation to fulfill, which refers to the facilitation and promotion of the full exercise of rights by its citizens. This has two dimensions, namely: obligation to facilitate or promote, and the obligation to provide. The former refers to the duty of the State to remove the hindrances impeding the disadvantaged groups from enjoying opportunities available to others, while the latter refers to the State's obligation to directly provide the rights in question when individuals or groups are unable to realize these by the means at their disposal, for reasons beyond their control.

For a hypothetical illustration using the Bigay-Kalinga Program as an example, please refer to Column 3 of Table 14-1. Also refer to Chapter 11 for the discussion of the Tool on RBA Mapping of Agencies and to Chapter 12 for the tool on RBA Duty Holders' Mapping. These tools outline the nature and levels of applicable State obligations under the international human rights instruments.

HR Normative Content

After the duties and obligations have been set out, the next step is to identify the standards to be applied in the formulation of goals, objectives, strategies and programs. These standards are based on the normative content of the human rights in question. With such standards, programs would be expressly linked with human rights and human development. For instance, in our Bigay-Kalinga Program example, it can be deduced that one of the rights involved is the right to work. Translating this right to work into its normative content needs the use of the bases on which the rights are anchored—both international and domestic laws. The right to work then, based on various international conventions and treaties, such as the Declaration on the Right to Development, the Universal Declaration on Human Rights as well as the Philippine Constitution, among others, covers free choice of employment; just and favorable conditions of work; protection against unemployment; equal pay for equal work; and just and favorable remuneration.[2] These normative contents then are the ones to be written under Column 4 of Table 14-1.

Table 14-1 provides an illustration of the preceding discussions.

[2] Article 23 of UDHR; Article 6,7and 8 of ICESCR; Article 8(1) of the Declaration on the Right to Development; Article 5(e)(i)(ii) of ICERD; Article 11 of CEDAW; Article 32 of CRC; and Section 3, Article XIII of the 1987 Philippine Constitution [as cited in CHR and UNDP (2003) *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*].

Table 14-1 *Matrix for Rights-Based Formulation of Goals, Strategies and Programs*

National/Sub-National/Sectoral or Agency [1]	What are the HR Principles to be Applied [2]	What are the Obligations under the International Instruments to be Complied with? [3]	What are the Standards to be Applied Based on the HR Normative Content? [4]
Statement of Goal: "By the year 2010, the Municipality of Sampaloc shall be peaceful and progressive community where development infrastructures are in place"	equality; equity; attention to vulnerable groups; empowerment; good governance; non-discrimination; and people's participation	obligations to respect, protect and fulfill	1. Substantive equal protection of the law and enjoyment of all civil, political, economic, social, and cultural rights 2. Take part in the government directly or indirectly through freely chosen representatives 3. Equal access to public services 4. Will of the people as basis of government authority 5. Entitlement to human rights without restriction, prohibitions, exclusions or preferences 6. Fairness, justice and impartiality in the guarantee of rights and freedoms
Statement of Objectives:			
1. to extend interest-free capital for assistance to the qualified clients	1. attention to vulnerable groups; empowerment; etc.	1. obligation to provide	1. measures taken up to help vulnerable groups in the solution of their problems; capacitating them to contribute and participate; etc.
2. to develop their cooperative and self-help capabilities	2. empowerment; people's participation; etc.	2. obligation to facilitate or promote	2. power to act for or on their behalf

Table 14-1 *Matrix for Rights-Based Formulation of Goals, Strategies and Programs (cont'd)*

National/Sub-National/Sectoral or Agency [1]	What are the HR Principles to be Applied [2]	What are the Obligations under the International Instruments to be Complied with? [3]	What are the Standards to be Applied Based on the HR Normative Content? [4]
3. to create opportunities for employment	3. empowerment	3. obligation to facilitate or promote	3. free choice of employment; just and favorable conditions of work; protection against unemployment; equal pay for equal work; just and favorable remuneration; etc.
4. to bring the disadvantaged within the folds of some organizational format which they can understand and operate	4. non-discrimination; attention to vulnerable groups; empowerment; people's participation; etc.	4. obligation to protect	4. entitlement to human rights without restriction, prohibitions, exclusions or preferences; fairness, justice and impartiality in the guarantee of rights and freedoms; poor should not be disproportionately burdened; etc.
5. to fully utilize their own resources and generate other resources needed for their greater welfare	5. empowerment; people's participation; etc.	5. obligation to facilitate or promote	5. capacitating them to contribute and participate
6. to develop self as well as social awareness among them	6. empowerment; interdependence and interrelatedness	6. obligation to facilitate or promote	6. power to act for or on behalf to claim inherent right; no right precedes the other; rights are interlinked with one another

Table 14-1 *Matrix for Rights-Based Formulation of Goals, Strategies and Programs (cont'd)*

National/Sub-National/Sectoral or Agency [1]	What are the HR Principles to be applied [2]	What are the Obligations under the International Instruments to be complied with? [3]	What are the Standards to be Applied Based on the HR Normative content? [4]
Strategy/ies: Community Organizing	empowerment; people's participation; etc.	obligation to facilitate or promote (e.g., community-based problem solving)	1. take part in the government directly or indirectly through freely chosen representatives 2. equal access to public services 3. the will of the people as basis of government authority
Program(s): Bigay-Kalinga Program	equality; equity; attention to vulnerable groups; empowerment; good governance; non-discrimination; and, people's participation	1. obligation to facilitate or promote (e.g., availability of credit arrangements to assist the vulnerable; community study; etc.) 2. obligation to respect (e.g., it should not take measures that result in preventing access to livelihood)	1. substantive equal protection of the law and enjoyment of all civil, political, economic, social, and cultural rights 2. take part in the government directly or indirectly through freely chosen representatives 3.equal access to public services 4. Will of the people as basis of government authority

:BA in Programmatic Application of HR Normative Standards

The RBA will be most effective in development processes both at the macro and micro :vels. The approach may be applied at the agency, sectoral, intra-sectoral, multi-sectoral, ational and local levels. However, these plans should be effectively linked with the overall ational and international human rights framework. To the end that international standards re progressively complied with, the formulation and development of human rights indicators nd programming of annual performance commitments, on the basis of the maximum use of ıe State's resources, should be a prerequisite to development planning and programming at ny level. The established indicators corresponding to the human rights standards and the ommitted annual performance targets of government for progressive realization of the :andards should guide every government institution and agency. The participation of civil ociety would help in the graduated and progressive realization of the standards.

The development of human rights indicators should serve as the take-off point for a overnment-wide programmatic application of human rights normative content. The process f drawing out the indicators could be integrated into the following RBA tool:

1. Mapping out of the international and national human rights framework[3] that should show an enumeration of rights commonly identified in major international human rights treaties and domestic laws with specifications as to the prescribed standards or normative content. The seven human rights treaties[4] ratified by the Philippines, which now form part of Philippine laws, as well as various international instruments should be used as reference in coming up with the listing of rights. For instance, the right to housing, which refers to the right to live in security, peace and dignity, is provided for by various international instruments as well as domestic laws. Among them are the UDHR, ICESCR, the Declaration of the Right to Development, ICERD, the 1987 Philippine Constitution, and the UDHA.

