

LEARNING from
Human Rights
PROGRAMMES

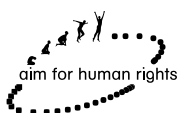


A practical guide

LEARNING FROM HUMAN RIGHTS PROGRAMMES

A practical guide

November 2008



Context,
international cooperation



COLOPHON

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LIST OF ABBREVIATIONS

ACHPR	African Commission on Human and People's Rights
AU	African Union
Aim	Aim for human rights
AI	Amnesty International
CBO	Community Based Organisation
CSO	Civil Society Organisation
DIHR	Danish Institute for Human Rights
EFQM	European Foundation for Quality Management
EU	European Union
HR	Human Rights
HRBA	Human Rights Based Approach to development
HOM	Humanist Committee on Human Rights
ICCO	Interchurch Organisation for Development Cooperation
IOM	Integrated Organisational Model
MDF	Management Development Foundation
NGO	Non-Governmental Organisation
NGDO	Non-Governmental Development Organisation
OAS	Organisation of American States
OECD	Organisation for Economic Co-operation and Development
PME	Planning, monitoring and evaluation
RBM	Result-Based Management
SMART	specific, measurable, attainable, relevant, time bound
UN	United Nations
UNDP	United Nations Development Programme
UDHR	Universal Declaration of Human Rights

GLOSSARY

Source: OECD/DAC, <http://www.oecd.org/dataoecd/29/21/2754804.pdf>

Accountability

Obligation to demonstrate that work has been conducted in compliance with agreed results and standards or to report fairly and accurately on performance results vis-à-vis mandated roles and/or plans. This may require a careful, even legally defensible, demonstration that the work is consistent with the contract terms. Accountability can be towards donors ('upward accountability'), colleagues, media and the general public ('horizontal') and reference communities ('downward')

Attribution

The ascription of a causal link between observed (or expected to be observed) changes and a specific intervention.

Base-line study

An analysis describing the situation prior to an intervention, against which progress can be assessed or comparisons made.

Effectiveness

The extent to which the intervention's objectives were achieved, or are expected to be achieved, taking into account their relative importance.

Efficiency

A measure of how economically resources/input (funds, expertise, time, et cetera) are converted to results.

Evaluation

The systematic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors.

Evaluation also refers to the process of determining the worth or significance of an activity, policy or programme. An assessment, as systematic and objective as possible, of a planned, ongoing, or completed intervention.

Ex-ante evaluation

An evaluation that is performed before implementation of an intervention.

Ex-post evaluation

Evaluation of an intervention after it has been completed.

External evaluation

The evaluation of an intervention conducted by entities and/or individuals outside the donor and implementing organisations.

Impacts

Positive and negative, primary and secondary, long-term effects produced by an intervention, directly or indirectly, intended or unintended.

Indicator

Quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to help assess the performance of an actor.

Inputs

The financial, human, and material resources used for the intervention.

Internal evaluation

Evaluation of an intervention conducted by a unit or individuals who report to the management of the donor, partner, or implementing organisation. Related term: self-evaluation.

Monitoring

A continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing intervention with the indicators of the extent of progress and achievement of objectives and progress in the use of allocated funds.

Multiple reality

People may have different perceptions of the same situation or 'reality'. Reality in a dynamic universe is non-objective. Consciousness is the only reality. While assessing situations it is therefore important to explain the perspective from which an issue is being looked at. Situations can be viewed from different perspectives, each of which is equally legitimate and real to the respective groups of participants.

Outcome

The likely or achieved short-term and medium-term effects of an intervention's outputs.

Outputs

The products, capital goods and services that may result from an intervention; may also include changes resulting from the intervention which are relevant to the achievement of outcomes.

Relevance

The extent to which the objectives of an intervention are consistent with beneficiaries' requirements, country needs, global priorities and partners' and donor's policies.

Results

The output, outcome or impact (intended or unintended, positive and/or negative) of an intervention.

Stakeholders

Agencies, organisations, groups or individuals who have a direct or indirect interest in the intervention or its evaluation.

Sustainability

The continuation of benefits from an intervention after a major (development) assistance has been completed. The probability of continued long-term benefits. The resilience to risk of the net benefits over time.

Triangulation

The use of three or more theories, sources or types of information, or types of analysis to verify and substantiate an assessment.

INTRODUCTION AND ACKNOWLEDGEMENTS

1 RATIONALE FOR THE TRAJECTORY LEADING TO THE GUIDE

Since the late 1990s there has been increased attention for good governance and a substantial number of Non-Governmental Development Organisations (NGDOs) have adopted a human rights based approach to development. As a consequence not only human rights organisations but also NGDOs have become more and more involved in supporting and implementing human rights (HR) programmes. This convergence of the human rights and development agenda has led to a useful cross fertilisation of ideas and techniques, also in the area of measurement.¹ It can be observed that human rights organisations and NGDOs often have different perspectives and use a different language, but that they are facing similar challenges as to the design of strategies and the measurement of their HR programmes.

Measuring the results of human rights programmes is a process that will be confronted with several specific challenges. Human rights programmes are often implemented in unstable and volatile political contexts of rapid change; this makes it more difficult to establish the relationship between human rights activities and changes in terms of human rights improvement that follow from these activities. In addition to this specific problem in relation to attribution, human rights programmes often try to contribute to different types of changes, such as changes in the conduct of the state and law enforcement agencies and social changes conducive to human rights norms (such as equal enjoyment of rights by men and women). Measuring these changes at different levels requires different approaches and methods. Another challenge is the difficulty resulting from political sensitivities to obtain reliable quantitative and qualitative data, for example in the area of human rights violations.

Many efforts have already been carried out to improve measuring results in relation to human rights programmes. However, the need for better methods and analytical tools for establishing the outcomes and impact of these programmes is still being voiced among national and international human rights organisations.

