

GERMAN DEVELOPMENT INSTITUTE  
(GDI)

**Human Rights  
Strengthening Programme (HURIST)  
– Lessons for German DC in human  
rights approaches to  
development cooperation**

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## **Contents**

### **Abbreviations**

<b>Summary</b>	<b>I</b>
<b>1 Background</b>	<b>1</b>
<b>2 Aims of the HURIST Programme</b>	<b>1</b>
<b>3 Measures undertaken in the First Phase</b>	<b>3</b>
<b>4 Experience: Mid-Term Review Findings (August 2001)</b>	<b>4</b>
<b>5 Proposals for German DC</b>	<b>5</b>
<b>Bibliography</b>	<b>7</b>



## **Abbreviations**

CCA	Common Country Assessment
DC	Development Cooperation
DFID	Department for International Development
HURIST	Human Rights Strengthening Programme
MDG	Millennium Development Goals
MTR	Medium-Term Review (HURIST)
NHRAP	National Human Rights Action Plan
OHCHR	Office for the High Commissioner for Human Rights
PRS	Poverty Reduction Strategy
RBA	(Human) Rights-based approach
SHD	Sustainable Human Development
UNDAF	United Nations Development Agreement Framework
UNDP	United Nations Development Programme
UNDG	United Nations Development Group
UNV	United Nations Volunteer
WEHAB	Water and sanitation, energy, agricultural productivity, biodiversity and ecosystem management and health
WSSD	World Summit on Sustainable Development, Johannesburg 2002



## Summary

The German Development Institute commissioned this report on the experience of HURIST and its “human rights approach to development cooperation”. It is a contribution to a larger study done by the GDI on a “Human Rights Approach for German DC”.

### **HURIST: a human rights based approach to DC**

The HURIST (Human Rights Strengthening) joint programme between OHCHR and UNDP has been in operation for three years. It came into being following the 1998 UNDP policy on human rights and Sustainable Human Development (SHD) as a means of learning how human rights could be mainstreamed or operationalised in UNDP’s programming areas. In its first two years the focus of HURIST’s work was largely National Human Rights Action Plans (NHRAPs), generic support for national human rights-related capacity building initiatives and the deployment of United Nations Volunteers (UNVs). A Mid-Term Review (MTR, August 2001) concluded that while HURIST had succeeded in sensitising UNDP Country Offices to human rights issues, it had not been able to realise its full potential as a catalyst for implementing rights-based approaches to SHD programming. In line with the MTR’s chief recommendations, HURIST was revised so that it could concentrate strategically on methodology development, lessons learning and capacity building for human rights integration in a number of UNDP’s key areas: e.g. poverty, HIV/AIDS and governance. HURIST will also develop and field test specific tools for human-rights based programming: human rights and gender mainstreaming; human rights-based participatory assessments; and human rights-based performance assessment procedures.

### **The conceptual framework for a rights-based approach?**

What is meant by human rights-based approaches to development? With HURIST it was noted that the terms mainstreaming human rights and adopting a rights-based approach were often used interchangeably. Inasmuch as implementation of a rights-based approach is the logical and programmatic consequence of mainstreaming human rights in development this may not present any significant difficulty. Many of the comparative advantages and practical implications of a rights based approach will be common to and contained within the broader set of factors motivating human rights mainstreaming. However, the mainstreaming idea does capture the idea of institutional *internalisation* of the issue or policy sought to be brought from the periphery to the centre (in this case human rights), in addition to the programmatic prerequisites for the *operationalisation* of human rights within sustainable human development. OHCHR uses the acronym PANEL to provide a guide to rights based approaches: participation, accountability, non-discrimination, empowerment and linkage to normative standards.<sup>1</sup> A rights-based approach should not be viewed as a separate sectoral programme with

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1 PANEL is based on Oxfam’s “Benchmarks for accountable development”, Feeney (1998).



cost implications, but rather as a different programming methodology which changes the way in which agencies undertake programming. The core international human rights treaties should frame a rights-based approach to development cooperation<sup>2</sup> and development cooperation programmes should be informed by the concluding observations and recommendations of treaty monitoring bodies. The work of relevant Special Rapporteurs or Working Groups appointed by the Commission of Human Rights or the Sub-Commission should also routinely be taken into account.

