APPLYING THE HUMAN RIGHTS-BASED APPROACH

Toolkit for Local Civil Society Organizations in Ethiopia

November 2024
Addis Abeba

ABBREVIATIONS

CAT	Convention against Torture
CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CERD	Convention for the Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
CSO	Civil Society Organizations
FDRE	Federal Democratic Republic of Ethiopia
HRBA	Human Rights-Based Approach
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-Governmental Organization
OHCHR	Office of the Hich Commissioner for Human Rights
RBA	Rights Based Approach
SIDA	Swedish International Development Cooperation Agency
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund

Contents

የኢትዮጵያ ሲቪል ማህበረሰብ ድርጅቶች ምክር ቤት
ETHIOPIAN CIVIL SOCIETY ORGANIZATIONS COUNCIL

I. INTRODUCTION

The Human Rights-Based Approach (HRBA) is a methodological framework which aims to integrate human rights into each and every development program, project and activity. As a concept, HRBA ensures the meaningful and systematic inclusion and empowerment of the most vulnerable. Due to the ever-growing acceptance and application of this approach, and the proven empowerment that it brings, it is important that local Civil Society Organizations (CSOs) in Ethiopia become familiar with the fundamentals of applying HRBA. The systematic integration of this approach in the everyday work of CSOs will improve the respect and protection of human rights within the country.

There are over 4500 CSOs in Ethiopia which are engaged in various sectors. A few hundred among them are human rights CSOs. However, HRBA is not widely used in the country's civil society sector. Given the importance of HRBA to help CSOs to lead a better analyzed and more focused strategic interventions by providing a normative foundation for dealing with fundamental human rights and development issues, this Toolkit is designed to guide them to integrate HRBA in their day-to-day work. Accordingly, the Toolkit aims to meet the need for information regarding the HRBA in Ethiopian CSO sector by introducing civil society representatives with the meaning of the term "Human rights-based approach"; its principles, content and its method of application in their everyday work. The Toolkit is designed with understanding that the systematic integration of this approach in the work of organizations will improve the respect and protection of human rights within the country.

The Toolkit is organized in four main parts. Following this introduction, the second section introduces the concept of human rights and human rights-based approach. The third section explains the core principles of HRBA. The fourth section is devoted to the stages involved in applying the HRBA in civil society organizations. The Toolkit is developed based on sources from existing third-party publicly available materials taking into account the Ethiopian local context.

የኢትዮጵያ ሲቪል ማህበረሰብ ድርጅቶች ምክር ቤት
ETHIOPIAN CIVIL SOCIETY ORGANIZATIONS COUNCIL

II. WHAT IS A HUMAN RIGHTS-BASED APPROACH?

What are human rights?

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that affect their freedoms, entitlements and human dignity. These legal guarantees are recognized in international covenants, conventions and declarations defining the rights, standards, and mechanisms of protection, which States commit themselves to. Human rights law obliges Governments (principally) and other duty-bearers to do certain things and prevents them from doing others.

What are the most important characteristics of Human Rights?

- **Universality**: Human rights are universal. All people are born with the same human rights everywhere. As stated in Article 1 of the UDHR, "[a]ll human beings are born free and equal in dignity and rights".

- **Inalienability**: Human rights are inalienable. The human person in whom human rights inhere cannot voluntarily give them up. Nor can others take them away from him or her.

- **Indivisibility**: Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked.

- **Inter-dependence and Inter-relatedness**: All rights are equally necessary for human life and dignity. The realization of one right often depends, wholly or in part, upon the realization of others.

"Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable." Article 10 (1) of FDRE Constitution

What is HRBA?

At its most basic level, **HRBA can be understood as a way of using human rights in everyday work**.[1] Though there is no a single universal definition, it can be defined as "*a conceptual framework for the process of sustainable development that is **normatively based** on international human rights standards and principles and **operationally directed** to promoting and protecting human rights.*"[2] It **encompasses conscious and systematic enhancement of human rights in all aspects of project and program development and implementation**.[3]

The main guiding principles elaborating the key definitional elements of HRBA were provided in the UN Common Understanding on HRBA to Development Cooperation and Programming which was adopted in 2003 by the UN Sustainable Development Group (UNSDG). The Common Understanding was useful in guiding practitioners with tools necessary to operationalize a HRBA and mainstream human rights in their work.

Under the Common Understanding to HRBA three key points were identified:

1. All programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights, and other international human rights documents.

2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

---

[1] UNFPA (2014) A Human Rights – Based Approach to Programing – Practical Implementation Manual and Training Materials, p. 70

[2] United Nations (2019) United Nations Sustainable Development Cooperation Guidance. https://unsdg.un.org/resources/united-nations-sustainable-development-cooperation-framework-guidance

[3] UNICEF Finland (2015) Introduction to the Human Rights Based Approach – A Guide for Finish NGOs and their Partners, p. 8

Though HRBA has first emerged in the development sector, it has, over the years, transcended to wider areas and have been in use by a whole host of actors such as donor organizations, international non-international organizations, and local grassroots CSOs and social movements.

What makes HRBA different from Charity-Based and Needs-Based Approaches?

HRBA represents a shift in thinking from the charity-based and needs-based approaches to development. The Charity Model which has been the prevailing model for dealing with social problems for many years is based on the assumption that those helping the poor knew what their needs were and could satisfy these needs through the provision of donations of money, food, clothing, shelter and medical care. The model perceived beneficiaries as vulnerable individuals who require the assistance of others rather than rights-holders in vulnerable situation who could identify their own needs and actively participate in the process of resolving them. The needs-based model which has been developed in the mid-20th century to address the issues arising from the charity model emphasized on the participation of beneficiaries in development projects, in the identification of their needs and the means to alleviate these needs. Though the model did not perceive those in need as passive recipients of charity, the image of beneficiaries continued to be an image of poor vulnerable people. Besides, the model implied no obligation on stakeholders to uphold the rights of beneficiaries. The table below can explain the differences HRBA has with the traditional charity- and needs-based approaches.