¹ Landman et al, 2003:18.

the existing theory and practice of measuring the results of human rights programmes has led *Aim for human rights* (formerly HOM), ICCO and *Context, international cooperation* to embark on a trajectory that seeks to build upon existing practices and to take these one step further by making them more operational and linking these practices to improved organisational learning.

2 PROCESS OF THE REALISATION OF THIS GUIDE

This trajectory consisted of two participatory workshops, held in October 2006 and October 2007. The first workshop set the scene by creating conceptual understanding of planning, monitoring, evaluation and learning in relation to human rights programmes, and to the formulation of guiding principles and measuring, monitoring and learning tools for human rights programmes.² The second workshop was designed as a so called 'writeshop'. With great determination the participants worked together on a document that would become a practical guide for themselves and their colleagues around the world.

3 OBJECTIVES, TARGET GROUPS AND CHARACTER OF THIS GUIDE

The objective of this manual is to provide a structure before organisations start to design a human rights programme, ask themselves why and how they can do that in a most effective way and thereby contribute to a better implementation of human rights in their own environment. The implementation, monitoring and evaluation of these programmes can be a learning experience that will improve effectiveness in implementation of human rights in the future.

The expected target groups of this manual are human rights organisations embarking on a new programme, but also their stakeholders considering entering into a coalition, and their back donors, having to decide on proposals submitted to them. All these target groups will find a number of practical steps in his guide to be considered. The result of those considerations hopefully is that actors such as human rights defenders and developmental professionals can design effective strategies to improve the enjoyment of human rights. The design of effective strategies, the implementation of those strategies and learning from the monitoring and evaluation, all this is a contribution to the realisation of human rights on the ground.

The term practical guide refers very much to the character of the product of the trajectory. The document should not be regarded as a workshop report, but as a 'manual' that guides practitioners in their everyday monitoring and evaluation practices. It tries to

provide insight into underlying and complex change processes present in the working context of human rights practitioners from different fields of activity.

Chapter I maps out the playing field in the human rights environment and provides some background information on human rights aspects. The Interlude contains a number of cross-cutting issues that did not fit into one of the chapters, but have to be referred to in different stages of the design, implementation, monitoring and evaluation of the human rights programmes. Chapter II gives information on assessing the relevance of these programmes; chapter III discusses the organisational assessment and chapter IV discusses ways how to monitor and evaluate results during the programme and afterwards. The guide is concluded by a short epilogue and a list for further reading.

4 ACKNOWLEDGEMENTS

All of the participants in the trajectory deserve equal acknowledgement since it is only through their determination and participation that this guide could become a reality. The participants have contributed with theoretical interpretations as well as practical examples from their experience. These individuals and their organisations are listed in the first Annex to this guide.

In addition to the participants, the contributions of Mr Harry Derksen (ICCO) need to be acknowledged. The idea for this process emerged from conversations with Harry, and he believed right from the beginning in the relevance and feasibility of this learning trajectory. Mr Eelco Tinga (then of Context, international cooperation) and Mr Piet van Reenen (Professor, Human Rights at the University of Utrecht) did important preparatory work for the process design, most notably a scan of the relevant literature. Mr Marcel Zwamborn (independent consultant), Mr Nicolas Fasel (UN Office of the High Commissioner for Human Rights Research and Right to Development Branch, Geneva), Mr Dirk Steen (Amnesty International Netherlands), and Mr Wouter Vandenhoe (University of Tilburg) acted as able resource persons during the first learning workshop. Ms Marianne Wijermars was so kind as to take responsibility for the reporting of the second meeting.

At the end of the first workshop, an editing committee was brought together to finalise the guide. The members of this committee each took responsibility to complete one of the chapters. The first chapter that sets the stage in terms of concepts and background was finalised by Ms Martha Meijer (Aim for Human Rights). The second chapter, on the assessment of the relevance of human rights programmes, was prepared for publication by

Ms Dieneke de Groot (ICCO). Mr Fons van der Velden and Mr Peter Das (Context, international cooperation) took responsibility for editing the third chapter on assessing organisational characteristics. The fourth chapter was finalised by Ms Ellen Vermeulen (Amnesty International, Dutch Section).

The final draft version of the guide was distributed to a number of experts for their comments. It is important to acknowledge their peer review since their comments have greatly enhanced the quality of the final version. As informed and interested outsiders to the process, Dr Ria Brouwers (Institute of Social Studies, ISS, The Hague, The Netherlands) and Ms Emma Sydenham (Equal in Rights, The Hague, The Netherlands) shared their opinion on the final draft version. As practitioners in the field of human rights, thus being targeted end users of the product, Ms Denisa Murati (Albanian Centre for Human Rights, ACHR, Albania) and Mr Faridul Alam (Promoting Human Rights and Education, PHREB, Bangladesh) gave their valuable comments.

Furthermore, it is important to note that this learning process could not have been organised without the financial and institutional support of ICCO and the contribution of staff members of Aim for Human Rights.

Last but not least, I would like to express my sincere thanks to the members of the editing committee, Mr Peter Das, Ms Dieneke de Groot, Ms Martha Meijer and Ms Ellen Vermeulen, for the pleasant cooperation during the final stages of this process. Notwithstanding this intense collaboration, I, as the coordinator of the study, hold the final responsibility for shortcomings, if any, of this practical guide. On behalf of the organising team, consisting of representatives of Aim for Human Rights, ICCO and Context, I would like to thank all of the participants and resource persons for their active contribution to this learning trajectory. I would like to congratulate them by presenting them with the fruits of their thoughtful work: this practical guide. I trust that it will serve as a helpful guide for many practitioners in the field of human rights.



Fons van der Velden.