### **Expectations**

The primary responsibility for respecting, protecting, promoting and fulfilling human rights rests with national governments. However, as regards economic and social rights in particular, the responsibility of low income or heavily indebted governments is tempered by the fact that national capacity to meet such obligations is weakened because of resource constraints. This means that the policies and programmes of intergovernmental organisations, international financial institutions and bilateral agencies should be screened to ensure that the measures being proposed and the manner in which they are being implemented are consistent with the progressive realisation of all human rights. States have international obligations to promote human rights globally. Mary Robinson, the former High Commissioner of Human Rights has pointed out that rights-based approaches bring the promise of more effective, more sustainable and more rational and more genuine development processes. They offer enhanced accountability by identifying specific duties and duty-bearers in the development process. In this way, development moves from the realm of charity to that of obligation, making it easier to monitor progress.

### **Key Lessons for German DC from the HURIST experience**

HURIST initial problems included the following:

- over-ambitious given its limited budget and resources;
- too flexible so it was unclear at times what it was trying to model or test;
- NHRAPs were being promoted in too many countries usually without any linkages to national development plans or budgetary processes;
- over-reliance on external consultants and UN volunteers so that lessons about rights based programming were unlikely to be internalised or sustained.

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2 International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of all Forms of Discrimination against Women; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### III

Recommendations for German DC on how to operationalize a rights based approach:

- Develop a common vision of what German DC means by a rights based approach.
- A culture shift and change in practice takes time: set realistic objectives and plan for a reasonable timeframe to manage the process.
- Adopting a phased-in, incremental approach may be more successful than attempting the shift in “a big bang”.
- Ensure mechanisms are in place to capture and internalise the learning process: informal knowledge networks, workshops, web-based mechanisms for exchanging ideas and disseminating best practice among staff.
- Senior managers must give a strong lead to the process while encouraging innovation and experimentation.
- Avoid the risk of “enclave” human rights projects by developing programming tools (or adapting models) to guide programming process.
- Training is essential. RBA should be based on core human rights instruments and programming should be informed by the recommendations of the treaty monitoring bodies and other UN experts.

February 2002



## **1 Background**

The Human Rights Strengthening Programme (HURIST) was launched in 1999. It emerged in response to the UN Secretary General's call for an integration of human rights into all areas of the UN system. In 1998, in recognition of the need for the UN to have a consistent approach to human rights and for collaboration between the development and human rights sectors of the UN, UNDP and OHCHR concluded a Memorandum of Understanding to strengthen and expand their cooperation. The following year, 1999, HURIST was initiated as a joint programme with the express purpose of supporting the implementation of UNDP's policy (adopted in 1997) *Integrating Human Rights with Sustainable Development*. HURIST reflected the growing preoccupation during the 1990s, particularly after the World Conference on Human Rights in Vienna in 1993, with ensuring that policies and programmes to promote economic development were carried out in ways that were consistent with international human rights standards. Its novel approach to joint programming anticipated the implementation by United Nations Development Group (UNDG) of the reforms to the United Nations system introduced in 1997 by the Secretary General. The reforms called for a renewed emphasis on the rationalisation and harmonisation of United Nations system activities at the country level. Participation in a new collaborative planning process, the United Nations Development Assistance Framework (UNDAF) was determined by General Assembly resolution 53/192. UNDAF lays the foundation for cooperation among the UN system, government and other development partners through the preparation of a complementary set of programmes and objectives. An essential first step in the preparation of the UNDAF is the Common Country Assessment (CCA). The CCA is a country-based process for reviewing and analysing the national development situation and identifying key issues as a basis for advocacy, policy dialogue and programme planning. The UN Resident Coordinator, who has to ensure the participation of all members of the Resident Coordinator System (whether or not they have country-level representation), manages the process.

## **2 Aims of the HURIST Programme**

The primary purpose of the HURIST programme – in its first phase – was:

- to test guidelines and to provide learning opportunities for the development of national human rights action plans;
- to test guidelines and methodologies for human rights approaches to sustainable human development, on the basis of pilot activities supporting the development of national programmes;
- to identify best practices and learning opportunities in the development of national capacity for the promotion and protection of human rights and in the application of a human rights approach to development programming;

- to provide support to UNDP Country Offices responding to government requests for assistance in the development of programmes integrating human rights with development;
- to promote ratification of human rights treaties through regional and sub-regional workshops;
- to strengthen the capacity of UNDP Country Offices for work with human rights, particularly through the provision of UN volunteers.