Charity Approach	Needs Approach	Rights-Based Approach
Focus on input not outcome	Focus on input not outcome	Focus on process and outcome
Emphasizes increasing charity	Emphasizes meeting needs	Emphasizes realizing rights
Recognizes moral responsibility of rich towards poor	Recognizes needs as valid claims	Recognizes individual and group rights as claims toward legal and moral duty bearers
Individuals are seen as victims	Individuals are objects of development interventions	Individuals and groups are empowered to claim their rights
Individuals deserve assistance	Individuals deserve assistance	Individuals are entitled to assistance
Focuses on manifestations of	Focuses on immediate causes	Focuses on structural causes and

problems	of problems	their manifestations

"In each situation we confront, a rights-based approach requires us to ask: What is the content of the right? Who are the rights claim-holders? Who are the corresponding duty-bearers? Are claim holders and duty bearers able to claim their rights and fulfil them? If not how can we help them to do so? This is the heart of a human rights-based approach"

Mary Robinson, Former High Commissioner for Human Rights

Who are Rights-holders and Duty-bearers?

One of the most fundamental dynamics of a human rights, and consequently of a human rights-based approach, is that every human being is a rights-holder and that every human right has a corresponding duty-bearer.[4]

HRBA focuses on the roles of both rights-holders and duty bearers.

Who are Rights-holders?

Rights-holders: Given the universal nature of human rights, every individual is a rights-holder and entitled to the same rights without distinction based on race, color, sex, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other

---

[4] Jakob Kirkemann Boesen & Tomas Martin (2007) Applying a Rights Based Approach: An Inspirational Guide for Civil Society, p. 11

status. Every rights-holder has the responsibility to respect the rights of others. Rights-holders must have the capacity to: (i) exercise rights; (ii) formulate claims and hold duty-bearers accountable; and (iii) seek redress.

Who are duty-bearers?

Under international human rights law, the overall responsibility for meeting human rights obligations rests with the State. This responsibility includes all the organs of the state such as parliaments, ministries, local authorities, judges and justice authorities, police, teachers or extension workers etc. All these are legal duty-bearers. Non-state actors such as businesses have also human rights obligations.

International human rights obligations are primarily imposed on States. The types of obligations are summarized in the following table.

THE OBLIGATION OF STATES: RESPECT, PROTECT & FULFIL

States have three levels of obligation: to respect, protect and fulfill every right.

- To **respect** a right means refraining from interfering with the enjoyment of the right.
- To **protect** the right means enacting laws that create mechanisms to prevent violation of the right by state authorities or by non-state actors. This protection is to be granted equally to all. The obligation to protect requires measures by the State to ensure that third parties (individuals, armed groups, enterprises, etc.) do not deprive right-holders of their access to their right.
- To **fulfill** the right means to take active steps to put in place institutions and procedures, including the allocation of resources to enable people to enjoy the right.

Though States are the primary duty bearers, it is important to note that every rights-holder has the responsibility to respect the rights of others. Every individual or institution that has the power to affect the lives of rights–holders is a moral duty bearer. The greater the power an entity has the larger the obligation to fulfil and especially to respect and protect the human rights of others. In this sense, private companies, local leaders, civil society organizations, international organizations, heads of households, and parents, and in principle every individual are moral duty-bearers.

A Human Rights-Based Approach seeks to hold governments and other duty-bearers accountable and encourage rightsholders to claim their rights. Demanding accountability does not simply imply confrontation with the state. HRBA also aims to enable duty-bearers to meet their obligations. States may violate rights because of lack of awareness, knowledge or capacity. If this is the case an approach based on dialogue may be more constructive and powerful than confrontation.

III. WHAT ARE THE CORE PRINCIPLES OF HRBA?

A human rights-based approach focuses on both process and outcome. While human rights standards help to define benchmarks for desirable outcomes in a certain context, human rights principles represent conditions for the process.[5] There are five key core human rights principles of HRBA that are usually summarized in the PANEL acronym.

Participation	Ensuring that all stakeholders, especially marginalized and vulnerable groups, are actively involved in decision-making processes.
Accountability	Holding duty-bearers accountable for their actions and ensuring that they uphold their obligations to respect, protect, and fulfill human rights. This includes transparent reporting and mechanisms for redress.
Non-discrimination and equality	Ensuring that all individuals have equal access to rights and opportunities without any form of discrimination based on race, gender, age, disability, or other characteristics.
Empowerment and Capacity Development	Empowering individuals and communities to understand, claim, and advocate for their rights and building the capacity of duty bearers to discharge their responsibilities.
Legality	Ensuring that all actions and interventions are grounded in legal human rights standards. This principle emphasizes the rule of law and the legal obligations of duty-bearers.

---

[5] West Hunger Life (2016). Orientation Framework: A Rights-Based Approach, p. 16

While the above principles are strong, many CSOs often find them difficult to operationalise. This is understandable considering the fact that, by virtue of being principles they are fundamental, abstract and guiding. They express values and need to be translated into practice. In order to come up with a clear direction while using these principles in HRBA programming efforts, there might be a need to identify concrete focus areas.

The following four focus areas could be important as you try to implement HRBA principles:[6]

- ✓ Focus on the most vulnerable groups, including issues of gender and discrimination.
- ✓ Focus on the root causes of poverty, deprivation and human rights violations.
- ✓ Focus on the relationship between rights-holders and duty bearers.
- ✓ Focus on empowerment.

1. Participation

Participation is a core principle of HRBA. Involving stakeholders in decision making is crucial for CSOs.

Why is Participation Important?

The principle of participation is grounded in international human rights law. Both the ICCPR and the ICESCR stipulate that, by virtue of their self-determination, people should be able to freely pursue their economic, social and cultural development, as well as participate in public affairs.[7] In the Ethiopian context, the principle of participation is given an important place in the FDRE Constitution. (See Articles 8 (3); 89(6) and 89(7)) Participation and inclusion are especially important for strengthening the most vulnerable, marginalized, excluded and invisible entities in the society.[8] When stakeholders are involved in planning and implementing projects, the projects are more likely to be successful and sustainable.

