**Examples of Strong Rights-Based UNDAFs 2010/2011**

***DOCO input for the Updating and Enhancing of the Common Learning Package,* January 2011**

From our evaluation of UNDAFs developed for 2010 and 2011, six, out of 24, were selected as being strong examples of applying a HRBA: Chile, Botswana, Ecuador, Uganda, Lebanon and Azerbaijan[[1]](#footnote-1). Of the six good examples, 4 countries had carried out a CCA. Below is an explanation for why these countries received the strongest rating on our HRBA evaluation framework.[[2]](#footnote-2)

**Chile 2011-2014[[3]](#footnote-3)**

1. **CCA**: The HRBA lens has been used to analyse the development situation in the country. This can be seem from the following factors:
   1. The CCA identifies those groups that are most marginalized in terms of access political participation (youth) and those that are marginalized and discriminated against in terms of access to services and protection mechanisms: indigenous groups, refugees and asylum seekers.
   2. The CCA picks up the recommendations of Special Rapporteurs and Treaty Bodies to identify pertinent issues that the state needs to follow up on; for example i) the reports from the CRC and CERD: “el Comité de Derechos del Nino ha recomendado a Chile seguir aumentando el presupuesto para la educación y concentrarse en mejorar la calidad de la educación impartida, en particular en las zonas rurales”. Además, recomendó velar por la expansión del programa intercultural bilingüe para los pueblo indígenas….”; and ii) the report from the Special Rapporteur on Indigenous Rights “el informo haber recibido denuncias sobre allanamientos a familias e individuos mapuchos en reacción con supuestos delitos que se hallan bajo investigación”
   3. The CCA analyses the legal framework in the country and identifies instances when national law does not conform with international human rights standards “ La Convencion Internacional sobre la Proteccion de los Derechos de Todos los Trabajadores Migratorios y sus Familiares, ratificado por Chile coexiste con una ley inadecuada a la realidad moderna que dificulta la aplicación del convenio”
   4. A capacity gap analyses has been carried out of the relevant right holders and duty bearers. The regional and municipal authorities’’ lack of decision making power has been identified as a major capacity gap.
   5. A thorough analysis of inequalities at all levels is carried out: inequality in education, inequality in income, gender inequality, inequality in health, regional inequality.
2. **UNDAF follows up to the CCA:** The UNDAF picks up on the issues identified in the analysis, in particular inequality: Priority area 1 is: Reduction of inequalities and poverty; better application of laws to address inequality. It also focuses on strengthening the capacity of regional authorities: Priority area 1, Outcome 3 “ Entidades públicas regionales fortalecen sus atribuciones y capacidades de gestión de políticas”
3. **References to international Human Rights Mechanisms:** The UNDAF emphasises the importance of ratifying UN Treaty Bodies and following up to the UPR recommendations for protecting human rights and reducing inequalities: Priority area 1, Output 16 “ Autoridades de ejecutivo, legisladores y ONG sensibilizadas sobre la importancia de la ratificación del protocolo CEDAW” ; Priority Area 2, Outcome5, Output 23 “ Autoridades de ejecutivo, legisladores y ONG sensibilizadas sobre la importancia de constituir un mecanismo intersectorial para implementación de recomendaciones y compromisos del Examen Periódica Universal”
4. **Use of recommendations from TBs as data for indicators:** The UNDAF uses the recommendations from Treaty Bodies as indicators for assessing the situation of human rights for marginalized groups: output 2, Outcome 5 “La institucionalidad publica ha fortalecido su capacidad de promover y proteger los DH de la población con énfasis en los pueblos indígenas, migrantes y refugiados: Indicator: “Numero de recomendaciones de informes implementadas”.
5. **Strengthening capacities of right holders (RH) and duty bearers (DB):** The UNDAF results aim to develop capacities of right holders to claim their rights:

**RH:** “Organizaciones de los pueblos indígenas fortalecidas en sus capacidades de articulación e interlocución con otros actores”

**DB :** DBs at all levels are looked at**:**

* Legislators :“ Legisladores y autoridades fortalecen sus capacidades para desarrollar proceso de reforma legislativa sobre el actual ordenamiento nacional migratorio”;
* Civil servants : “ Funcionarios publicas fortalecidos en sus capacidades de coordinación de políticas publicas intersectorial para migrantes”,
* Ministry : “ El ministerio del Interior fortalece sus capacidad de liderazgo en el Consejo de Política Nacional Migratoria”