2. Identification and clustering of government institutions/agencies, referred to as the duty holders, whose mandates are directly related to the fulfillment of each right. In the preceding example of right to housing, among the government agencies whose mandates directly address this right are the National Housing Authority, the Housing and Urban Development Coordinating Council, the Housing and Land Use Regulatory Board, the National Home Mortgage Finance Corporation, and the local government units.

3. Production of a Compendium of existing indicators that support the international standard/normative content involving the cluster of government duty holders and representatives of civil society organizations.

[3] Human Rights are standards of human dignity rooted in every culture, religion and tradition throughout ıe world. Their inclusion in the UN Charter means human rights are no longer exclusively within the domestic ırisdiction of States but they are legitimate concerns of the international community (*A Training Manual on ights-Based Approach*: Module II, Section 1: 2002).

[4] These treaties are: International Convention on the Elimination of All Forms of Racial Discrimination; ıternational Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural ights; Convention on the Elimination of All Forms of Discrimination Against Women; Convention Against orture and Other Cruel, Inhuman, or Degrading Treatment for Punishment; Convention on the Rights of the hild; and Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

4. Administration of baseline study on the level of enjoyment of a particular right by identified vulnerable and disadvantaged sectors, groups and individuals (rights holders) on the basis of the international standards/normative content and the corresponding indicators established. This section refers to the actual conditions of vulnerable/disadvantaged individuals or sectors relative to enjoyment or deprivation of rights.

5. Gap Analysis between the baseline and the international standards on the basis of the established indicators. The analysis is to be done by cluster of agencies concerned together with the representatives from civil society organizations. This section will determine the extent to which the vulnerable individuals or sectors enjoy their rights.

6. Consensus building on the government's annual performance commitments in the short-term and medium-term (5-7 years) showing a programming of steps to comply with international standards. The aggregate commitments of the agencies within the cluster should contribute to the attainment of the level of international standards. Target setting should be rationalized based on the maximum use of the country's resources.

7. Government-wide adoption of the Rights-Based Planning Framework to serve as guide for the annual budget planning by agency (national/local) and reference guide for policy formulation and legislation, national resource allocation, and national and medium-term development planning.

Programming Commitments Over a Certain Period

One tool for incorporating human rights into the programming commitments of the government is to identify commitments of administrative, judicial and legislative bodies. The general programs of the government should be responsive to the current conditions of vulnerable sectors per right involved relative to the international standards provided for by various international treaties and conventions to which the Philippines is a party. This tool consists of five steps which interconnects the overall goals, objectives and strategies to the international standards and to the formulation of program commitments.

Step 1:

The first step is to identify the overall statement of goals, objectives, and strategies of the government. These statements can be taken from the Medium-Term Philippine Development Plan (MTPDP). The ideal case, however, is that this should form part of the initial planning stages conducted by the Government in the formulation of the MTPDP. From these overall statements, priority concerns are then identified which correspond to every human right. For instance, for the right to housing, one has to identify the priority concerns of the government as regards the provision of housing for the homeless.

Step 2:

The next step is to map out the duty holders corresponding to each right. This can be done through the review of the mandates of each of the government agencies, corporations and instrumentalities, and identify, based on their respective mandates, who are responsible for the right identified. Note that the tool RBA Mapping of Agencies (please refer to Chapter 11) is very useful in undertaking this step. To continue with the example given in the first

step, the key shelter agencies are: the National Housing Authority (NHA), the National Home Mortgage Finance Corporation (NHMFC), the Home Development Mutual Fund (Pag-IBIG Fund), the Housing and Land Use Regulatory Board (HLURB), the Home Guaranty Corporation (HGC), the Housing and Urban Development Coordinating Council (HUDCC), and to a certain extent, the Social Security System (SSS) and the Government Service Insurance System (GSIS), the latter two being providers of housing loans.

Step 3:

As bases for gap analysis in the succeeding steps, it is important to identify international human rights standards. These standards can be seen from various international instruments and conventions that concern each right. In RBA parlance, these are termed as the normative bases which specifically refer to UN Standards and other international treaties and conventions that the Philippines is a signatory to. In the case of the right to housing, among the normative bases are: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the Declaration on the Right to Development; and the International Convention on the Elimination of All Forms of Racial Discrimination. It is important to note that the Philippine Constitution has provisions pertinent to housing. Also important is the Urban Development and Housing Act (UDHA) of 1992 .

Step 4:

Based on the enumeration undertaken under Step 3, the core content of each human right are then identified. To continue the example on the right to housing, its core content include: the legal security of tenure; availability of infrastructure, facilities, materials and services; affordability; habitability in terms of space; protection and safety against structural and health hazards; accessibility; location; and cultural adequacy.

Step 5:

The next task is to establish the baseline showing the status or level of enjoyment or deprivation of rights by individuals, groups, communities or sectors. This can be done using the tool on Situation Mapping (please refer to Chapter 10). The level of attainment or enjoyment, as well as the degree of deprivation of rights, of the target sectors or groups are then established. The main task is to determine how the present duty holders fare in terms of fulfilling their obligations with respect to the rights identified. For instance, in the right to housing, one indicator that can be used is the actual needs of the Filipinos for housing.

Step 6:

The last step is to identify programmed commitments from year to year over a certain period in terms of legislative, administrative, judicial, and program commitments. For instance, in terms of legislative commitments, it is perhaps important to identify necessary amendments to existing laws pertinent to housing to make these responsive to the international human rights standards and to address the gaps between these standards and the present conditions of the Filipino people. Administrative programs can be formulated in the form of implementing the current housing legislation, such as those pertaining to housing loans, home mortgages and financing. Judicial commitments may include those pertaining to the resolutions of housing disputes and evictions, among others, in order that rights of the people to housing are protected. Programs, on the other hand, may refer to the major programs that the Government has

identified to address the gaps identified between the international standards and the current housing conditions.

These steps shall also be undertaken in order to ascertain programmed commitments for other rights (i.e., right to food, right to education, etc.). Table 14-2 summarizes the steps discussed above.