---

[6] ENNHRI (2019). Applying a Human Rights-Based Approach to Poverty Reduction and Measurement: A Guide for National Human Rights Institutions. Applying a Human Rights Based Approach to Poverty Reduction, p. 18
[7] ENNHRI (2019)., p. 18
[8] Kocevski, G. & Atanasova, M. et al (2019). Handbook for Application of the Human Rights Based Approach: Information and guidelines on how to integrate the human rights based approach into the work of civil society organizations in the Republic of Macedonia. Institute for Human Rights.; Unicef(2007), A Human Rights-Based Approach to Education, p. 11
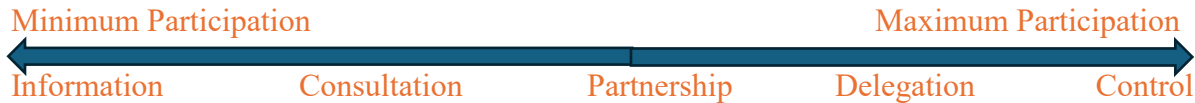
How should participation look like in HRBA?

- From a HRBA perspective, participation is not just a technical tool used in planning or during the implementation of activities, but it is both a right and a duty to actively involve all identified rights-holders and duty-bearers in all phases of planning, implementation, as well as monitoring and evaluation.

- Participation should be active, free and meaningful.

- Participation involves much more than consultation. Time and resources will often be needed to create the capacity for participation.

The Participation Continuum

There could be different levels of involvement and participation depending on the nature and influence that stakeholders have, from merely being informed to having full control. Below is a breakdown of the stages in the participation continuum:

The Participation Continuum[9]

Minimum Participation   Maximum Participation

⟵━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━⟶

Information   Consultation   Partnership   Delegation   Control

Information	Giving stakeholder access to clear and timely information about policies, programs and services
Consultation	Seeking the views of key stakeholders on issues that directly affect them, enabling greater involvement in the business of the organization.
Partnership	Forming a longer-term dialogue with stakeholders to work together in developing policies and delivering services.
Delegation	Handing control for policy development over to stakeholders within a framework developed by the organization.
Control	Providing the means for stakeholders to make decisions directly

---

[9] Adopted from Vectorian Equal Opportunity & Human Rights Commission (2008). From Principle to Practice: Implementing the Human Rights Based Approach in Community Organizations, p. 14

2. Accountability

What is accountability?

Within the human rights framework, accountability focuses especially on the responsibility of duty-bearers towards rights-holders and demands on the State to be answerable for the observance of human rights and to comply with standards, laws and policies.[10] The State as a primary duty-bearer, therefore, takes responsibility that human rights be ensured and realised.[11] The principle also requires holding the stakeholders accountable and responsible for the results achieved.

Important considerations

The HRBA focuses not only on strengthening the capacities of the rights-holders, but also on strengthening the capacities of the duty-bearers in order for them to be able to respond to their duties. Strengthening their capacities will increase their accountability, given that the authorities sometimes face a resource shortage, sometimes a lack of knowledge and expertise to interpret human rights or the application of HRBA.[12]

An essential prerequisite for accountability is the **transparency** of all government affairs, i.e. **unhindered, free access to understandable information** and efficient accountability mechanisms in and out of court. Article 12 of the FDRE Constitution acknowledges the connection between accountability and transparency while enshrining accountability of government as one of the fundamental principles of the FDRE Constitution.

Article **12** **of FDRE Constitution:***Conduct and Accountability of Government*

1. The conduct of affairs of government shall be transparent.
2. Any public official or an elected representative is accountable for any failure in official duties.
3. In case of loss of confidence, the people may recall an elected representative. The particulars of recall shall be determined by law.

---

[10] ENNHRI (2019)., p. 43
[11] https://www.ymcaeurope.com/human-rights-based-approach-in-civil-society-organisations/
[12] Kocevski, G. & Atanasova, M. et al (2019).

Accountability entails complaints mechanisms, comprising means of legal redress but also all other mechanisms and strategies that help guarantee that governments account for the rights of the population, such as national human rights institutions, ombudspersons, parliaments, civil society and the media as well as other relevant bodies and (also informal) political platforms. At international level, human rights treaty bodies monitor compliance with the various human rights conventions, although except for regional human rights courts, their decisions and recommendations are not legally binding and enforceable.[13]

However, it has to be noted that, when demanding accountability from duty-bearers it is important to remember that your CSO is also a moral duty-bearer. This requires an effort to ensure accountability in your every action - not only in terms of achieving programme outcomes and results, but also in terms of the processes undertaken and the standards and values adhered to during project implementation. Thus, your CSO should also adhere to human rights principles. The challenge is to translate these principles into practical standards and policies that determine how your CSO acts and operates internally, in projects, and in relation to the general public. Project implementation needs to be documented, allowing partners, stakeholders and oversight mechanisms to have access to relevant information, including financial information such as project budgets, contributions from donors, project accounts as well as the accounts of the organization itself.[14]

Levels and Types of Human Rights Accountability Mechanisms for Ethiopia

	Judicial	Quasi-Judicial	Non-Judicial
National	Regular Courts (see Procl. No. 1234/2021)	• Complaint Mechanism of the Ethiopian Human Rights Commission • Complaint Procedure of the Ethiopian Ombudsman	• Human Rights CSOs • Professional Associations • Media
Regional		• African Commission on Human and Peoples' Rights • Committee of Experts for the African Charter on the Rights and Welfare of the Child	• Human Rights CSOs • Professional Associations • Media

---

[13] Austrian Development Agency (2010). Human Rights Manual: Guidelines for Implementing a Human Rights Based Approach in ADC, p. 20

[14] ENNHRI (2019).

International			• Review of State Reports by Treaty Bodies • Universal Periodic Review • Special Procedures • CSOs • Media

3. Non-discrimination and equality

Non-discrimination and equality are among the most basic tenets in the human rights framework, obliging us to recognize that all individuals are equal as human beings and by virtue of their inherent dignity. It demands that all human beings are entitled to their human rights without discrimination on grounds such as race, color, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status in law and in practice in any field.[15] Under HRBA all forms of discrimination must be prohibited, prevented and eliminated. There needs to be a prioritization of the most marginalized groups who are facing the highest barriers in consideration to claim their rights properly.[16] Furthermore, all decisions for development, policies and initiatives, while seeking to encourage local actors, are explicitly indebted to protect themselves from reinforcing the imbalance of power or contributing to the creation of new ones.[17]

The principle of equality and non-discrimination is clearly enshrined in the FDRE Constitution under Article 25. See the text below:

> *Article 25 of FDRE Constitution: Right to Equality*
>
> *All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.*

---

[15] ENNHRI (2019).
[16] https://www.ymcaeurope.com/human-rights-based-approach-in-civil-society-organisations/
[17] Kocevski, G. & Atanasova, M. et al (2019).