Context, international cooperation³
Utrecht, November 2008

Setting the stage for the assessment of human rights programmes

1 INTRODUCTION

This chapter will outline the background information that is the basis for human rights programmes and that influences any assessment of the results as to their effectiveness in the human rights field. It deals with the theoretical and practical framework in which human rights programmes takes place, including definitions, human rights standards and major schools of thought, and possible strategies for human rights work and levels for measurement.

2 THE PLAYING FIELD

The playing field, in the sense of the theoretical framework that is used when making assessments in the field of human rights, is not arbitrary. Despite the fact that internationally agreed standards sometimes are under discussion, working in the field of human rights requires that one has in-depth knowledge of human rights and opportunities they offer for designing programmes. Additionally it goes without saying that human rights defenders and development professionals respect and accept them. Therefore insight into what human rights mean, is necessary when using the human rights instruments and their terminology.

Human rights can be understood in different, culturally or regionally specific ways and this diversity also has an impact on their implementation. This guide presents a number of “schools of thought”, clarifying in which ways and to what extent the differences can still be considered as compliant with the universality of human rights.

Another aspect is that there are different levels of measurement when considering human rights or human rights programmes. The assessment of human rights on the ground requires a different approach from the assessment of the effectiveness of activities in an advocacy programme. This manual aims at making the overlap and the differences between these levels explicit.

a Definitions in the field of human rights work

The following definitions are considered generally helpful in reading and using this manual. Other definitions are presented in their specific context and in the glossary in the preface.

The term 'HUMAN RIGHTS' refers to the basic rights and freedoms to which all humans are entitled by virtue of being human. Human rights include internationally recognised civil and political rights (such as the right to life, freedom of expression, and equality before the law) and social, cultural and economic rights (examples: the right to a reasonable standard of living, the right to education, to housing, to health care). Since the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in 1948, human rights have been further elaborated in a number of international conventions, treaties and declarations.

'HUMAN RIGHTS VIOLATIONS' are those acts, by state or non-state actors that violate the rights of a person, such as detention without fair trial, discrimination, censorship, and lack of facilities for basic education and health care. There are various instruments for the victims of human rights violations and for human rights defenders in general, to lodge complaints about these violations, to try and prevent their occurrence or to improve their governments' policies. These instruments are put to use in human rights programmes.

'HUMAN RIGHTS PROGRAMMES' are defined as: a coherent series of activities (sometimes called interventions) with a clear human rights objective. The objective of human rights programmes or projects is to contribute to the promotion, protection and implementation of international human rights standards.

'STAKEHOLDERS' are agencies, organisations, groups or individuals who have a direct or indirect interest in the intervention.

'BENEFICIARIES' are the individuals, groups or organisations, whether targeted or not, that benefit, directly or indirectly, from the intervention. Beneficiaries should not be confused with the target group, which is the group for which the development intervention was undertaken. There may be some overlap between target groups, stakeholders and beneficiaries.

'PLANNING, MONITORING AND EVALUATION' (PME) is a process of structuring programmes of activities that guides consistency in the different stages of those programmes. A structured process will improve the effectiveness of the programme and the learning capacity of the organisation. Throughout the stages of planning, monitoring and evaluation consistency is crucial.

'PLANNING' is the formulation of plans and expectations for a programme or project. The strategies should work towards the expressed objective and need to be flexible so they can tackle changing situations. A distinction needs to be made already in the planning stage between beneficiaries, target groups and stakeholders. Identification of funding and donors is also part of the planning process.

'MONITORING' is an ongoing process which requires indicators that are linked to the objectives. The indicators differ according to the level of monitoring. The different levels are input, process (throughput), output and outcome. The indicators can be both qualitative and quantitative and are mutually reinforcing and clarifying. Using the data resulting from the monitoring process, adaptations can be made to improve effectiveness. It requires flexibility of tools/strategies to adapt to changes identified as a result of data collection and an eye for unexpected output.

'EVALUATION' is the assessment of the balance between input and results, intermediate as well as final. It requires both distance (reflection) and involvement (participation), a good balance between quantitative and qualitative indicators, and last but not least, an eye for unexpected outcomes in order to learn for future planning.

b Human rights standards

This guide takes as its starting point the human rights as formulated in the Universal Declaration of Human Rights. The implementation of human rights is important for all individuals to be able to live in dignity, to experience equality and to enjoy their rights as a basis for freedom and justice (UDHR, 1948). Human rights have been codified in order to protect the individual against abuse by the state, to set the rules for governments on how to respect, protect and fulfil the rights for all.

There is a distinction when talking of obligations of states vis-à-vis civilians' rights, between respect, protection and fulfilment of human rights. This distinction is important in relation to the various ways in which human rights can be realised – an essential aspect in planning human rights programmes.

- Human rights are respected when the government or citizens do not interfere with the freedoms of other citizens. The right to freedom of expression is a straightforward example for this obligation to respect: the government is not allowed to detain people because of their peacefully expressed opinion.
- Protection of human rights concerns for instance legislation that forbids discrimination exercised by one person against another on any grounds or guarantees a fair trial. The state is

obliged to protect its citizens from human rights violations by others, individuals of other governments.

- Fulfilment of rights is involved when rights have to be realised by certain, step-by-step measures: the availability of educational or health institutions is a clear example. The state is obliged to provide an enabling environment to ensure that all persons can realise each human right in reality. This includes through appropriate social, economic measures to improve the enjoyment of rights, but also political and legal arrangements such as conditions for fair trial.