Table 14-2 *Programmed Commitments by Year, by Sector*

Rights [1]	Agencies Concerned [2]	International HR Standards [3]	HR Indicators [4]	Baseline [5]	Programmed Commitments From Y___ to Y___ [6]											
					Y^1				Y^2				Y^n			
					L	A	J	P	L	A	J	P	L	A	J	P
Right to housing	▸ NHA ▸ Pag-IBIG Fund ▸ NHMFC ▸ HLURB ▸ HGC ▸ HUDCC	▸ UDHR ▸ ICESCR ▸ Right to Development	▸ legal security of tenure ▸ availability of infrastructure, facilities, materials and services ▸ affordability ▸ habitability in terms of space ▸ protection and safety against structural and health hazards, accessibility ▸ location; and ▸ cultural adequacy	Housing needs												
Right to food																
Others																

Y – Year L – Legislative A – Administrative J – Judicial P - Programs

Programming Commitments by Level

There is another tool for programming commitments of the government. The difference between the first tool and this one is that the programmed commitments are determined from minimum to optimum levels. Basically, the minimum refers to the level needed to attain the rights concerned. This level is provided in cases where resources, for instance, are a problem. Given such constraint, the minimum level provides guidance to the program manager as regards the minimum acceptable to attain the human rights involved. Of course, the target of the agencies concerned must always be the optimum level. The leveling is just provided to give some flexibility to the agencies concerned.

For steps 1 to 4, you may refer to the discussion in the preceding tool as these tools are asically the same with regard to the discussion of the first four steps.

Step 1:

Based on the overall statement of goals, objectives and strategies for a given period, lentify the priority concerns such as right to housing, education, food, social services, health, tc.

Step 2:

Identify as many agencies/corporations of government that are mandated to perform elated services.

Step 3:

Based on international human rights instruments, provide the applicable normative content.

Step 4:

Specify information/data to indicate present level of compliance with normative content.

Step 5:

On the basis of the gaps between the baseline and the normative content, program overnment commitments at the minimum, maximum and optimum levels. The minimum evel should be the conservative estimate of the commitments of the government to provide or each right identified. For instance, the right to housing may refer to the minimum number f housing units needed in order that the present condition of the homeless is alleviated in esponse to the international standards.

Table 14-3 *Matrix for Programmed Commitments by Level, by Year*

Right/s [1]	Agencies Concerned [2]	Normative Content [3]	Baseline [4]	Programmed Commitments [5]		
				Minimum	Maximum	Optimum

Rights-Based Approach to Development Programming

Development programming involves several stages or what is commonly known as the program cycle. This cycle, however, is not a rigid step-by-step procedure. The cycle only represents a natural order and is not sequential. Each stage of the cycle builds on the preceding stages. In general, the program cycle has the following stages: (1) assessment and analysis; (2) objective setting; (3) design and implementation of capacity development strategies; and (4) monitoring and evaluation.

The objective of this tool is not to totally change the whole program cycle, but, rather to integrate the human rights perspective as a framework for development programming. The end result is not a totally new cycle, but, a modified one using human rights as its framework. The use of the human rights framework or the application of human rights as criteria and standards at every stage of development programming is recommended in order to attain a program that addresses multi-sectoral needs.

All throughout the discussion, the Rights-Based Approach Model for the Informal Sector's Development Program[5] is used as an illustration of how the development programming using the rights-based approach can be utilized. The illustration is discussed per stage, hence, there is an illustration box right after the discussion on each of the stages.

Assessment and Analysis

The first step in the program cycle is *assessment and analysis*. It is logical that the initial step for any program development and management tool is the identification of what the people or the clients actually need and what are the rights, under the rights-based framework, that have to be addressed. This stage is highly participatory in nature. It involves the participation of various stakeholders from duty bearers to claim holders, which range from government agencies, non-government organizations, or people's organizations. Identification of problems and issues may be undertaken through assembly or representative forum. The main goal during the assessment and analysis stage is to get a holistic picture of the development problem and the interrelations among the root causes.

During this stage, five important questions have to be addressed. These are discussed subsequently.

Who are the claim holders?

Essentially, this question seeks to identify the stakeholders, more particularly, the vulnerable or the disadvantaged groups or sectors in society and how they are affected, including the degree of their groups' vulnerability. Concerns on the experiences of men and women under the situation are also raised (i.e., Did women and men experience the situation differently?).

[5] A paper presented by the Commission on Human Rights on the occasion of the 8th National Occupational Safety Congress on 23-24 October 2002. This paper approximates the application of the RBA in sensitizing the development programs for the informal sector using human rights both as criteria and component of the development planning and programming process (excerpt from Commission on Human Rights of the Philippines. Human Rights, State's Obligations and Rights-Based Approach to Development. *Workshop on the Rights-Based Approach for the Public Corporate Sector*. Sulo Hotel, Quezon City. 27 November 2003:20-22).

What are the specific human rights concerns?

This question leads to the normative content or the elements of rights being affected. This involves the identification of the interrelations among the relevant human rights problems being experienced by the claim holders as identified in the preceding question.

Who are the duty bearers?

This question focuses on the duty bearers who have the responsibility of addressing the human rights concerns as identified in the previous question, including the specific duties involved.

What are the strengths and weaknesses of the stakeholders (i.e., claim holders and duty bearers) affecting the realization of human rights?

The task involved here is the analysis of the capacities and strengths necessary to facilitate a more effective exercise of the rights and duties of the claim holders as well as the duty bearers. The weaknesses and vulnerabilities that hamper the effective exercise of these rights should also be taken into consideration.

What are the underlying causes affecting the capacities of the duty bearers and the claim holders?

This involves the identification of the causes affecting the capacities of (1) the claim holders in exercising and fulfilling their rights, and (2) the duty bearers in complying with their obligations. These underlying causes may be systems, events, actions, attitudes or behaviors resulting in lack of capacities of the stakeholders.

Box 14-1
Situation Analysis from a Rights Perspective

As applied in the informal sector, the RBA provides a multidimensional analysis of development issues affecting the sector. Various human rights concerns and issues of the sector ranging from occupational health issues, work hazards, and poor safety conditions of their workplaces that are linked with poverty and survival needs are examined. These problems and issues are further defined and classified according to the pertinent rights of the sector being violated or transgressed. For instance, for problems involving the right to be protected against dangers of injury, sickness or death through safe and healthful working conditions, pertinent laws and international standards on reasonable working conditions may be applied, such as those concerning employment of minors, use of dangerous substances in the work places, emergency occupational health personnel and facilities, appropriate personal protective equipment, and safety and health information to workers, among others.

A major factor for the analysis of these issues and problems are State obligations to respect, protect and fulfill the rights of the sector, which should be linked also with the normative content of the right to health. Questions to be raised are: Whether or not occupational health and safety rights are complied with by the State or Government? What government agency or non-state player should be held responsible for compliance or for violations, if any?

Why the government? The reason is that the Government is the State party to comply with the Conventions and Treaties on labor.