As a global UNDP programme, undertaken in cooperation with OHCHR, HURIST was devised specifically to contribute to the organisation's making human rights integral with development

### **Stakeholders**

HURIST was always envisaged as a vehicle to develop the capacity of a range of stakeholders to deliver a human rights-based approach to development. Stakeholders included national governments, national institutions, civil society organisations, the private sector and UN country teams. But one of the central objectives of the pilot programme was to strengthen UNDP's own capacity for human rights development programming. For OHCHR, HURIST offered a test case for exploring its own role as a catalyst and resource for effective and successful mainstreaming of human rights in the development work of UN agencies and programmes. HURIST was seen as helping pave the way for OHCHR to participate effectively in the CCA-UNDAF process.

### **Expected Results**

The main outcome was seen to be enhancing the capacity of UNDP (and others) to mainstream human rights into its (their) activities through learning and sharing of experiences. At the end of its first phase (after 4 years) HURIST was expected to have:

- tested guidelines and produced cases illustrating the development of long-term national strategy plans in five countries;
- disseminated examples of human rights approaches to development activities in another five countries.

Through workshops and seminars HURIST was to provide learning experiences for people with responsibility for human rights-based programming. HURIST was also supposed to support the production of alternative guidelines for a human rights approach to sustainable human development in different crosscutting fields. But after two years it was clear that HURIST was not on track and UNDP and OHCHR decided on a Mid-Term Review (MTR).

### **3 Measures undertaken in the First Phase**

The start of the programme was slow because of uncertainty of funding. HURIST started modestly but over time it attracted approximately 3 million dollars against a total budget of 4.750,000 dollars. A number of countries committed fully funded UNVs to the HURIST programme. The total value of these contributions was estimated to be in the range of 400,000 dollars.

After two years it appeared that UNDP's Country Offices did not have a sense of ownership of HURIST. Many Country Offices simply regarded it as a useful source of funding. The human rights training component, delivered by OHCHR staff, was however well received.

#### **National Human Rights Action Plans**

All of the nine NHRAPs supported by HURIST shared common principles, in particular the emphasis on fostering a non-adversarial approach and on encouraging broad participation and national ownership. All plans were concerned with legitimacy and inclusiveness, involving all branches of government and all parts of civil society, including those marginalised and discriminated against. NHRAPs planning proposals provided for a baseline human rights study by specialised teams or self-assessment. All propose a national workshop to review and approve the NHRAP. Central high-level leadership of the process was highlighted, whether it were parliament, administration, the cabinet or the presidential office. It was suggested that responsibility for a planning process is difficult to coordinate through a broad representative body – which would be better placed to advise. Coordination and planning processes require a competent secretariat.

With regard to the scope and objectives of the NHRAP proposals it was observed that there was little emphasis on national institutions and little explicit recognition of economic and social rights in the planning process. At the same time, concerns were expressed that the proposals would not be anchored in a national budget neither were linkages to other national planning processes ensured. Without making these issues explicit, it was unclear whether the NHRAPs were intended to displace, transform, or link with other planning processes. The NHRAPs had failed to consider how resources would be committed.

The pilots were supposed to test systemic approaches to human rights progress and programming. The OHCHR's draft Handbook on the National Human Rights Plans of Action (revised 4 May 2000), was about the only example of guidelines being tested during HURIST's first phase.

### **United Nations Volunteers (UNVS)**

The programme benefited from the work of highly qualified UNVs with human rights expertise. But not all of them had knowledge of development and programming and many of them lacked any prior knowledge of the countries to which they were assigned.

The MTR was concerned by that fact that a major burden for the success of HURIST had been placed on UNVs and a major portion of the budget spent on them. While the quality of the UNVs was high they did not have the experience and skills to promote the reframing of programming that was called for. While UNVs had undoubtedly played an important role in sensitising UN staff and country clients to rights-based development the review concluded that it was neither desirable nor practical to expect the UNVs to take on the primary task of recasting the way that UNDP works.

A review of individual UNV workplans and terms of reference highlighted a gap between the objectives of the HURIST programme and the expectations of the UNDP office.

### **4 Experiences: Mid-Term Review Findings (August 2001)**

The Mid-Term Review of the programme acknowledged that HURIST had made human rights more widely known among UNDP Country Offices and had raised comfort levels to some degree on human rights issues. However, the review also considered that the strategic potential of HURIST as a catalyst for sustainable implementation of rights-based approaches to SHD was not yet being realised. The focus in HURIST's first two years was largely upon supporting the development of NHRAPs and on generic programming support carried out by UNVs, which while helping to raise the profile of HURIST at country level, was not conducive to the best possible outcome in terms of human rights mainstreaming methodology, development or sustainable impacts.