Human rights law and practice is codified in a wide range of treaties, declarations, conventions, protocols, resolutions and guidelines that have been agreed at the level of international organisations such as the United Nations (UN), the African Union (AU), the Organisation of American States (OAS), and the European Union (EU). Although the main body of rights and freedoms are alike, there are some differences between the general treaties. While group rights are stressed by the African Charter, the European and American regional systems mainly focus on the individual as the primary rights holder. There is no regional mechanism for Asia yet.

c Duty bearers and rights holders

'Duty bearers' are the entities that are responsible to protect, fulfil and respect human rights. States and governments are important duty bearers as they are responsible for fulfilling their duties to respect, protect and fulfil the agreed human rights. States that have ratified the above-mentioned human rights instruments are legally obliged to comply with the international treaties.⁴ Since the structured design of the human rights system came into being after the Second World War, important developments have taken place and progress still continues. Non-state actors such as ordinary civilians can be duty bearers in upholding the rights of their fellow-citizens, e.g. in aspects of non-discrimination. Nowadays also, for instance, through the concept of Corporate Social Responsibility it is widely acknowledged that business corporations also have duties in this area too.

'Rights holders' are individual men and women as well as groups of people that are entitled to enjoy the realisation of rights. The emphasis placed on an individual or group differs from region

4 For instance, the UN International Covenant on Civil and Political Rights (ICCPR) has been ratified by 160 states that thereby have pledged to respect all rights and regulations outlined in the Covenant. Those states thus have to adapt their national legislation to comply with International Human Rights Standards. Information taken from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.2.Rev.4.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.2.Rev.4.En?Opendocument) on March 20, 2008

to region. Individuals can, in different respects, be duty bearers as well as rights holders (Chapter II, Table about Albania).

d Different kinds of rights

In the past decades the human rights debate has focused on the differences between the civil and political rights (e.g. freedom of speech) and the economic, social and cultural rights (e.g. right to education). The former dualism between the “socialist” countries and the “capitalist” countries that kept fighting about which of them was more important has lost its momentum since 1989, but has not yet disappeared completely. In 1993 the two types of rights were declared as equally important, interdependent and indivisible – you cannot adequately use your freedom of expression if you have not had any education.

As to measuring their implementation there is some difference between civil and political rights and economic, social; and cultural rights, although it is by no means an absolute distinction. The civil and political rights are often more easily measured in a yes-or-no manner, while the economic, social and cultural rights show a more gradual or progressive realisation. The implementation of the right to a life can be measured by the occurrence of death penalties or extra-judicial executions, but the measurement of the implementation of the right to housing is a quite different problem.

A third group of rights has evolved since the 1990s. These are the collective rights such as the right to a clean environment or the right to development. Below an example is presented of the violation of a collective right by the government of Uganda. Collective rights are still being debated among UN member states because it is very difficult to clearly identify the duty bearers, the rights holders and the specific content of the right.

BOX I → TRADE-OFF IN UGANDA

In Uganda, environmentalists protested a planned ‘give away’ of Mabira forests to a Madhivani sugar corporation who wanted to expand the cultivation of sugar cane to increase production and reduce sugar prices. The government of Uganda argued it was in the interest of the Ugandans to enjoy low sugar prices through increased production and it was in public interest to give away parts of the forest. Environmentalists argued

environmental protection for future generations took precedence over short-term business interests.

A demonstration held in Kampala in April 2007 was violently repressed and resulted in the deaths of three people. Today a stalemate exists about the fate of the forest. A clear conflict between upholding rights and short-term ‘national interest’!

e The changing face of rights

Although rights always have been subject to restrictions (such as public order, and public morality) in all countries, this margin of appreciation is changing. First, there is a changing balance between State sovereignty (what a government has jurisdiction over, concerning which another state cannot interfere) and universal human rights (what a government is not allowed to do to its own citizens). State sovereignty has become less important in favour of human rights of citizens in a country. The establishment of the International Criminal Court in The Hague, the Netherlands is illustrative of this trend. Members of governments of states that have ratified the underlying Rome Statute⁵ can be prosecuted for crimes against humanity inflicted on their own population.

Second, the balance between national interest and international security has changed with the increased threat of terrorism. Since the 9/11 attacks on the US, international security considerations have raised new concerns for human rights. The new measures of counter terrorism, including new anti-terror laws that allow for conduct such as phone-tapping, internet blockage and illegal detention undermine established human rights.

States argue that whereas individuals have rights, the community deserves protection from attacks. However, countering terrorism under the new 'Security Agenda/Doctrine' threatens the rights to privacy, freedom of expression and assembly, amongst others. In guarding against erosion of civil liberties, human rights organisations shall be guided by 'principles of fairness and reasonableness and have to consider whether such restrictions are acceptable. Non-governmental organisations note that a major preventive measure against terrorism lies in the respect, protection and fulfilment of human rights: non-discrimination, equality and the fight against poverty are important objectives in this struggle.

3 HOW TO WORK IN THE HUMAN RIGHTS FIELD

The human rights standards allow for NGOs to try and influence their government in the realisation of rights in their own environment or directly to improve the human rights situation. The activities of human rights programmes may consist of the following:

- Complaint handling and providing legal aid;
- Campaigning and human rights awareness raising;
- Human rights education;
- Networking and coalition building;
- Lobbying and advocacy;
- Publicity;

5 The Rome Statute can be found on http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf.

- Reviewing legislation;
- Monitoring states' compliance and drafting shadow reports
- Training and capacity enhancement;
- Research, monitoring and documentation of human rights violations.

NGOs can choose from different existing mechanisms as entry point for their efforts linked to the national and international instruments. Following are a number of examples for strategies.

a National interventions

Human rights programmes can consist of efforts to improve human rights implementation in a national context. Having a nation-wide overview NGOs may use their information to influence their own government in implementing human rights more effectively, more broadly, or more in-depth. Also vulnerable groups should be given attention in their equal enjoyment of human rights. These interventions may regard influencing the parliamentary process for better legislation, but may also include campaigning in the streets or advocacy towards certain key target groups, such as lawyers, judges, doctors, teachers, etc. Choosing the most effective strategy is key.

b Thematic campaigns

Human rights programmes on certain themes can cross national borders and lead to cooperation at a regional or global level. The process of globalization includes more opportunities for international networks and coalitions. Exchange of knowledge and experience and common capacity enhancement can make global efforts more effective. The issue of enforced disappearances is one that gets worldwide attention by networking.⁶ International coalitions are much more effective than individual committees of relatives of the disappeared in one country. Using the international standard setting and using modern communication facilities can bring about a global movement with decisive advocacy force.

c Linking into international procedures

Many UN conventions and regional treaties allow for input from human rights organisations at different stages. The main UN covenants and conventions have a reporting procedure that welcomes input from NGOs as a counterbalance to governmental reporting. These so-called "shadow reports" give space to NGOs to comment on their government's performance at an international level. Several training opportunities⁷ exist to become familiar with the meetings in New York or Geneva.