4. Empowerment and Capacity Development

The principle of empowerment stems from the paradigm shift the human rights movement brought in acknowledging human being's inherent dignity and recognizing that they have a core set of human rights that cannot be given or taken away. Empowerment can be defined as 'the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes'.[18] Empowerment can also be understood as a process of enablement, in the course of which knowledge or specific skills are imparted, such as information on international human rights commitments of the respective government and on rights deriving from national law, helping to identify actual injustice. On the other hand, empowerment is also effected by the change in perspective of a human rights-based approach, which must ultimately lead to overcoming relations of dependency: through the focus on rights inherent to each person and the related accountability of the respective state.[19]

Empowerment is the process by which people's capabilities to demand and use their human rights grow. They are empowered to claim their rights rather than simply wait for policies, legislation or the provision of services. Initiatives should be focused on building the capacities of individuals and communities to hold those responsible to account. The goal is to give people the power and capabilities to change their own lives, improve their own communities and influence their own destinies.[20]

In a CSOs' work, empowerment is not a strategy as such. However, empowerment can be incorporated as an aspect of any strategy such as advocacy, capacity-building or service delivery. In other words, in a rights-based approach, which implies dignity and respect for the individual, empowerment is acknowledged as both a necessary strategy and a goal. Emphasis is also placed on

---

[18] WHO (2007). Empowerment in Practice: Analysis and Implementation.
[19] Austrian Development Agency (2010) p. 18-19
[20] UNICEF (2007). A Human Rights Based Approach to education, p. 10-11

promoting opportunities to obtain remedies for grievances through both formal and informal justice mechanisms.[21]

As much as it focuses on empowerment of rights-holders, HRBA also focuses on capacity development of duty bearers. This is important because duty-bearers may violate rights because of lack of awareness, knowledge or capacity. Capacity development is therefore very important in HRBA.

5. Legality

The L in the PANEL acronym stands for "Legality of Rights" or "Linkage to human rights principles and standards" or "Legality". The principle requires that all actions and interventions undertaken based on HRBA must be grounded in legal human rights standards. In other words, this is all about ensuring efforts and interventions to be based on established human rights norms. It means that the framework of any action taken by an organization should adhere to international, regional, and national human rights standards.

To apply the legality principle CSOs should conduct some analysis while planning programmes and during service delivery. The following questions could be important:

➢ Which human rights are relevant in this context?

➢ Who are the relevant rights-holders?

➢ Who is responsible for ensuring that those rights are protected, promoted and fulfilled?

The following figure summarizes the core principles and dimensions of the human rights-based approach.[22]

---

[21] UNICEF (2007). A Human Rights Based Approach to education, p. 14
[22] The Figure is taken from Agents for Citizen-Driven Transformation (ACT), CSO TOOLKIT: ADOPTING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT, p. 7

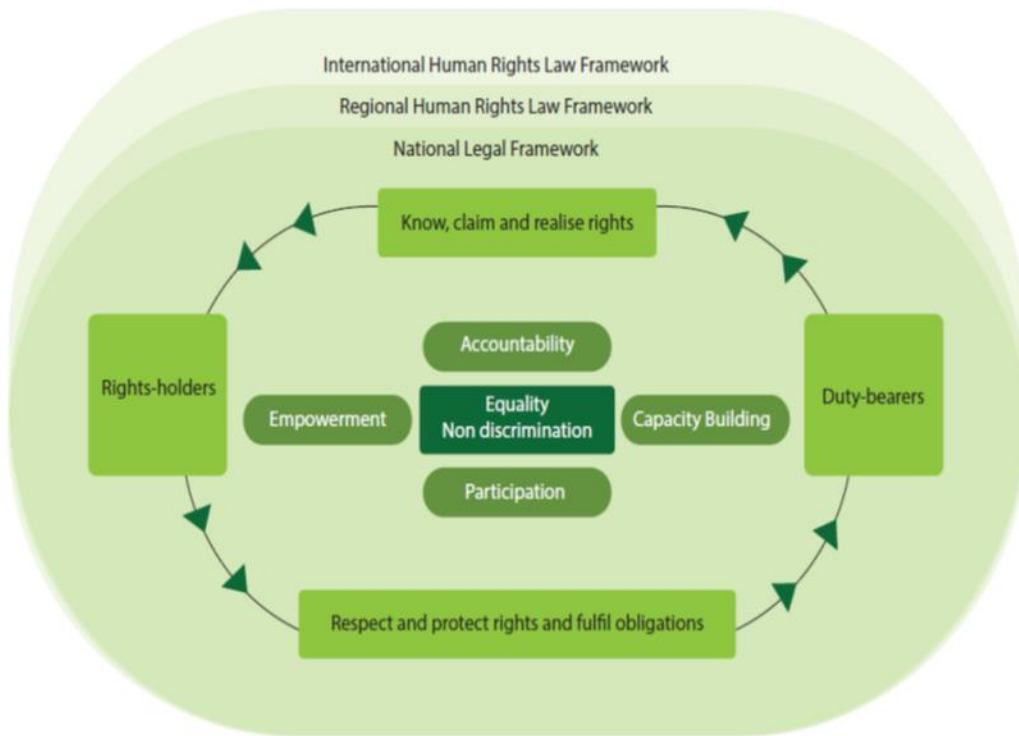The core dimensions of the human rights-based approach

Figure 1: Core Dimensions of Human Rights-Based Approach

As the above figure succinctly shows HRBA requires empowerment of rights-holders so that they can know, claim and realize their rights. On the other hand, the capacity of duty-bearers should also built so that they can respect, protect and fulfil rights. The balance between the two is important in HRBA as it could help CSOs to avoid giving the impression that they are hostile to duty-bearers. In the entire process, the principles of participation, accountability and non-discrimination and equality remain central. The overall work in HRBA is informed and guided by international, regional and national human rights frameworks.

IV. APPLYING HRBA IN CIVIL SOCIETY ORGANIZATIONS

The HRBA approach can be easily integrated into the work of civil society organizations. CSOs can apply a HRBA in designing their programmes, as well as for all their projects. HRBA should be applied at every stage of a CSO's program cycle: during the stage of situation analysis and assessment; planning and design; implementation and monitoring and evaluation.