Objective Formulation

During this stage, focus is on the desired changes in the quality of life of the vulnerable and disadvantaged groups affected. Desired changes are expressed in terms of outcome objectives and process objectives. **Outcome objectives** are reflections of the changes in the nature and quality of life of the vulnerable groups identified, including the indicators on how men and women are benefited based on the human rights concerns identified. These outcome indicators also include the improvement in the lives of the claim holders based on normative content as well as improvement in the compliance of duty holders with their obligations. **Process objectives**, on the other hand, indicate changes in the level of awareness, accountability, empowerment and capacity building of the various stakeholders. These process indicators are based on human rights principles.

For instance, if the right involved is right to housing, the desired change then could be to improve housing of urban poor living in danger areas.[6] Outcome indicators for claim holders may include number of people evicted without force or violence and number of people evicted and relocated. Outcome indicators for duty holders, such as the National Anti-Poverty Commission (NAPC), the Department of Social Welfare and Development (DSWD), and the local government unit concerned, to name a few, may include passage of policies on eviction and resettlement consistent with human rights principles and reduced number of illegal evictions, among others. Process indicators, alternatively, may include participation of claim holders in consultation as well as the number of organized groups involved. These indicators are not exhaustive as there are other indicators that the stakeholders might be able to identify during consultations.

It is important to emphasize that indicators to measure outcome and process objectives must always be linked with human rights principles, human rights normative content, and the various conditions. Human rights provide objective and detailed standards of human

Box 14-2
Formulation of Objectives from a Rights Perspective

At this stage of the development programming process, desired changes in the work and life conditions of the informal sector are set. As mentioned earlier, the means to improve the conditions of the workplaces of the informal sector could not be segregated from the concern to improve life conditions of the community where they reside. All stakeholders, namely, the duty holders and the rights claim holders participate in objective setting. These objectives are further specified in terms of outcome and process indicators. The outcome refers to the desired changes in the quality of life of the informal sector in the context of the complex nature and life conditions of the sector and should reflect the application of international standards on occupational safety and health linked with the normative content of the right to health (i.e., availability, accessibility, acceptability, and quality). Such indicators should be formulated referring to conditions particular to men and women, children, and other forms of vulnerability of the informal sector. Process indicators should indicate increase in the level of accountability of dutyholders, greater participation and empowerment of the rights claim holders and should describe necessary conditions for non-discrimination and equality, equity, attention to vulnerable groups, good governance, and legislative capacity, among others.

[6] Culled from the Training Modules developed by the United Nations Philippines, July 2002.

ignity which are useful in coming up with program objectives and indicators. Also important o emphasize is that every stage of the cycle must be highly participatory.

Program Designing

At this stage, both the duty holders and the rights claim holders identify the means to ttain their objectives, or the desired change in the lives of the groups affected as set out uring the objective formulation stage. The means to attain the desired change is referred to s program design. It includes strategies, components, resources, program organization and ctivity plan to comprehensively address issues/problems and to achieve objectives. The /hole program design should ideally use the human rights framework as criteria and standards. 'or instance, the program design should be in accordance with the normative content of the ight involved, reflective of the application of the human rights principles organized in such way that participation of all stakeholders concerned are instituted in compliance with stablished human rights principles and standards.

Likewise, the programming of development targets should show progression of the ttainment of the outcome and process objectives linked to human rights normative content nd principles. In addition, the organization should ensure participation and should reflect livision of responsibilities of the different stakeholders, based on state obligations as far the overnment duty holders, as well as purposive participation of the peoples' organizations as he focus and center of development programs.

The requirements for the program, which include financial resources and administrative, echnical and support requirements, are also identified during this stage. Moreover, a time rame that is realistic and achievable is also adopted.

Box 14-3

Designing of Development Programs from a Rights Perspective

Under this process, both the duty holders and the rights claim holders identify the means to attain their objectives to improve the occupational safety and health of the informal sector. Development plans may identify policies or legislation for the protection desired to improve the occupational health and safety of the workplaces of the informal sector. The programs should also define the means whereby set of activities and programming of resources will be undertaken at a given timeframe to include participation scheme for both duty holders and the rights claim holders. In the development planning, the rights being fulfilled as well as the human rights principles and obligations being addressed are identified in the process. Policies, programs and projects identified show a progression of the attainment of the target outcome of improved level of healthful and safe working conditions for the informal sector. The capacity-building strategies to equip both the duty holders and the rights claim holders to address issues and problems on occupational health and safety in the workplaces of the sector must be prioritized.

Program Implementation

At this stage, the program is executed in accordance with the program design developed earlier in order to achieve the goals and objectives set during the objective formulation stage. Implementation of a program is said to be rights-based when it is non-discriminatory in the sense that all those who are supposed to benefit from the program, as identified during the assessment and analysis stage, have equal access and can participate in, contribute to, and benefit from the program. Moreover, human rights principles like accountability, transparency, empowerment, equity, among others, are observed during program implementation.

The program should be implemented as designed and standards should not be compromised and derailed to avoid adverse effects on the groups/sectors that should benefit from it. It is during this stage that the significance of the outputs of each of the stages discussed earlier will be appreciated.

Box 14-4

Implementation of Development Programs from a Rights Perspective

Individuals, organizations, groups, and communities comprising the informal sector should be capacitated to implement development programs consistent with the human rights principles of participation and empowerment. Also, the duties of government agencies should be performed with high degree of accountability, transparency, and responsiveness to the needs of the informal sector and, thus, ensure the rule of law, non-discrimination and equality, equity, and non-violation of rights. At this crucial stage of implementation, government and non-government organizations managing the programs should be conscientious in empowering the informal sector both as participants and beneficiaries of the development initiative. As development managers, they should ensure maximum level of participation and full exercise of the programmed responsibilities of the participating individuals and groups.

Monitoring and Evaluation

Rights-based monitoring and evaluation requires keeping track of the progress of program implementation in accordance with established indicators. This will gauge the attainment of outcome and process objectives of the program, based on human rights principles, normative content, and other criteria and standards. To sustain a people- or human-centered program, it is best that indicators are also presented and discussed with the program participants. This would make them aware of the desired changes and outcomes that should be reached at the completion of the program. Ideally, the program participants should be involved in the monitoring and evaluation of the program. The result of the monitoring and evaluation should indicate how much has been accomplished in terms of the human rights criteria and standards used in the performance indicators.

Generally, this stage involves the assessment of the program vis-à-vis the desired changes in the quality of life of its supposed beneficiaries. Assessment of overall results should be in terms of the human rights situation, participation, development objectives articulated in human rights terms, mechanisms of access to the development process, effectiveness of capacity building to improve performance of duty bearers, empowerment, impact on women and men, efficiency of mechanisms of redress and accountability, and efficiency of safeguards.

Box 14-5
Monitoring and Evaluation from a Rights Perspective

Both content and process indicators should be formulated for the monitoring and evaluation of development programs. From a human rights perspective, *content indicators* refer to impact that reflects changes in the status and level of enjoyment of the right to occupational health and safety and its multiplier effects in social, economic, environmental, political, cultural and other development aspects in the lives of the informal sector as a result of the development programs and projects. For example, a home-based industry with support system for technical assistance and health services should be evaluated in terms of the physical changes in the work environment indicative of healthful and safe occupational and living conditions of home-based workers. Such changes in the work conditions guarantee sustainability of the economic activity that yields to stable source of livelihood and empowerment to participate in other social, political, and cultural dimensions of life.