⁶ See for example: <http://www.icaed.org/> .

⁷ www.iwraw-ap.org; www.ishr.ch/

A different way to achieve international scrutiny on possible human rights violations is by the individual complaints procedures that exist under a number, but not all, conventions. After the national procedures have been exhausted, but the violation has not been acknowledged, there is a possibility to try and get an international or regional assessment to decide whether the government indeed has violated internationally agreed rights of its civilians. Especially the Organisation of America States (OAS) and its Inter-American Court and the Council of Europe with its Human Rights Court in Strasbourg have been leading in international accountability at the individual level.

d Universal Periodic Review

A new mechanism for NGOs to try and advocate their human rights interests is the Universal Periodic Review, a series of meetings of the UN Human Rights Council that discusses the human rights performance of individual countries. Each country is planned to become under review once every four years. NGO input is only allowed in the second round of discussions, but although this is a disappointing level for input, NGOs could cooperate to draft additional reports for the first round and try and find coalition partners to make their advocacy more convincing.

4 MEASURING AT DIFFERENT LEVELS

The measuring in the human rights field has a distinction between two main levels that will come back, time and again, because they are interlinked. The first level is on the ground: what is the occurrence of certain human rights violations in a certain area, and in a certain period. The second level of measurement is that of the results of human rights programmes. The two levels can use similar indicators to see whether change has been achieved, but they can also differ.

In a country where torture is rampant, the cases of torture victims are an indicator for the occurrence. A human rights programme that focuses on prevention of torture (e.g. by training prison staff that torture is not allowed) will also measure the occurrence of torture (by perpetrators among the target group) to see whether it is successful. A human rights programme that focuses on medical treatment for torture victims cannot use the numbers of torture cases as such, because prevention is not their objective. This programme will take to results like physical and mental recovery for the survivors of the torture and search for indicators in that direction.

In the design of a programme this distinction is important as choosing your strategy will be depending on the problem analy-

sis and the context analysis (see below, chapter II). The problem will inevitably refer to the human rights situation on the ground. The analysis of the context will be decisive for choosing how to tackle that problem, in which way to work, plan what is feasible, and thus it will be brought to the level of the expected results. In human rights work this linkage is not an automatic or static one. The political context can change overnight and opportunities or threats may vanish as quickly.

INTERLUDE

In this practical guide three important concepts are referred to throughout. The first one is the concept of a 'HUMAN RIGHTS BASED APPROACH'; the second concept is that of 'INDICATORS' and the third one is 'PROJECT CYCLE MANAGEMENT'. Since these concepts do not belong to any particular chapter and because they are cross-cutting, they will be explained in this interlude.

HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT

Essentially, a human rights based approach to development integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development efforts.

The norms and standards are those contained in the wealth of international treaties and declarations. A human rights-based approach to development includes the following elements in planning, implementation and monitoring/evaluation:

- express linkage to rights
- accountability
- empowerment
- participation
- non-discrimination of and attention for vulnerable groups.

The human rights based approach (HRBA) looks at the improvement of the situation of the beneficiaries of a programme from a human rights perspective, taking into account the rights they are entitled to, and the gaps they experience in reality. This approach adds another dimension to the fulfilments of their needs. It better addresses the root causes of poverty and other human rights imbalances. Also the process of an intervention is different. In a human rights based approach e.g. the beneficiaries are requested to take part in the context analysis and the problem analysis, the design of the intervention, the most important indicators, etc. Thus the ownership of a programme by the beneficiaries is being improved, and effectiveness will increase.

As an example: an intervention in the field of education is different when it is planned and carried out with a human rights based approach. When we recognise that there is a right to education, we use arguments from the international human rights context, which are much more powerful than arguments of specific needs. All children are entitled to go to school, boys and girls, without any delay, and it is the government's duty to fulfil that right. Moreover, as to the right to education, minimum standards

(age for enrolment, number of years, type of education, non-discrimination, parents' participation, etc.) have been agreed upon internationally, which makes the design of the programme more specific, as well as making the assessment of the results more reliable and convincing. A programme that thus has been planned from the human rights perspective will have a better design, more objective indicators and more convincing results.

It was economic Nobel prize winner Amartya Sen⁸ who developed the theoretical underpinning for the inter-linkage of rights and development by stating that real development is not possible without freedom (to develop oneself individually) and that freedom is not possible without development ("a process of expanding the real freedoms that people enjoy"). This inter-linkage is the basis of his human development theory and the use of the concept of "capabilities" that Sen has developed since. He considers poverty as "the deprivation of basic capabilities, rather than merely as lowness of incomes". It includes the aspect of just distribution of resources, which is a necessity for political policy making on poverty. It also includes aspects of international distribution and global inequalities.

For example in situations where resources are distributed in an uneven way, human rights standards are internationally agreed instruments for advocating a just and equal access to resources, labour or facilities.

The human rights based approach (HRBA) looks at the improvement of the situation of the beneficiaries of the programme from a human rights perspective, taking into account their needs, problems and possibilities. This approach adds another dimension to the fulfilments of these needs. It is pursued because – according to the essence of the HRBA – beneficiaries have the right to the improvement of their human rights situation as human beings. In this respect, HRBA differs from an approach that tackles human rights abuses from a needs perspective. The latter does not address the root causes of a case of poverty or an existing human rights offence (which could also be a situation of abuses) or the power balances perpetuating the situation.