It should be noted that HRBA is not simply an additional project component to 'add on', hence there is no blueprint available that apply in all contexts. The local context in which the CSO is working should always be the starting point for designing a human rights-based intervention. As such, HRBA can take different forms and may need to be adjusted when the context changes. This section describes the steps in a program or project cycle through a human rights-based perspective and highlights its crucial elements.
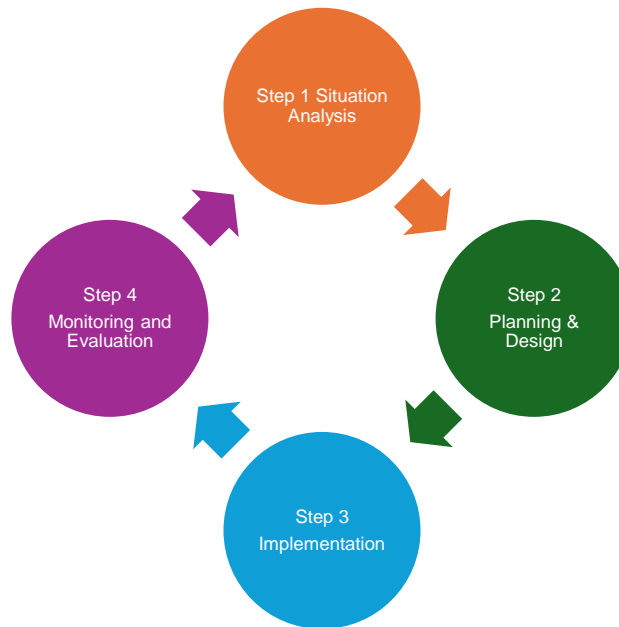

Figure 2: Project Cycle Model

1. Situation Analysis

Integrating HRBA in the situation analysis stage of a project cycle can be broken down into four steps.[23] These are:

- Legal and policy analysis
- Stakeholder analysis
- Causality analysis
- Capacity gap analysis

Step 1: Legal and policy analysis

Objectives of the analysis:

- Identify the Ethiopia's relevant international human rights obligations
- Analyze the relevant national legal and policy framework
- Evaluate the level of implementation of the relevant human right/s.

Important questions regarding the legal framework
• **To which international human rights treaties that are relevant to my work is Ethiopia a party?**   • **Are the rights referred to in the human rights treaties protected in the FDRE Constitution or other legislations?**   • **Is the issue to be covered by the project seen as a national or regional state priority? What are these priorities in the sector?**   • **Is there a national or sectoral action plan, which specifically contemplates human rights?**   • **Which judicial, administrative or other authorities have jurisdiction affecting the promotion and protection of the relevant human right?**   • **What remedies are available to an individual who claims that any of his/her rights have been violated? Is there special legal protection for disadvantaged groups?**   • **Do non-formal judicial, administrative and other mechanisms respect human rights principles?**

---

[23] The steps involved at this stage are approached in different ways in various documents. This approach in this Toolkit is adopted from Human Rights 2 Water (2021). A Human Rights Based Approach: A Practical Guide for the Realization of the Human Rights to Water and Sanitation through Programming.

ETHIOPIAN CIVIL SOCIETY ORGANIZATIONS COUNCIL

Step 2: Stakeholder analysis

After identifying one or a few human rights issues to be addressed, programmes proceed with identifying stakeholders, most importantly the "rights-holders" and the corresponding "duty-bearers."

Important questions while identifying rights-holders
• **Who are the rights-holders?**   • **Who are the rights-holders that are unable to realize their rights?**   • **What are their immediate needs?**   • **Are they aware of their rights or how and where to claim them?**   • **What are their assets and capabilities?**   • **How will these groups be engaged in the project?**

Important questions while identifying duty-bearers
• **Who are the duty-bearers? Are they legal or moral, governmental or non-governmental?**   • **What are their obligations in relation to the specific problem?**   • **Do they meet their obligations? Are they aware of them? Do they recognize them?**   • **If they do not meet their obligations, why not?**   • **What is their position on the problem?**

Step 3: Causality Analysis

A causal analysis from an HRBA perspective aims at identifying all the causes - immediate, underlying, and structural - that trigger the violation or non-realisation of a right/s. The human rights-based analysis should seek a holistic understanding of the identified problems having an adverse impact on rights fulfilment including social, cultural, and economic issues and issues of discrimination, exclusion, and inaccessibility.

Important questions during the causality analysis

- **What are the immediate causes (direct action, inaction, event etc.) responsible for the problem the project aims to address?**

- **What are the underlying causes (e.g. policies, laws, availability of resources etc.) responsible for the problem?**

- **What are the root causes (conditions which are deeply set into societal structures and behaviors) responsible for the problem?**

Step 4: Capacity gap Analysis

Based on the key stakeholders and their roles identified above, an assessment of their capacities ("capacity gap analysis") is conducted.

Important questions during the capacity gap analysis

- **What is lacking to realize the right related to the project? For example, from the duty-bearers' side, is it a lack of political will, lack of funding, technical skills, institutional resistance or cultural constraints?**

- **Does the current legal system effectively protect human rights?**

- **Are there complaint mechanisms in place to deal with human rights violations, with a system of redress?**

- **Do individuals and groups feel empowered to speak out about human rights violations?**

- **What capacity development is needed to help eliminate the causes identified by the problem?**

- **Risk analysis and assessment**

In addition to the above assessments, risk analysis and assessment is also an important issue. HRBA-integrated risk analysis and assessment follows the dual principle of "Applying all rights" and "Do no harm." They emphasize that any Programme and project, in its good intention to support a group of rights-holders or human rights issues, should not adversely affect other groups or other human rights concerns.

First, in many contexts, discussion of human rights contains significant risks for the parties involved. CSOs should use their judgement and knowledge about the local context to identify and mitigate these risks.

Second, from a HRBA perspective, corruption is considered a prominent risk that constitutes a human rights violation. Feeding into a corrupt system or individuals can thus be perceived as negligence, or at worst, complicity in human rights violations. For programmes and projects that target mainly duty-bearers – i.e. state institutions, it is essential to address the potential risk of corruption.

2. Planning and Design

The analysis in the first stage should have helped you to identify the core problems; the rights issues to be addressed; and the rights-holders and duty-bearers. The next step is to integrate the HRBA in your usual planning and design process.