On the other hand, *process indicators* refer to how the government duty holders and rights claim holders perform their respective responsibilities in attaining the content indicators. For this type of indicator, data and information should be gathered and analyzed on how government delivers services, particularly in meeting the standards for health and safety. This type of indicator should also show how the groups of the informal sector concerned participate in gathering and analyzing information on the benefits derived from government's assistance and services. The results of the monitoring and evaluation of development programs should serve as valuable inputs in determining how much the work and life conditions of informal sector have changed to meet international and national standards. The same results could be the basis for the identification and development of other development programs to progressively address the need of the informal sector for healthful and safe work and life conditions.

The proceeding table summarizes the stages in development programming as well as the guide in incorporating human rights framework into the process.

Table 14-4 *Human Rights Guide to Development Programming*

Programming Phases	Human Rights Guide
Situation Analysis	1. Who are the claim holders? 2. Who are the duty bearers? 3. What are the strengths and weaknesses of the stakeholders (i.e., claim holders and duty bearers) affecting the realization of human rights? 4. What are the underlying causes affecting the capacities of the duty bearers and the claim holders?
Objective Formulation	1. What are your desired changes? 2. More specifically, what are your outcome and process objectives?
Program Design	1. What are strategies to attain the desired changes in the lives of the groups affected? 2. What are the components of your program? 3. How much and where will the resources for your program be sourced? 4. What is your time frame?
Program Implementation	1. Have all the beneficiaries of your program been addressed? 2. Do these beneficiaries have access to your program and are they able to contribute to the attainment of your program objectives? 3. How will you address human rights principles, like accountability, transparency, empowerment, equity, among others, during program implementation? 4. How are you going to implement your program in accordance with your objectives and design?
Program Monitoring and Evaluation	1. Has the program been implemented in accordance with your program design? 2. To what extent have your outcome and process objectives been met? 3. Have all the stakeholders been given the opportunity to take part in the evaluation and monitoring of your program?

3A in Project Development and Writing of Project Proposals

A project is any series of activities and tasks aimed to achieve certain goals both socially d economically. Various authors have come out with varying definitions of a project. One finition, which embraces important elements of a project, that will be touched upon under s tool, is that of Kerzner. Kerzner (1992: 2) considers a project to be "any series of activities ıich has a specific objective to be completed within certain specifications; has defined start d end dates; and consumes resources such as finance, personnel and equipment."

Usually, projects are considered a response to certain development goals that the vernment must pursue and are referred to as development projects. Several projects form rt of a program, hence, more often than not, a project is considered a sub-unit of a program. ɔjects are the means by which a program is implemented. Let us take the example of the itional Housing Authority (NHA), particularly the NHA-Administered Resettlement ɔgram. Under this program are several component projects—all aimed at attaining the jectives set for the program. These projects include the development of core housing units serviced homelots. One resettlement site constitutes one project as a component of the ɔgram.

The development of a project goes through a cycle more commonly known as the project velopment cycle. It is in this cycle that the RBA lens could be injected. The mainstreaming human rights and actual process of RBA can be undertaken at every stage of the project velopment cycle. There are four major stages of project development that the project ınager has to consider in order to effectively mainstream human rights. These major stages :: (1) project conception; (2) project preparation; (3) project implementation; and ı project evaluation. In each of these stages are phases that a project goes through. Project ɔposal writing is usually done during the project preparation stage to give time for decision ıkers to look into the project rationale and objectives and decide whether the project is ɔrth implementing. The project proposal answers basic questions on the description, jectives, and rationale of a project. By the time the proposal is to be written, it is important ıt pertinent feasibility studies (e.g., market study, environmental impact assessment, social d institutional analyses, etc.) must have been undertaken to back up the project proposal. asibility studies are very important for intelligent decision making.

The following is a discussion on project proposal writing as incorporated in the project velopment cycle. You may refer to Table 14-7 for your easy reference on the pertinent estions you must address to be able to mainstream human rights in the project development.

Situation Analysis for Project Identification

The initial step in project development is the identification of the project itself. A ıational analysis is undertaken to make the project as responsive as possible to the needs the target beneficiaries of the project. The main task under this stage is to identify the ues and problems that have to be addressed as well as the groups or sectors of the society ected by the problems identified. It is important that the root cause(s) of the problem be ntified and not just its obvious cause. There are instances that projects fail to respond ectively to the problem because of a very superficial analysis of the problem involved. ɔreover, beyond the usual cause and effect analyses being conducted during the project ntification stage, the project manager has to consider the rights of the groups affected by ə problem. In this way, human rights are mainstreamed in the process.

Mainstreaming human rights in the project identification stage means identifying ernational human rights treaties as well as domestic laws pertinent to the problem identified.

For instance, if the problem to be addressed is that of housing, international treaties and declarations that have to be looked upon include, among others, are the Universal Declaration of Human Rights (1948); International Covenant on Economic, Social and Cultural Rights (1966); and Vancouver Declaration on Human Settlements (1976). Locally, various laws and issuances have been enacted for the promotion of the rights of the people to housing. One of these is Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992. In taking cognizance of these international instruments and local laws related to the right to housing, the project manager will be able to ascertain the entitlements and rights of the people as regards the housing problem. By looking at the provisions and standards prescribed under these treaties and laws, the project manager will be able to identify the gaps between the prescriptions and the actual housing condition of the people. In addition, the duty holders, or those agencies that have the responsibilities to carry out the provisions of the treaties and the laws pertinent to housing can be identified. More specifically, this will answer the question as to who has the duty to solve the problem. The analysis must not stop in identifying the duties of the government agencies in solving the problem. It is also important that the responsibilities of those affected by the problem must be established.

During the project identification stage, the past solutions that have been carried out by responsible agencies and stakeholders are also to be considered. Past actions or initiatives to solve the problem by the government, by those affected, and by the civil society organizations are documented. This will provide project managers an idea about the extent to which these past initiatives have addressed the problem or have failed.

Identification of Solution Linked to Identification of the Project

Once the problem and its root causes have been established and the groups affected and their rights identified, the next task of the project manager is to come up with a solution or a set of solutions to comprise a project. The first step is to enumerate as many options as the project manager can think of. These may include past actions, which could be modified in order to respond more effectively to the problem, or new solutions that have yet to be applied. It is important during this step that the project manager focus is not limited to the concept of needs, but, of rights as well. There will be a difference in solutions if the project manager considers the right of the people as opposed to just considering the people's needs. For instance, instead of focusing on the need for housing it is better to shift to the perspective that the people have a right to housing. By doing so, important normative content of this right to housing (e.g., legal security of tenure, availability of infrastructure, facilities, materials, and services, affordability, etc.) can be addressed.