**Botswana: 2010-2016**

1. **CCA:** Noteworthy in the CCA is the reference to rapports from Special Rapporteurs on Human Rights (on Indigenous Peoples and on Food). Both rapports expressed concern over the issue of land rights, which are later addressed in the UNDAF. So too, the CCA looks at the status of Botswana’s rapporting obligations to the treaty bodies and highlights where rapports are late and what treaties the government has not signed. This is followed up in the UNDAF: Outcome 1, Output 1.1.3“Effective coordination of ratification, domestication, monitoring and reporting of international treaties and conventions”. Lastly, the CCA looks carefully at the legislative and accountability framework in the country: where gaps lie in bringing legislation in line with international standards and where accountability structures are weak, particularly in the case of marginalized groups.
2. **HRBA in the UNDAF:** The HRBA is a cross cutting them in the UNDAF and human rights are a specific UNDAF Outcome (Outcome 1: Governance and Human Rights Promotion).
3. **Discrimination**: The UNDAF clearly identifies which groups are vulnerable and marginalized and makes them the focus of the results statements; for example: “ youth, children, women, people living with HIV and AIDS, refugees and disabled”. In addition, as the CCA identified the disaggregated data as lacking, the UNDAF has a specific result statement on strengthening disaggregated data in the country and using the information for policy making: Outcome 1, Output 1.1.4 “Effective coordination of collection, analysis and use of quality disaggrated data in decision making”.
4. **Participation**: The UNDAF was developed in a participatory way with the input of both government counterparts and civil society. There is also a strong emphasis on participatory mechanisms for achieving development ends, with the result statements stating who in particular should be participating; e.g. Output 4.2.1 “ Improved national capacity and community participation (especially women and youth) in management of water resources, including transboundary, management, sanitation and hygiene”. Lastly, the UNDAF also looks at strengthening the capacity to participate through improving access to information; Output 5.2.3 “ Youth and women entrepreneurs have increased access to information on government policies, programmes and sources of funding”
5. **Strengthening the capacities of RH and DB:** The UNDAF seeks to change attitudes and behaviours of both these actors:

**RH**: Output 1.3.2. “Enhanced awareness and capacity in government and civil society organizations for gender analysis and gender responsive programming”

**DB**: Output 3.3.6 “ Civil society and communities mobilized to address stigma, discrimination, gender and other barriers to use of SHR and HIV related services”

**Ecuador 2010-2014**

1. **HRBA as a cross cutting principle:** HRBA is one of the three cross cutting principles applied to the UNDAF (gender equality, inter-culturality are the other two). As such, the introduction to the UNDAF identifies those groups that are the most marginalized in Ecuador and targets them in the UNDAF. The introduction also outlines the recommendations of the CEDAW Committee to Ecuador and notes that the UN, through the UNDAF, aims to support the government in implementing them.
2. **Framing development issues in the human rights framework:** The UNDAF phrases a lot of the developments issues in rights language: Outcome 1 “Al 2014, la ciudadanía se encuentra en capacidad de ejercer y exigir su *derecho a la educación*…. “Outcome 2 “al 2014, los ciudadanos y los actores institucionales del sistema nacional de salud implementan al marco legal, los mecanismos de garantía y exigibilidad sobre el *derecho a la salud*….” It also uses human rights standards (for example the right to health and education) to help set UNDAF objectives: Outcome 3, Output 3 “Funcionarios y actores del sector salud de todos los niveles de atención conocen y protegen los derechos de la población y presentan un servicio con mayor calidad, calidez y oportunidad, promoviendo el respecto a las prácticas tradicionales…” (this is closely in line with standards outline in the General Comment no. 14 on the Right to Health)
3. **Legal and Policy framework:** a human rights based approach is promoted not only through the legislative framework but also through the national development policy and budget framework: Outcome 3, Output 2: “ Las instituciones del Gobierno Central formulan su programación pluranual e implementan presupuso anuales orientados al crecimiento con equidad para la reducción de la pobreza incorporando el enfoque de derechos y de género” , Indicator: “ Numero de presupuestos anuales que incorporen el enfoque de DDHH y de género”.
4. **Capacity of RH to claim their rights and DB to fulfil their obligations:** The UNDAF looks at both the importance of supporting the capacity of right bearers to claim their rights;

**RH:** Outcome 8, Output 3: “Titulares de derechos, in particular lideres y organizaciones de pueblos indigenas, afro ecuatorianos, mujeres, pueblos montubios y otros pueblos y nacionalidades del país, conocen mejor sus derechos y participan en procesos de veedurías, monitoreo y diálogos interculturales”

**DB**: Outcome 8, Output 2: “Funcionarios y autoridades del Estado, en especial del sector justicia, asamblea nacional, policía y fuerzas armadas mejoran su conocimiento y aplicación de los estándares”.