For example, in the Logical Framework Matrix (LFM), the usual analytical and management tool that is widely used by multilateral and bilateral aid agencies, international NGOs and by governments for effective planning and implementation of development projects, it is possible to integrate HRBA while designing goals, objectives, results, activities, and indicators.

The following table presents the various components of LFM and the possible considerations from a HRBA perspective.

ELEMENTS OF THE LFM	MEANING	CONSIDERATIONS FROM THE HRBA
General Objectives	Goals have been achieved and the protection of the relevant right improved	Long-term positive and sustainable changes in relation to the realization of the rights relevant for the project.
Specific Objectives	Short and medium-term objectives for: • Changes in human conditions or institutions • Effects of an intervention	Capacity building, in addition to positive changes in the implementation of standards and principles of the relevant human rights
Results	Changes or immediate effects	Actions must contribute to

		resulting from activities.	closing the capacity gap of rights-holders and duty-bearers to guarantee the relevant human rights.
	Activities	Actions by which inputs are Mobilized to produce results.	Activities should be focused on: • Process and inclusivity • Promoting the relevant rights

Below is a list of important questions you should consider while developing the project objectives and identifying activities.

Important questions while developing the project objectives

- **Do the objectives relate to human rights law and/or to human rights principles?**

- **Are the objectives clear on the particular rights-holders to be addressed?**

- **Do the objectives point towards changes for both rights-holders and duty-bearers?**

- **Do the objectives reflect the problems arose in the context analysis as the most relevant for the targeted rights-holders? Do they reflect the priorities voiced by the vulnerable groups themselves?**

- **Do the objectives relate to the prioritized root causes, including any policy and legislative changes needed?**

While objectives should be designed in accordance with the focus of the project, activities should be aligned and need to be formulated to fulfil the objectives.

Important questions while identifying activities

- **Do the activities promote human rights?**

- **Does this activity relate to and complement other human rights initiatives by actors such as the UN agencies, the Federal or State governments and other international as well as national NGOs?**

- **Do the activities target root causes, including issues of exclusion, disadvantage, discrimination or non-fulfilment of rights?**

- **Do the activities in this project ensure the participation of the relevant rights-**

holders or duty-bearers in the implementation of the project?
- **Do the activities in this project have an explicit gender dimension?**

The concrete activities will obviously be very specific to the project and the area your CSO is working on. It would therefore not be possible to design them in abstract. However, it is important to note that HRBA projects and activities undertaken by civil society organizations could include focus on capacity building; strengthening of governance structures, state and civil society dialogue and mechanisms for rights-holders and duty-bearers interaction as well as advocacy and practical actions on violations. The following table outlines the considerations that should be made when designing HRBA planning schedule.

3. Implementation

Applying a HRBA in the implementation stage means, once again, ensuring that the human rights principles and standards are consistently respected. This requires a close monitoring of the overall human rights context in Ethiopia and the regional state you are operating in and constant engagement with both rights-holders and duty-bearers without discrimination (Inclusion, Participation, Non-Discrimination and Equality), and consistent promotion of unfettered access to information and transparency (Accountability).

The main challenge of implementation is to ensure that the principles that have underpinned the analysis and design stage are not lost in the pragmatics of carrying out the project. Once a project is rolling, project implementers sometimes lose sight of the main objectives and focus instead on the immediate production of project outputs. It then takes an extra effort to, for instance, ensure that the participation of vulnerable groups is in fact taking place – and in a meaningful way.

At the implementation stage CSOs should focus on two important issues: Ensuring non-discrimination and realizing meaningful participation.

Ensuring non-discriminatory Practices

Important questions on ensuring non-discriminatory practice at the implementation stage

- How does the project ensure equality and non-discrimination and inclusiveness?

- Does the project exclude particular groups during the implementation stage? If yes, what will be the mitigation measures?

- Is there a risk that the implementation of the project discriminates against certain groups?

- Is the implementation of the project targeting discrimination against certain groups? If yes, what will be the mitigation measures?

- Is the implementation of the project fostering equality and empowerment of certain groups?

Realizing meaningful participation

Important questions on realizing meaningful participation at the implementation stage

- How are the various stakeholders participating during the implementation of the project?
- Is the implementation of the project empowering all key groups of rights-holders to claim their rights?
- Is the implementation of the project strengthening the capacity of the duty-bearers to fulfil their obligations?
- Do the stakeholders require any additional assistance to participate meaningfully during the implementation of the project?
- Are particularly excluded groups able to participate during the implementation of the project? How is this ensured? (E.g. information about the project distributed in various languages).
- Is the project implemented in a gender-sensitive and culturally sensitive manner?

In addition to ensuring non-discriminatory practices and realizing meaningful participation CSOs should work to ingrain the human rights principles in the CSO and its employees. It is important to

focus on embedding the values of dignity, accountability, non-discrimination and participation in project implementation procedures as well as everyday behavior and attitudes.[24]

4. Monitoring and Evaluation

Monitoring and Evaluation are distinct but interrelated components of project management. They are used to assess and improve the performance of projects, programs, and policies, playing a crucial role in ensuring that objectives are being met. While monitoring is a continuous process, evaluation is periodic. An effective and successful monitoring and evaluation framework that applies a HRBA comply with HRBA principles, including Participation, Non-discrimination and Equality; Accountability etc and follows a robust assessment of the local human rights context and a sound result matrix that integrates human rights indicators.[25]

The monitoring and evaluation process involves several steps. At each step, HRBA requires the integration of human rights principles. Generally, the Monitoring and Evaluation (M&E) process can be designed around three main questions:

Who to involve?

What to measure?

How to measure?

From an HRBA perspective, the M&E process needs to respect human rights principles when defining who is involved, what to measure, and how it is measured.

---

[24] Jakob Kirkemann Boesen & Tomas Martin (2007), p. 29
[25] People in Need(2022). Handbook: Applying A Human Rights-Based Approach to Development and Humanitarian Programming, 2022.

Designing a monitoring process that integrates human rights principles

From the outset, it is important to select diverse members for the monitoring team. The process must also underscore the importance of human rights and gender equality.

HRBA fosters the participation of concerned groups, including those that are most vulnerable, gathers different points of view, and grasps the qualitative and empowering elements of the project processes. Additionally, follow-up and evaluation reports must be accessible to the public as a way of being accountable for the activities carried out.