The UN has discussed needs-based approach versus rights-based approach extensively. An informal working⁹ group formulated three principles for human rights-based programming:

- All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other human rights instruments;

8 Amartya Sen: Development as Freedom, 1999

9 In 2003, the so-called Stanford meeting reached an agreement on the Common Understanding of a Human Rights Based Approach to Programming for these 3 principles.

- All development cooperation in all sectors and in all phases of the programming process should be guided by the human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments;
- Development cooperation contributes to the development of capacities of duty bearers to meet their obligations, or of rights holders to claim their rights, or both.

INDICATORS

'Indicators' are the aspects on which we gather data that show what change has been achieved. If the programme was focused on improvement of the freedom of expression, for example, the number of people detained for the peaceful expression of their opinion would be an indicator, as would the occurrence of censorship in a country, or even the uneven distribution of paper to journals depending on their attitude towards the government. These examples show that indicators can be general as well as specific. Identifying indicators beforehand and linking them to the goals of the programme makes the PME process more objective (not only positive data are being gathered), but unexpected results, discovered during the monitoring, should also be covered by (new) indicators.

a Definition

Many definitions of the concept indicator are used in planning, monitoring and evaluating the results of human rights programmes. A widely accepted definition has been given by OECD: 'An indicator is a quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievements, to reflect the changes connected to an intervention, or to help assess the performance of a development actor.'¹⁰ Another definition came up during one of the workshop sessions: Any information relevant to observance/enjoyment of human rights (often checklists) and statistical data that 'indicate' (usually based on numerical quantification) prevailing circumstances.¹¹

b Different types of indicators

Result indicators refer to the results of an activity, and the results may be divided in output, outcome and impact. As output refers to 'services or products delivered', output indicators generally measure these services or products. Output indicators are therefore relatively easy to gather/create/determine as they refer to quantitative statements such as numbers of products produced, clients served or training workshops organised.

Outcome indicators are more of a challenge as they need to measure to what extent the output contributes to the programmes'

objectives. In other words, outcome indicators are instruments to measure a certain anticipated change in attitudes, awareness or behaviour shortly after or during intervention.

Impact indicators are the most challenging to develop, as impact is most difficult to measure. Impact indicators are used to capture the *long-term qualitative* effects of the intervention over time. Impact indicators, therefore, need to be able to reflect trends of change over time long after the intervention has taken place. Impact indicators therefore tend to focus on change in a wider perspective, such as social change and sustainable change in institutional or legal behaviour.¹²

Process indicators as opposed to those above, refer to the process of change or activity rather than the result. Process indicators should give information on conditions such as non-discrimination, the extent of participation of stakeholders, adequate progress and opportunities for redress.¹³ Especially in human rights programme indicators on the process need to be developed, because they refer to the human rights aspects of the process of change.

A similar distinction can be made between quantitative and qualitative indicators, but they complement each other in many cases rather than oppose each other. Measuring the availability, for example, of clean water, can be done with a quantitative indicator like the number of people having access to clean water. But at the same time the quality of water (“what is clean enough”) is a qualitative indicator.

c Criteria

There has been a lot of debate about the criteria that indicators should fulfil in order to be reliable and helpful. One set of criteria defines ‘good’ indicators as SMART: Specific, Measurable, Attainable, Relevant or realistic and Time bound. SMART indicators stem from a positivist view on change: there is one reality and everything can be measured and expressed in figures, rather one-dimensionally. Another set of criteria comes from another way of looking at measurement and focuses mainly on the process of measurement and the process of defining the indicators. In this more constructivist view, that stresses the existence of multiple realities, indicators ought to be SPICED: Subjective, Participatory, Interpretable, Communicable, Empowering and Disaggregated.¹⁴

11 HOM, ICCO, Context, 2007: 13, 14

12 Bard Anders Andreassen & Hans Otto Sano. (2004). What’s the Goal? What’s the purpose? Observations on Human Rights Impact Assessment. Norwegian Centre for Human Rights, Oslo.

13 HOM, ICCO, Context, 2007: 13, 14

14 Roche, 1999

d Indicators in this guide

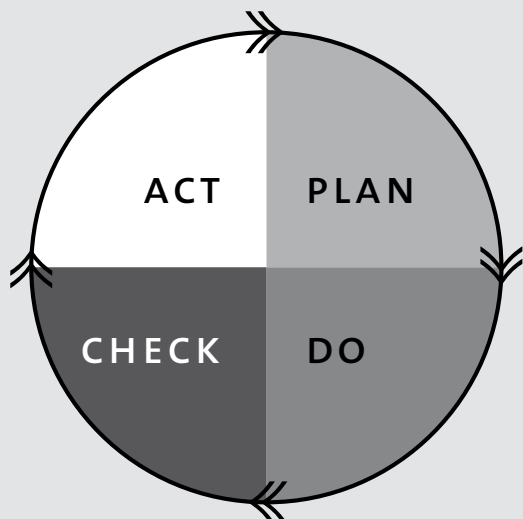
This practical guide uses these criteria in a broad manner and based on the level of measurement, e.g. indicators to measure output have to be more specific than indicators to measure impact. The more specific the output, the more quantitative an indicator can be, but measuring quantity does not necessarily say anything about the qualitative aspects. If one measures the number of people having access to water, this number is a quantitative indicator, but this does not measure the cleanliness of the water, a quality needing another type of measurement namely a qualitative indicator.