After all the possible solutions have been identified, the project manager has to come up with rating criteria as to how each of the solutions identified will impact on the problem, i.e., high impact, medium impact, or low impact. If the solution is expected to have a high impact on the problem to be addressed, the project manager rates this as high impact. Otherwise, the solution is rated low impact. This may take the form of Table 14-5 as illustrated below.

Table 14-5 *Ratings for Solutions*

Solution	Right to Housing		
	Legal Security	Affordability	Availability
Solution 1	High	High	Low
Solution 2	Low	Medium	Low
Solution 3	High	Medium	High

Taking the results of the rating in Table 14-5, it is apparent that solutions number 1 and would have higher impact as compared to solution number 2. The preferred solution then ould either be number 1 or 3. However, there would be greater impact if solutions 1 and 3 ere both combined to address the housing problem. The adopted solution(s) shall then nstitute a housing project.

Writing the Project Background and Rationale

At this stage, the results of the preceding steps (i.e., situation analysis and identification solutions) will be put in writing. This should include information as to the nature, prevalence, d extent of the problem as well as its causes, and groups or sectors whose rights are affected the problem. This stage also comprises the description of the various stakeholders, their hts entitlements, obligations, and past initiatives. Moreover, as identified in the initial ge of project development, laws and international treaties with their relevant provisions, ndards and requirements should be summarized in this section.

Most importantly, it is during this stage that the reasons for the adoption of the project e built up. This will include reasons as to how the project will address the problem as well the issues identified earlier. It is important to establish the value of the project to the rious stakeholders, especially if the funds for the project have yet to be approved by a nding or donor institution. Unless the reasons for the adoption of the project are well veloped, the proponents may not get funding for their proposed project.

The background and rationale of the project will provide the reader the significance and levance of the project to the problem it is aiming to solve. Hence, it is important, as the oject manager summarizes the results of the preceding stages, to use words that are both nvincing and clear because not all the readers of the proposal are inclined to favor the oject or are not well versed with some technical terms the project manager may use in iting this section.

Formulating and Writing of Project Objectives

The preceding stage provides the motivation or the moving reasons why projects should adopted. At this stage, the objectives of the project shall be delineated. It is during this ge that the hopes or aims of the project are defined in terms of output and process objectives. tting of objectives helps in providing direction and focus to the project. The objectives set able the project manager to identify the specific activities that have been undertaken in der to address a certain problem. In coming up with project objectives, the SMART principle ust be taken into consideration. SMART stands for Specific, Measurable, Attainable, Realistic, d Time-bound.

Output objectives refer to the direct results of the project, which in the earlier case of using project would include the number of housing units built and the number of beneficiaries ved. Process objectives, on the other hand, refer to the enabling changes that support the ainment of the output. Process objectives include, but are not limited to, transparency, countability and empowerment, which are in fact, based on human rights principles.

During objective setting, it is crucial that applicable human rights concepts, principles, ndards and normative content are translated into operational terms. This means that all jectives must be a reflection of the rights of the people. As to the content of the objectives, se should indicate coherence with values of good governance; human rights concepts and nciples; gender perspective; and enhancement of right to information.

Project Framework Setting

The project framework is a schematic or descriptive write-up on what the project is all about, describing what it will do and its desired results. A project framework serves as the backbone of the project as this will list the inputs needed for the project as well as the outputs expected from it. Upon this framework will depend the succeeding stages in the development of the project. The project framework basically integrates and gives flesh to the solutions identified and the objectives set earlier in the stages of project development. Setting the framework of the project must answer the following questions:

1. What will the project do?
2. What are the inputs required?
3. What are the outputs?

The framework of the project should consider the application of selected human rights concepts, principles, and standards. In other words, in answering the questions above, the project manager must use the human rights lens. For instance, in dealing with outputs, the project manager should consider how these outputs will affect the attainment of the people's human rights. Taking the case of the human right to housing, the outputs of the project must be based on the standards provided for by the international treaties as well as local laws in order to mainstream the rights-based approach in the process. Also, it is important that human rights principles guide the project manager in coming up with the project framework. To reiterate, some of the human rights principles are universality, non-discrimination and equality, attention to vulnerable groups, equity, and people's participation, among others.

Identification and Writing of Project Components

Project components are the strategies to attain the project objectives, as identified during the objective setting phase. These should be applied in accordance with human rights, governance principles, and gender perspective. These strategies will further develop the project in its attainment of the objectives because these project components serve as the means or the "vehicles" of the project manager. These strategies may include constituency building, advocacy, institution development, research, and network development/information technology, among others. In general, these components are the means to attain objectives. Take for instance the constituency building as a project component. This strategy is basically focused on how groups and other stakeholders could be harnessed to facilitate the attainment of project objectives. Another example would be the institution development which should be made transparent, independent, but, with interrelationship with other institutions, and accountable in accordance with several international covenants and treaties providing for good governance indicators.

Identification and Writing of Project Implementation Phases

The concern of the project manager during this stage is to identify the phases of implementation of the project. The implementation phases usually refer to the stages in the project development cycle: assessment; planning; implementation; monitoring and evaluation; and updating.

Assessment refers to the identification of the project itself vis-à-vis the needs and the entitlements of the groups or sectors affected by a problem. The **planning stage** is when possible alternatives to the current solutions being undertaken not just by the government,

, also of other stakeholders, are presented. The project inputs and outputs are specified ing the planning stage. The **implementation stage** is the actual operation of the project. ing the housing project as an example, the implementation phase involves the construction he housing units up to distribution of these. The **monitoring and evaluation phase** occurs ing and after the implementation of the project. **Monitoring** refers to the updating of the ɔmplishments of the projects and checking whether the implementation is on track. **luation** may be ex-post, that is, after the project is implemented to determine whether the puts, outcomes and impacts of the project helped in the attainment of human rights. The ɛctives set for the project can be used as indicators to find out whether the project has ɛed facilitated the fulfillment of the rights of the groups or sectors affected.

A project does not end its cycle when it has been evaluated. It involves updating for ıre projects, or in the case of monitoring, introducing certain interventions to correct any ɛct as established during the monitoring and evaluation phase. It is important to note that ing this stage, the project manager should be using the RBA lens to ensure that human ıts have been infused in the process.

Identification and Writing of Institutional Arrangement

Once a project has been identified and set for implementation, it is important that the ɾesponding institutional arrangement is established. Institutional arrangement delineates system or interrelationship between and among the project players. Project players vary n implementers, to the funding institutions, to the beneficiaries. The roles and responsibilities hese players must be defined. For instance, the roles of the management and its relationship h other partners, such as government agencies and the civil society organizations are ıblished.