Necessary Conditions to Integrate Human Rights Principles in the Monitoring Process:

Participation: Indicators are identified and data collected with the participation of relevant multi-stakeholders. The full range of stakeholder groups are interviewed to avoid biases, including gender bias, distance bias (favoring the more accessible), class bias, and power bias.

Non-Discrimination: Identify and include the most vulnerable, those most likely to have their rights violated in the data gathering and analysis process. Explore alternatives to address the participation barriers these groups may face. Besides, it is important to develop the data gathering instruments and methods in way that enable to gather a disaggregated human rights and gender equality-related data.

Access to Information: Ensure that information on the project and monitoring reports are accessible to all, with language and means of communication taken into consideration.

Accountability: If the amount of information reviewed/data collected is too limited, the findings may be questioned. If budget concerns or time constraints limit the number of respondents, or if the number in some categories is very small (e.g., only a few people can spare the time to speak with evaluators), the findings need to be validated by a larger group or through triangulation. Wherever possible, data should come from more than one source. For example, if rights-holders report increased success in negotiating their needs or representing their interests, this may be confirmed through records of decisions or by asking duty-bearers if they have noticed any changes in the negotiation process with rights-holders. If women report increased income, they can be asked how they have used the income, and this may be confirmed by observation. In case of negative human

rights impact as a result of the project, a complaint mechanism with accompanying remedies should exist.

Sustainability: Evaluation of the process should be shared with the local communities, and lessons learned are developed jointly.

Defining HRBA indicators to measure processes and outcomes

Providing indicators that make the incorporation of HRBA in the M & E process visible and measurable is strongly encouraged where possible, as it demonstrates a commitment to a fully rights-based approach. Even in projects that doesn't seem feasible, it is important to ensure that all projects can monitor the HRBA of the process, regardless of whether the objective or outcome is linked to a right.

From an HRBA perspective, the development of indicators implies:

- Human rights indicators must be based on international human rights instruments. According to OHCHR, most commonly used indicators could be reconfigured and explicitly linked to human rights standards and obligations.

- The ratification of a treaty is an example of a structural indicator.

- Indicators must reflect the obligations of the responsible entity to respect, protect, and fulfill human rights.

- The selection of the indicators and the evaluation must reflect human rights standards and cross-cutting principles.

- Indicators should be simple, timely, reliable, and low in number. If too complicated, they will be confusing, too difficult to collect or analyze, and make the process unrealistic.

- Based on transparent, testable methods. All information sharing needs to be available in a transparent way, so that the data is believable and easily verified.

- Indicators are developed with local participation. The participation of the local community is important when developing the indicators so that the rights of vulnerable people can be included and local community information can be introduced, either to improve the way the indicator is expressed or how it is collected. The community also needs to see the indicators before they are finalized, so that they can contribute their ideas and thoughts to the process.

- Disaggregated data to avoid discrimination of vulnerable groups. This means that data should be broken down to local areas, by gender, race, culture, age, wealth, and situation where possible.

Evaluating Results

Your aim here is to assess the strengths and weaknesses of the project in realizing human rights and to identify lessons learned.

- Human rights indicators (structural, process, and outcome indicators) are important to evaluate who is really benefiting from the intervention, how, and why.

- The impact may be measured by comparing the situation analysis (baseline) with the results after the intervention to assess progress.

- Assess how the intervention has reached vulnerable people and improved their situation.

- Have a robust validation process involving government officials and different stakeholder groups.

Evaluate the HRBA throughout the whole intervention

At this stage, the integration of human rights principles throughout the entire intervention process should be assessed.

Important questions on realizing meaningful participation at the implementation stage
Participation
• **Has the target population been directly involved throughout, from situation analysis to evaluation?**
Non-discrimination
• **Has the project considered the rights of those in the most vulnerable situations? (non-discrimination)**
Access to information and accountability

• **Have the program or project deliverables been clearly understood by duty-bearers and rights-holders?** • **Has the program or project improved the capability of duty-bearers to deliver services?** • **Has the program or project addressed the right to compensation for those negatively affected?** • **Has the program or project provided for transparency and participation mechanisms?**
Sustainability
• **Is the program generally accepted by the community as the best solution?**

Annex I: Checklist for CSOs Applying HRBA

The following checklist[26] provides a list of questions that could be asked at each stage of the project cycle and can serve as self-evaluation tool for each project in order to assess to what extent the project follows the principles of the HRBA. If the answer of certain questions is no, it shows the need for additional effort to integrate HRBA in the work of the CSO.

	Yes	No
Stage I: Situation Analysis		
1. **Have you identified the problem you plan to address and identified the key immediate, underlying and basic causes?**		
2. **Have you given due attention to issues of power relationships, discrimination, inequality, ethnicity, age, gender etc.?**		
3. **Have you identified the actors who are likely to enter into the roles of rights-holders and duty-bearers?**		
4. **Have you identified the most important human right relationships between pairs of rights-holders and duty-bearers; and identified the set of claims that can be made by rights-holders (against the duty-bearers) and the set of correlative duties of the duty-bearers?**		
5. **Have you reviewed the extent to which these rights relationships are reflected in human rights obligations from the Ethiopian Constitution, domestic laws, and international human rights treaties ratified by Ethiopia?**		
6. **Have you identified the most important capacity gaps of the rights-holders that constrain them from claiming their rights; and the most important**		