THE PROJECT CYCLE MANAGEMENT

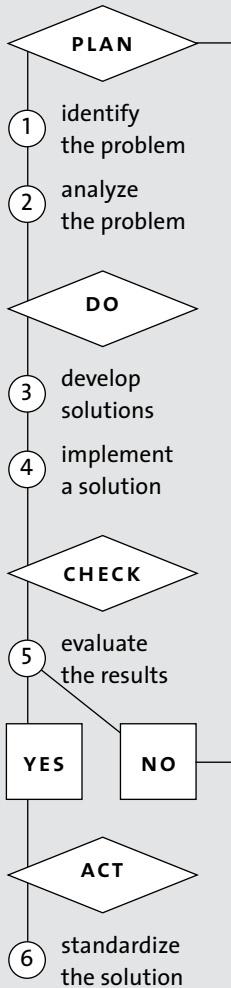
W. Edwards Deming in the 1950's proposed that business processes should be analyzed and measured to identify sources of variations that cause products to deviate from customer requirements. He recommended that business processes be placed in a continuous feedbackloop so that managers can identify and change the parts of the process that need improvements. As a teacher, Deming created a (rather oversimplified) diagram to illustrate this continuous process, commonly known as the PDCA cycle for PLAN, DO, CHECK, ACT:¹⁵

- **PLAN** Design or revise business process components to improve results
- **DO** Implement the plan and measure its performance
- **CHECK** Assess the measurements and report the results to decision makers
- **ACT** Decide on changes needed to improve the process.

In a very simple way Deming's PDCA cycle can be illustrated as follows:



In a more elaborate way the PLAN-DO-CHECK-ACT cycle can be divided in a number of steps:¹⁶



PLAN

STEP 1 IDENTIFY THE PROBLEM

- Select the problem to be analyzed
- Clearly define the problem and establish a precise problem statement
- Set a measurable goal for the problem solving effort
- Establish a process for coordinating with and gaining approval of leadership

STEP 2 ANALYZE THE PROBLEM

- Identify the processes that impact the problem and select one
- List the steps in the process as it currently exists
- Map the Process
- Validate the map of the process
- Identify potential cause of the problem
- Collect and analyze data related to the problem
- Verify or revise the original problem statement
- Identify root causes of the problem
- Collect additional data if needed to verify root causes

DO

STEP 3 DEVELOP SOLUTIONS

- Establish criteria for selecting a solution
- Generate potential solutions that will address the root causes of the problem
- Select a solution
- Gain approval and supporter the chosen solution
- Plan the solution

STEP 4 IMPLEMENT A SOLUTION

- Implement the chosen solution on a trial or pilot basis
- If the Problem Solving Process is being used in conjunction with the Continuous Improvement Process, return to Step 6 of the Continuous Improvement Process
- If the Problem Solving Process is being used as a standalone, continue to Step 5

CHECK

STEP 5 EVALUATE THE RESULTS

- Gather data on the solution
- Analyze the data on the solution

Achieved the Desired Goal? If YES, go to Step 6.

If NO, go back to Step 1.

ACT

STEP 6 STANDARDIZE THE SOLUTION

(and Capitalize on New Opportunities)

- Identify systemic changes and training needs for full implementation
- Adopt the solution
- Plan ongoing monitoring of the solution
- Continue to look for incremental improvements to refine the solution
- Look for another improvement opportunity

The relevance of human rights programmes

1 INTRODUCTION

a Purpose of this chapter

In the assessment of human rights projects and programmes, assessing the relevance of the programme itself is central. This is done at various stages of the life cycle of projects / programmes. As early as at the design stage it is important to consider whether the envisaged activities are relevant and appropriate in relation to the situation that needs to be addressed. During later stages of the activity it is important to continue to examine whether the objectives and original design remain appropriate to the circumstances, and to see if changes are needed. This chapter introduces some tools for the assessment of the relevance of a human rights programme.

b Issues in this chapter

To be able to get insight into a programme's relevance one needs to look into:

- the different aspects of relevance that lead to assessment criteria;
- tools that can be used for assessment;
- The nature of indicators that can be used in the assessment of the relevance of a human rights programme.

The relevance of human rights in development work leads to the relevance of incorporating human rights in development programmes. We refer to the explanation on the human rights based approach to development in the Interlude.

2 ASPECTS OF RELEVANCE

The relevance of human rights programmes – as with development programmes – can be shortly assessed by two questions, first: 'Are we doing the right thing?' (= relevance of the activities and their appropriateness in the given situation). And second: 'Are we the right organisation to undertake these activities?' By answering these questions an organisation can judge the relevance of engaging in a certain intervention. The first question is a question based on principles and problem analysis, the second one is a strategic one: Perhaps other stakeholders are more capable with respect to knowledge and capacities.

Assessing relevance in this manner is a practical translation of the definition of relevance as given by the UNDP. The UNDP defines relevance as follows: ‘The degree to which the objectives of a programme or project remain valid and pertinent as originally planned or as subsequently modified owing to changing circumstances within the immediate context and external environment of the programme or project’.¹⁷

The OECD /DAC stresses the importance of the context in their definition: “Relevance is the extent to which the objectives of a development intervention are consistent with beneficiaries’ requirements, country needs, global priorities and partners’ and donors’ policies. Retrospectively, the question of relevance often becomes a question as to whether the objectives of an intervention or its design are still appropriate given changed circumstances.”¹⁸

As can be seen in these definitions, a main aspect of relevance is the relation of the intervention to its circumstances, either before the intervention is started, or after it has been concluded. Therefore the context analysis for human rights programmes or projects should take into account:

- The human rights situation: assess the situation considered from a human rights perspective. What kind of human rights are violated (e.g. civil and political rights, or economic, social and cultural rights)? Whose (individual/group) rights are abused and by whom? What is the background of the violation? After these questions are answered the main question in determining relevance is: ‘Is the proposed intervention suited to the human rights situation as analysed?’
- The political opportunities and risks: make an inventory of the political context and the room for manoeuvre of the different parties involved. And make an assessment of the risks related to the various possible actions. Then answer the question: ‘Is the proposed intervention the right one, given the political situation sketched?’
- Positioning, possibilities and capabilities of the organisations involved: make an organisational assessment of the organisation active on the terrain of human rights. Is this the right organisation to interfere, how is the organisation positioned vis-à-vis other organisations and is it weakening its own position or the position of the violated people?¹⁹

3 PRINCIPLES AND PROCESS

A number of aspects link the assessment of the relevance of a programme to the human rights based approach (see for more background the Interlude). The implementation of the HRBA

17 UNDP, 1997

18 OECD/DAC, Glossary of Key Terms in Evaluation and Results Based Management, Evaluation and Aid Effectiveness 6, Paris, 2002.