1. **Discrimination:** Given that gender equality and inter-culturality are the two other cross cutting themes for the UNDAF, addressing discrimination is promoted at all levels of the UNDAF.

**Uganda: 2010-2014**

1. **HRBA in the UNDAF:** HRBA is a cross cutting issue throughout the UNDAF and human rights are a specific outcome focus: Governance and Human Rights are one of the three UNDAF outcomes areas (Sustainable Livelihoods and Quality Social Services are the other). To help ensure that a HRBA was applied to the UNDAF, an HRBA audit was carried out on the UNDAF.
2. **Legal Framework:** The UNDAF plays a lot of attention to the legal framework, in particular to ensure that international human rights standards are not only incorporated in legislation, but are also implemented: Ouput 1.3.1 “ National institutions have stronger capacity to report on and implement recommendations from international and regional HR covenants and other conventions”; Output 1.3.4 “ Strengthened mechanisms to support the implementation of human rights polices and legislation” .
3. **Indicators:** The indicators draw on the reports from UN Treaty: Indicator for Output 1.3.4 “ Proportion of recommendations from CRC, CEDAW, Human Rights Committee, CAT, APRM and UHRC implemented“ (the data for this indicator is the Annual Report from the National Human Rights Commission).
4. **Strengthening capacities of RH and DB:**

**RH:** The UNDAF pays attention to raising RH’s awareness of rights: Output 1.2.2 “ National and sub national institutions, including oversight bodies, strengthened to provide information on citizen’s rights, entitlements and responsibilities to enhance public awareness and empowerment”.

**DB:** It also looks at strengthening the capacity of DB to fulfill their obligations: Output 3.1.2 “Government and other DB at all levels have improved capacity for analysis and harmonization of policies, strategies and plans for increased access to social services”

1. **Participation**: The result statements not only emphasise participatory processes in development, but also look at whether these processes impact decision making; for example, Output 1.2.1 “Governance systems incorporated the voices of poor, marginalized and vulnerable people in public policy, oversight and decision making”.

**Lebanon: 2010-2014**

1. **CCA:** The CCA uses a human rights lens in the following ways:
2. It focuses on the human rights legal framework and the gaps in legislation and in implementing legislation: “Despite the fact that Lebanon ratified six out of seven major international conventions and passed more than ninety laws related to human rights and transparency in the past ten years, existing laws remain below international legal standards. In some cases, the relevant framework or the laws in application of these conventions, or adequate procedural safeguards to ensure their implementation are lacking. Nevertheless there is a need to mainstream human rights across the spectrum of government policies”
3. It provides a comprehensive analysis of the rights situation for specific groups: the rights of women, the rights of children, the rights of persons with disabilities, the rights of refugees, the rights of Palestinian refugees.
4. **The UNDAF addresses the gaps and issues identified in the CCA**. Specifically the issue of lack of implementation of human rights standards.
5. **Capacity of RH to claim their rights and DB to fulfill obligations:**

Outcome 2.1: “National capacity enhanced for government effectively meeting human rights obligations”;

Output 2.1.1 “Gaps in Lebanese legislative implementation of human rights obligations are identified;

Output 2.1.5 “Child protection laws and practices a reviewed and improved”

1. **Mechanisms for promoting human rights strengthened, including treaty body reporting:**

Output 2.1.3: “Timely and systematic reporting of human rights obligations under international human rights treaties and instruments is established and strengthened

Output 2.1.2 “A national plan of action for human rights is formulated taking duly into account international human rights obligations at the national level”

Output 2.2.2 “ Protection mechanisms for women migrant domestic workers in Lebanon are established”

1. **Indicators are disaggregated to identify disparities in access to services and living standards by gender and region;** for example:

UNDAF Outcome 4: By 2014, the socioeconomic status of vulnerable groups and their access to sustainable livelihood opportunities and quality basic social services are improved within a coherent policy framework of reduction

Indicator 4b: Sex-disaggregated unemployment rate, by region

Indicator 4c: Percent of women in the labour force, by region

**Azerbaijan: 2011-2015**

1. **CCA:** It is evident that a HRBA has been applied to the CCA for the following reasons:
2. The relevant DB and RH are identified for each key thematic area, as well as the root causes that lie behind these development challenges: Key thematic area 2: Decentralised and Quality Social Services to Achieve the MDGs- “ Duty bearers that hold an obligation to fulfill these entitlements are primarily State actors and institutions at various levels of the governance structure. The root cause for the above challenges are: a) Insufficient livelihoods and a shortage of human resources that can propel social reform ; b) Young governance structures still in early stages of development; c) A weak human rights culture, along with lack of traditions of civil society participation; d) An insufficiently targeted social protection system; e) Socio-cultural traditions that may result in marginalization based on gender…”
3. The analysis provides an overview of the recommendations from the UPR that Azerbaijan underwent in 2009, as well as the most recent Treaty Body recommendations.
4. The analysis looks not only at the legal framework, but also at the gaps in implementing that framework: “ Despite the passage of national human rights legislation, difficulties persist both pertaining to the application of the legislation, as well as to implementation and observance of international norms and dsatnds in this area. These include i) Insufficient level of legbal culture and awareness of international law; ii) lack of experiences in applying international law to protect and observe human rights; iii) lack of effectiveness of government authorities, national institutes for human rights and NGOS dealing with human rights (p.43).
5. **Focus on civic participation for strengthening accountability:**

Outcome 3.1 By 2015 civil society, media and vulnerable groups enjoy and increased role in policy formulation and implementation processes.

Output 3.1.1. CSOs and in particular rural NGOs have improved project management skills

Output 3.1.2 Young women and men have increased opportunities for participation in governance and decision making levels

Ouput 3.1.3 Relevant state bodies, CSOs, media professionals, think tanks and universities monitor and report on child rights in a child friendly way

1. **Focus on strengthening human rights institutions and organisations**:

Output 3.1.4 The ombudsperson’s Office and NGOs increasingly monitor and report on the implementation of international human rights objections and participate in the formulation of policies and plans

Output 3.1.5 Media professionals increasingly refer to international human rights standards and their application in Azerbaijan in their daily work

Output 3.1.7 national media produce reports that look at regional disparities and issues of particular concern to women youth and vulnerable groups esp. at the sub national level

Output 3.1.8 Role of the Commissioner for Human Rights of Azerbaijan and the sub regional Policy Research network on Human Rights strengthened to develop studies on human rights..

1. **Recommendations from Treaty Bodies and UPR that focus on implementing human rights standards are addressed in UNDAF:**

Output 3.3 Children in contact with law are provided with child friendly services by judiciary and law enforcement professionals in accordance with CRC and council of Europe standards.

Output 3.3.3 The rights of migrants and members of their families as well as victims of trafficking are effectively upheld in line with national legislation and international standards”

Output 3.3.4 The level of awareness and knowledge f internally displaces persons and refugees on their rights is increased and their effective access to relevant legal acts and public information on their rights under domestic legislation and international protection standard promoted”

Output 3.3.7 Increased number of police, prison staff, judges, prosecutors, police and lawyers are aware of international human rights standards, including the obligations to protect from torture of ill-treatment, and ready to use them in their daily work

Output 3.3.8 The enabling environment (policies and laws) improved to promote and protect rights of women and girls, and combat violence against women.

Output 3.3.9 Right holders, particularly women and youth, have increased capacity to participate in decision making processes through the establishment of a National Tripartite Committee

1. Guatemala (2010-2014) also received a very high score on our rating, coming 5th in ranking. We have not included it as an example as we already had two Latin American countries in our selection. [↑](#footnote-ref-1)
2. Please note that we focused on the HRBA element not RBM. Some of the UNDAFs we have chosen as good HRBA examples are at times weak when it comes to RBM (broad results statements, difficult to measure etc.) This would need to be addressed at a second stage. [↑](#footnote-ref-2)
3. For both Chile and Ecuador the examples have not been translated into due to a) lack of time; and b) these examples will be used in Spanish for trainings in Latin America [↑](#footnote-ref-3)