---

[26] This is adopted, with slight modification to fit the Ethiopian context, from Kocevski, G. & Atanasova, M. et al (2019). Handbook for Application of the Human Rights Based Approach: Information and guidelines on how to integrate the human rights based approach into the work of civil society organizations in the Republic of Macedonia. Institute for Human Rights.; Unicef(2007), A Human Rights-Based Approach to Education

capacity gaps of the duty-bearers to meet their obligations?		
Stage II: Planning and Design		
1. **Have you identified and involved the key actors (rights-holders and duty – bearers) in the planning of the project?**		
2. **Have you identified what the UN Treaty Monitoring Bodies, the African Commission on Human Rights , and other relevant international and national organization have said should be done about the problem(s) identified in Stage 1?**		
3. **Have you identified what interventions/activities are required to close the most important capacity gaps of the right-holders to be able to claim their rights?**		
4. **Have you identified what interventions/activities are required to close the most important capacity gaps of the duty-bearers to be able to meet their duties?**		
Stage III: Implementation		
1. **Have you outlined the implementation strategy in compliance with International Human Rights Standards and General Recommendations made by Treaty Monitoring Bodies?**		
2. **Have you identified which duty-bearers and rights-holders you are involving in the implementation?**		
3. **Have you carefully considered the obligation to adhere to all human rights principles during each step of the implementation (quality of the process)?**		
4. **Have you identified the specific obligations the duty-bearers should undertake to respect, protect and fulfill the human rights for rightsholders?**		
5. **Will the project design and implementation strategy contribute to the empowerment and capacity of rights-holders to claim their rights (e.g. ability to access information, organize, advocate policy change and get access to justice etc.)?**		
Stage IV: Monitoring and Evaluation		
1. **Can you measure the goods, services and deliverables produced to develop the capacity of duty-bearers and rights-holders? (Output Indicator)**		
2. **Can you measure the legal, policy, institutional and behavioral changes leading to a better performance of rights-holders to claim their rights and duty-bearers to meet their obligations? (Outcome Indicator)**		
3. **Can you measure sustained, positive changes in the life, dignity and wellbeing of rights-holders (both individual and groups)? (Impact Indicator)**		
4. **Can you measure the ways in which the project/programme processes meeting the human rights principles, including participation, inclusion, and transparency, especially for vulnerable groups? (Process Indicator).**		

Annex II: Ethiopia's Membership Status to Major UN and AU Human Rights Treaties and Protocols

The following Table shows Ethiopia's membership status of major UN Human Rights Treaties[27]

Treaty	Ratification Status	Date
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	Ratified	14 Mar 1994 (a)
Optional Protocol of the Convention against Torture	Not Ratified	
International Covenant on Civil and Political Rights (ICCPR)	Ratified	11 Jun 1993 (a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	Not Ratified	
Convention for the Protection of all Persons from Enforced Disappearance	Not Ratified	
Interstate Communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance	Not Ratified	
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Ratified	10 Sep 1981
International Convention on the Elimination of All Forms of Racial Discrimination(CERD)	Ratified	23 Jun 1976 (a)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ratified	11 Jun 1993 (a)

[27] Adopted from OHCHR website:
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=59&Lang=EN

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not Ratified	
Convention on the Rights of the Child (CRC)	Ratified	14 May 1991 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Not Ratified	14 May 2014
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Ratified	25 Mar 2014 (a)
Convention on the Rights of Persons with Disabilities	Ratified	07 Jul 2010

Ethiopia's Ratification Status to AU Instruments

Treaty	**Ratification Status**	**Date**
African Charter on Human and Peoples' Rights	Ratified	June 15, 1998
African Charter on the Rights and Welfare of the Child Ratified	Ratified	October 2, 2002
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	Ratified	July 18, 2018
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa	Ratified	October 15, 1973
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in	Ratified	March 13, 2020

Africa		
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa	Not ratified	
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention Ratified March 13, 2020	Ratified	March 13, 2020
African Charter on Democracy, Elections, and Governance\		January 6, 2009
African Youth Charter Ratified April 24, 2014	Ratified	April 24, 2014
Cultural Charter for Africa Ratified June 16, 1977	Ratified	June 16, 1977
African Union Convention on Preventing and Combating Corruption Ratified October 16, 2007	Ratified	October 16, 2007
OAU Convention on the Prevention and Combating of Terrorism Ratified March 5, 2003	Ratified	Marcy 5, 2003

REFERENCES

1. European Commission (2014). Tool-Box: A Rights-Based Approach, Encompassing All Human Rights for EU Development Cooperation. Commission Staff Working Document.

2. European Commission (2021). Applying the Human Rights Based Approach to International Partnerships: An Updated Toolbox for Placing Rights-holders at the Centre of EU's Neighborhood, Development and International Cooperation.

3. Kocevski, G. & Atanasova, M. et al (2019). Handbook for Application of the Human Rights Based Approach: Information and guidelines on how to integrate the human rights based approach into the work of civil society organizations in the Republic of Macedonia. Institute for Human Rights.

4. People in Need (2022). Handbook: Applying A Human Rights-Based Approach to Development and Humanitarian Programming.

5. OHCHR (2006). Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

6. OHCHR (2018). A Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development

7. Pact & USAID's Center of Excellence on Democracy, Human Rights, and Governance (2018). Applying Rights-Based Approaches: A practical how-to note on integrating principles of empowerment into almost any development activity.

8. Sida (2014). HRBA and Democratic Governance.

9. Swiss Agency for Development and Cooperation (2020). A Human Rights-Based Approach to Project Cycle Management.

10. UNDP (2006). Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide.

11. UNFPA & Harvard School of Public Health (2010). A Human Rights-Based Approach to Programming: Practical Implementation Manual and Training Materials.

12. United Nations Development Group (2003). The Human Rights-Based Approach to Development Cooperation towards a Common Understanding among UN Agencies.

13. Ussar, M. (2011). The Human Rights-Based Approach: A More Effective Framework for International Development Policies in New EU Member States. Minority Rights Group International.

14. Welthungerhilfe (2016). Orientation Framework: A Rights-Based Approach. Part I: Common Understanding.

15. UNICEF (2007). A Human Rights-Based Approach to Education.

16. UNICEF Finland. Introduction to the Human Rights-Based Approach – A Guide for Finish NGOs and their Partners. 2015

17. ENNHRI (2019). Applying a Human Rights-Based Approach to Poverty Reduction and Measurement: A Guide for National Human Rights Institutions.

18. Jakob Kirkemann Boesen & Tomas Martin (2007). Applying a Rights Based Approach: An Inspirational Guide for Civil Society

19. Austrian Development Agency (2010). Human Rights Manual: Guidelines for Implementing a Human Rights-Based Approach in ADC.

20. Victorian Equal Opportunity & Human Rights Commission (2008). From Principle to Practice: Implementing the Human Rights Based Approach in Community Organizations

21. Agents for Citizen-Driven Transformation (ACT), CSO TOOLKIT: ADOPTING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

22. Human Rights 2 Water (2021). A Human Rights-Based Approach: A Practical Guide for the Realization of the Human Rights to Water and Sanitation through Programming.

ACKNOWLEDGMENTS