HURIST when it was first conceived was in the vanguard of rights-based approaches. But it lost direction and momentum during its initial phase of implementation. This was partly due to the fact that senior management at UNDP and OHCHR failed to give the new programme sufficient support and attention. UNDP Country Offices were treating the programme as an easy source of funding and the money was not being used to test guidelines but to support existing programmes. The UNVs were often assigned to tasks that had little relevance to the aims of the programme. HURIST seemed to be marginalised from some of the other key UN Reform processes, especially the CCA-UNDAF (with the exception of NEPAL) and it was not very active in discussions about the PRSPs.

## **Reconceptualisation – human rights integration in SHD programming**

The programme document has been revised to take account of the MTR's chief recommendations. The total budget for HURIST in its second (and final) phase is envisaged to be in the vicinity of 5 million dollars, of which approximately 2.5 million dollars is dedicated towards pilot activities, lessons-learning and methodology development with a direct bearing on SHD rights based programming. Generally, in the second phase, outputs have been defined and budgeted for with a greater degree of precision than was previously the case. There is now a greater focus on the programme's strategic priorities for human rights mainstreaming and on the production of concrete programming tools and methodologies.

OHCHR and UNDP agreed that the second phase of HURIST (March 2002 – March 2005) should focus on the development, piloting and dissemination of guidelines and methodologies for human rights-based programming in a number of UNDP's key practice areas:

1. Pro-poor human development policies;
2. HIV/AIDS
3. Environment management and energy use
4. Decentralised governance and,
5. Indigenous Peoples.

The chief outputs in the above areas will be guidance material, programming methodologies and 'lessons learned' and best practice notes, in order to contribute to a UNDP understanding of what human rights-based programming may mean in practical terms. In certain cases it is envisaged that HURIST outputs will be incorporated into the UNDP's Programming Manual.

The recommendation that HURIST should not initiate any new NHRAPs was accepted; resources were to be devoted instead to supporting and drawing lessons from existing ones. The revised HURIST is already proving to be more dynamic. Work is well underway for the publication of a UNDP Policy Note on Human Rights and Poverty Reduction. OHCHR is planning to produce a revised version of its guide to NHRAPs.

## **5 Proposals for German DC**

1. Adopting a rights-based approach to development will require a shift in the way German DC does business. How well this culture shift is managed will determine the success of the new approach.
2. From the outset German DC will need to be clear that it intends to mainstream human rights throughout its development cooperation programme. However this could be an incremental phased programme to be accomplished over several years rather than "a big bang".



3. Training, capacity development, learning-by-doing will be essential. But experience in other agencies suggests that initial enthusiasm can quickly wear off. Intensive training can have a perverse effect and put staff off integrating human rights and development. To be effective training should be focused, iterative and inter-active.
4. Programming tools (logical framework, performance indicators) to assist staff to adopt a rights-based approach will need to be devised. Models have been developed which might provide German DC with a useful starting point, though these will probably need to be adapted.
5. Rather than try “to convert” existing projects and programmes, which rarely works, German DC would do better to introduce at the start of a new programme cycle the rights-based approach.
6. In preparation for this, staff might be encouraged to innovate, experiment and share experiences. The process has to be led by senior managers with the active participation of all staff. Try to avoid the twin dangers of the process either being driven by or delegated to external consultants.
7. Staff often find human rights training manuals unwieldy. German DC might find it more useful to develop its own intranet human rights reference site with links to related websites (e.g. HURIST, OHCHR).
8. Care should be taken to avoid the development of enclave human rights projects that exist independently of German DC’s main programme.

Rights-based approaches have often been strongest at the level of process – supporting participation and consultation. But the link between these participatory processes (e.g. NHRAPs) and national level development plans has not usually been made. The challenge for rights-based approaches is to translate the “results” of these consultations into concrete proposals for action or to show how to use them in reshaping existing policies.

Examples of activities German DC might consider supporting:

- Revised HURIST pilots,
- Testing and refining the Human Rights Approach to PRS,
- Using human rights as a normative framework develop strategic tools for achieving results based on the WEHAB agenda (WSSD, Johannesburg).

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