An important aspect that the project manager must not take for granted is the mechanism participation of the marginalized/disadvantaged groups. In the rights-based approach, it is ɛntial that the stakeholders are given the opportunity to take part, not just in the ceptualization of the project, but, also in its implementation and its monitoring and luation. Providing mechanisms for disadvantaged groups to participate is consistent with nan rights principles and standards.

Identification and Writing of a Resource Plan

Essential to the success of a project is the proper delineation of the resource plan. The ɔurce plan is a general approximation of the resource requirements, the possible sources of ds, and modes of mobilization of the resources. It is important to take note during this ɛ that resources do not only refer to monetary requirements, but, also include the methods the human aspects of the project. Logistics support is crucial in the success of any project ɛople are the most important resource of any organization.

During this stage, the resources and commitments of the various stakeholders and ticipants of the project are identified. The referral made to the stakeholders focuses the ɔurce mobilization internally, meaning within the organization. However, once gaps in ɔurces are established, the next task of the project manager is to look for external funding rce. There are various funding agencies available for a project manager—ranging from ernment agencies to international donor institutions. In writing the resource plan for the ject, the project manager must be able to identify these external resources to complement existing resources of the implementing organization.

In order that human rights are mainstreamed during this stage, the principles of empowerment, participation, and responsibility must be considered. It seems obvious that the first focus of the resource plan is the internal organization. This reflects the principles of responsibility and participation, among others.

Definition and Writing of the Monitoring and Evaluation Scheme

The project manager has to come up with a device to be able to check whether project implementation is on track with the project design and to monitor the accomplishments as the project is being implemented. There are various tools to monitor project accomplishments. These tools also serve as control devices to make sure that the project is keeping within the plans (e.g., if the project operation is on-time or within budget). During the mid-term implementation of the project and after the project has been implemented, the project manager may evaluate the success of the project. In evaluation, the overall contribution of the project in improving access of the people to their rights is assessed.

Monitoring the project alerts the project manager on necessary adjustments when the project seems to deviate from the plan. Evaluation is important, especially when a follow-up project is being eyed. In developing the appropriate monitoring and evaluation schemes, the project manager must consider certain human rights and governance principles as well as gender perspective. Process and outcome indicators are used in monitoring and evaluation of projects. Outcome indicators refer to the results of the project relative to the solving of the problem. Process indicators, on the other hand, are focused on the changes in the process itself. This may include accountability and transparency, which are among the many principles of human rights and governance. In addition, in consonance with these principles is the provision of a means by which project players are allowed to participate in monitoring and evaluation.

Formulation and Writing of the Work and Financial Plan

The Work and Financial Plan (WFP) integrates all the results of each of the stages as discussed above. Major activities are identified in order to attain the projected outputs of a project. From these activities, the project manager must identify specific tasks and responsibilities. Subsequent to the identification of tasks and responsibilities is the assignment of project players to carry out specific tasks and responsibilities. It is important that the project manager establishes the duration of the project as it would have implications on the financial requirements for the implementation of the project. The WFP also works out the possible sources of funds for the project.

The more usual way of presenting the WFP is through a matrix, which provides the decision makers as well as the other readers a quick glance of the project details. Table 14-6 below is a sample matrix.

Table 14-6 *Work and Financial Plan*

Expected Outputs	Major Activities	Tasks	Responsible Person	Duration	Financial Requirements	Fund Sources

Table 14-7 summarizes all the concepts discussed earlier. The matrix identifies each of e stages with a corresponding checklist of items/questions to determine whether human ghts have been mainstreamed in the process.

Table 14-7 *Mainstreaming Human Rights Checklist*

Stages	Mainstreaming Process
tuation Analysis for Project entification	What are the issues and problems along your mandate? What is the cause of the problem? Is this cause an effect of another cause? What is the root cause of the problem? What are the related issues? Who are affected by the problem? What sector of society? How many of them are affected? What percentage of the sector is affected? How are they affected? Their rights involved? Their entitlements? Extent or degree to which they are affected? What past actions or initiatives have been taken to solve the problem by government? By those affected? By civil society organization? What are the relevant international human rights treaties and domestic laws involved? What are the provisions and standards prescribed under these treaties and laws that should apply? What are the gaps in these treaties and laws? Who has the duty to solve the problem? What are the responsibilities of those affected by the problem?
entification of Solution Linked Identification of the Project	Enumerate as many as there are. Analyze which of these will directly solve the problem. Identify criteria to rate the solution as to high, medium and low impact on the problem. Select or combine solutions to constitute a project.
riting the Project Background d Rationale	Discuss the problems and related issues. Assess the problem and related issues. Describe the various stakeholders, their rights entitlements, obligations and past initiatives. Identify applicable laws, treaties and relevant provisions and standards. Provide reasons for selecting the project in relation to problem/issue.

Table 14-7 *Mainstreaming Human Rights Checklist (cont'd.)*

Stages	Mainstreaming Process
Formulating and Writing the Project Objectives	What are the output objectives? What are the process objectives? What are the applicable human rights concepts, principles, standards and normative content ? Are these objectives in accordance with: values of good governance; human rights concepts and principles; gender perspective; and enhancement of right to information?
Project Framework Setting	Describe the project. Provide a schematic diagram, if necessary. What will the project do? What are its desired results. What are the inputs required? What are the outputs? The framework of the project should consider application of selected human rights concepts, principles and standards.
Identification and Writing of Project Components	What are the strategies to attain the project objectives? Are these consistent with HR, governance principles and gender perspective? Do they take into consideration: constituency building; advocacy; institution development; research; network development; and information technology?
Identification and Writing of Project Implementation Phases	What are the phases of the project? Are these consistent with selected governance and HR principles and gender considerations?
Identification and Writing of Institutional Arrangement	Consistent with HR and governance principles and gender perspective, what are the roles and responsibilities of the different project players: management; partnership: Government and CSOs; and mechanisms for participation of marginalized/disadvantaged groups?
Identification and Writing of a Resource Plan	What are the resource requirements, the possible sources of funds, and modes of mobilization consistent with the principles of empowerment, participation and responsibility? What are the resources and commitments of the various stakeholders and participants of the project? What are the gaps in resources which could be tapped externally?

Table 14-7 *Mainstreaming Human Rights Checklist (cont'd.)*

Stages	Mainstreaming Process
fining and Writing of the nitoring and Evaluation ieme	Consistent with selected HR and governance principles and gender perspective, what are the: outcome and process indicators? reporting tools and frequency? evaluation and scheme tools? involvement of the project players in monitoring and evaluation?
mulation and Writing of Work and Financial Plan	The Plan should cover the following: outputs; major Activities; tasks listing; responsibility; duration; financial requirements; and fund sources.

15 | *HR in Impact Assessment**

Introduction

This chapter discusses the tool of HR Impact Assessment (HRIA) as an important aspect of development programming. The possible negative impact of a project can easily be avoided before the start of project implementation if the project proponent is clear that the project indeed meets the expectations on the enjoyment of human rights by the group potentially affected by it. For example, the HRIA for a road project may provide for the inclusion of health and other sustainability aspects from the beginning, such as cycle lanes or noise and speed reduction interventions, rather than solving the health impacts later. This enables the human rights objectives to be considered at par with socio-economic and environmental objectives.

This chapter aims to provide development agencies or bodies performing regulatory or licensing functions with knowledge and tools on how the rights-based approach can be applied to bring about social change.

RBA in Impact Assessment

Rationale and Objective of HRIA

HRIA is a checklist of criteria and standards developed by the CHR for assessing the impact of a project and determining whether the project is acceptable or not to the community where it will be implemented. It is a process and not a final act as it can actually occur at different stages of a project or even long after a project has been completed.

Impact assessment can occur outside the project area and with individuals or groups of people who are not involved in the process. For example, workshops can be used during an impact assessment to give stakeholders an opportunity to reflect on what were achieved during the assessment and to plan the next steps. In this way, the actual process of the assessment will contribute to the sustainability of the project impact.

To understand whether a project had any significant contribution to people's lives, it is important to use methods that involve multiple stakeholders, qualitative methods to document different perceptions of impact by different peoples, and participatory methods where people are allowed to express their views on the proposed project. The participation of different stakeholders in an assessment is important in terms of ownership and sustainability of the process and the use of the findings.

*The discussion in this chapter draws heavily from "Chapter 3: Applications of RBA," in *CHR Reengineering Project: Rights-Based Approach (RBA) Design Report*. Commission on Human Rights, Republic of the Philippines and United Nations Development Programme, October 2003:29-56.

In planning the assessment, it is important for all stakeholders to agree on their level of rticipation. This ensures that the methodology can be applied in a similar way across all ɔgrams/projects.

Evaluation and impact processes are very much linked to the ongoing development process. :ally, an impact assessment should be built into the project design from the beginning ngside the development and use of an appropriate monitoring system.

gnificance of Impact Assessment in Governance and Development

There are several reasons why there is an increasing interest and a need to assess the pact of development work. Some reasons include the need to:

1. Improve strategies and interventions and to understand the implications of development work;
2. Empower local communities and to become more accountable to relevant stakeholders;
3. Contribute to policy development and effective advocacy; and
4. Help demonstrate organizational performance.

sers of the HRIA

The HRIA is useful for agencies performing regulatory or licensing functions, local vernment units, and civil society organizations. This tool is also advisable for infrastructure /estment programs/projects that have apparent effects on communities where they are set . Examples of these are investments that would cause displacements, evictions and hazards the economic, social and cultural life of the people. The tool may be used as a requirement - developers, contractors, or any company prior to issuance of clearance to implement ɔgrams/projects.

ɒplication of HRIA

Review of HRIA Criteria

Prior to the application of HRIA tool, it is best to review the proceeding set of criteria:

Criterion 1: Quality and Results of Consultations with Sectors and Groups Affected

A rights-based project implies the conduct of open and transparent consultations with tentially affected groups in relation with their right to participate in government, freedoms opinion and expression, and other rights. When consultations are made, it is important to nduct these on a continuous basis and in a language and process that is clear and derstandable to the community. Aside from consulting and eliciting their consent to the oject, it is also important to build partnership and trust with the local people, assign sponsibility, create alliances, and share goals and aspirations.

Criterion 2: Integration of Local Community into the Project

A rights-based project addresses the concerns of sectors and groups to be integrated or be part of the project process. Integration means that the sectors and groups are active participants in the planning and implementation of the project and not just passive recipients of development.

Criterion 3: Acceptability of Alternative Remedies

A rights-based project must address the right to just and equitable compensation for parties affected. If displacement is inevitable, the community is entitled to be informed about alternative remedies and these remedies must be acceptable to them.

Criterion 4: Information Dissemination

A rights-based project ensures a comprehensive and thorough dissemination of information. It must also ensure transparency and develop mechanisms through which information are communicated. It sees to it that the community is well informed of the intent and activities of the project and able to seek information relevant to project implementation.

Criterion 5: Improved Quality of Life

This is the most important criterion on the checklist. It has the highest rating score of 30 percent. It focuses on how best the project could contribute to the rights necessary for survival and dignified living (not just incomes but also well-being, food, housing and continuous improvement of living conditions). To improve the quality of life of local communities, the project must ensure the use of human rights criteria and standards, such as access to services and opportunities by the people for self provision and income generating activities.

Criterion 6. Duties and Responsibilities of Institutions Concerned

From a rights perspective, the principle of accountability is stressed by requiring all projects to clearly delineate or spell out the duties and responsibilities of all duty holders at the national, provincial, city/municipal and barangay levels.

Criterion 7: Other Considerations

A rights-based project must also address the issues of equality, non-discrimination, enjoyment of rights by vulnerable sectors, and other rights.

Rating Scores

Once the RBA criteria have been reviewed, the next step is to rate or indicate the approximate percentage of the project impact for each item as shown in Table 15-1.

Table 15-1 *HR Impact Assessment Tool*

).	Criteria	Description	Weight
	Quality and results of consultations with sectors and groups affected	The more open and participative the consultations made with sectors and groups affected are, the better	15%
	Integration of local community into the project	The more people taking active role/s in the project, the better	10
	Acceptability of alternative remedies	The higher the degree of acceptability of alternative remedies to the local populace and the more HR compliant these remedies are, the better	15
	Information dissemination	The greater the number of people informed about the project, the better; the more transparent the project, the better	10
	Improved quality of life	The more the project contributes to the rights necessary for survival and dignified living, e.g., well-being, food, housing and continuous improvements of living conditions, including access to services and opportunities for employment, the better	30
	Duties and responsibilities of institutions concerned	The clearer the delineation of duties and responsibilities of government institutions, private sectors and the CSOs concerned from a rights perspedtive in relation to the project, the better	10
	Other considerations in using the HR criteria	Examples include: equal protection and enjoyment of the rights of vulnerable sector	10
	Total		100%

rce: CHR Reengineering Project: Rights-Based Approach (RBA) Design Report, October 2003.

Rating scores refer to how each of the criteria identified will impact on the community ere the project would be set up. The scores used in the checklist are suggestive only. The er may consider one criterion more important than others depending on the type of project l the situation. For instance, if the criterion on access and opportunity is expected to have igh impact on the quality of life of the target group, then the rater should give it a higher ight.

The main function of the scores is to determine if the project should be implemented h modification to align it, say, with the rights of those who are affected by the project. hts are used as indicators of the project and success is measured in terms of the extent to ich the rights are guaranteed and protected.

Summing up Scores

The final step in the use of HRIA is to compare summed up scores with other raters' res and for the RBA worker or point person to evaluate the results.

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