19 This subject will be discussed more elaborately in chapter III of this guide.

follows a specific sequence of steps by focusing on a number of areas, such as:

- Universality and indivisibility of human rights (root causes in terms of human rights violations and identification of rights holders and duty bearers);
- Equality and non-discrimination
- Participation and inclusion (of the beneficiaries in the problem analysis and programme design and attention for the most vulnerable groups);
- Accountability and rule of law (with special attention for the difficult position of many human rights defenders)

These aspects should be considered throughout all stages of the HRBA programming process, which in fact follow normal programming logic: context analysis; programme design and implementation and evaluation.²⁰

While assessing the relevance of a certain human rights programme, equal attention has to be given to process issues. HRBA differs from programming in a developmental way in that the programmes are guided by the four human rights principles as formulated by the UNDP (2003):

a Universality and indivisibility

This means that human rights are equal and for everybody. In the attempt to improve all human rights, it is logical that one does not violate other rights. It is necessary to take a holistic approach that addresses the root causes of violations. However, choices must be made in the sense that priority for a certain group or a certain situation of injustice may imply less attention for other rights. For example in promoting empowerment of certain groups, advantages for others may be threatened. In this regard the identification of rights holders and duty bearers is important.

b Equality and non-discrimination

One objective of monitoring the implementation of the programme closely is to prevent possible discrimination from slipping in, by how the programme is implemented. Regular monitoring should also look into the question whether all different groups are equally participating or being involved in the programme or getting equal access to information. In the problem analysis the rights of vulnerable groups should be identified as clearly as possible.

c Participation and inclusion

The involvement of vulnerable groups in the programme design will sometimes have consequences for the contents and the

²⁰ Danish Institute for Human Rights, Applying a rights-based approach – an inspirational guide for civil society, Copenhagen, 2007, p. 17 onwards.

timeframe of the programme. Vulnerable groups are often excluded from relevant information and are not always able to raise their voice. Therefore their inclusion may require special attention in the design and implementation phase.

d Accountability and rule of law

Programmes should be carried out according to the rule of law and the staff responsible for the programme is accountable to the beneficiaries as well as to the donors. Accountability can be realised in more formal, but also in more informal ways. In conflict situations with severe violations, this might sometimes be difficult due to the confidentiality of certain issues, such as: who are the beneficiaries, what did they aim at during the intervention in relation to their authorities. Human rights defenders often have a difficult relationship with their government and being associated with an intervention may be a threat to their safety as such. Nevertheless, in those situations, close monitoring of the interventions is essential since also so-called neutral interventions might have negative effects on the human rights situations.

4 TOOLS FOR THE ASSESSMENT OF RELEVANCE

The relevance of a human rights programme with regard to the various aspects mentioned above is or should be assessed at several moments in time. Ideally it should at least be done at the beginning of the project or programme cycle, before a programme is designed; furthermore it could be done during the monitoring of the process and after the programme has been completed. During these particular moments it is useful to monitor changes in the relevance, and to gather useful lessons on, for example, design, intervention logic, and organisational capacities. Several tools can be used for the various described analyses. A few examples of tools will be given; more examples and their descriptions can be found in the following chapters and on the PM&E Resource Portal - Participatory Learning and Action of Wageningen International.²¹ Several tools that are used for assessing relevance are described in brief below.

a Context analysis

The context analysis chiefly concerns the human rights situation, including not yet recognised or even denied issues and tensions which might be (or become) important:

- Assessment of key human rights issues in a specific situation at a certain moment in time;
- Description of institutional state obligations, legal conditions and power relations;
- Issues that specifically affect vulnerable groups in that context.

21 <http://portals.wi.wur.nl/ppme/content.php?ID=394&IDsub=566>

In the context analysis the ‘multiple realities’ aspect has to be taken into account. Human rights issues can be considered in very different ways from different perspectives, with very different outcomes. These different points of view in the analysis could easily result in quite different programme set-ups. The difference is partly based on the ‘natural’ differences between rights holders and duty bearers and partly on the fact that different groups have conflicting rights contexts. A risk analysis can also be part of the context analysis.

There are several ways of obtaining information for the context analysis. It is important to get as complete a picture of the context as possible. This implies the use of different sources of information in order to be able to validate and cross-check the information. The main sources are: information on the different stakeholder groups, e.g. the identified vulnerable groups and sometimes also the groups in power. Furthermore, information on other organisations working in the same field, official data on the human rights situation, data of the situation based on own research and data stemming from international monitoring sources. Based on all these different sources a comprehensive context analysis is made, preferably in a participatory way, including the vulnerable groups.

b Problem analysis

In addition to the context analysis and in advance of the design of the programme, the most important problem or problems need to be identified. Questions need to be addressed, such as: what are the existing policies, laws or procedures causing the human rights problem and what other issues are preventing the vulnerable groups from having the ability to claim their rights. A tool that could be used to get the information is “cause and effect mapping”; constructing, together with the different stakeholders (or in phases and compiling the information at a later stage), an overview of the different causes underlying a problem. A flow diagram can be constructed either by means of symbols or photographs; the diagram indicates the underlying causes and the root problems.

c Stakeholder analysis

Another step is to make an analysis of the main development actors in terms of duty bearers and right holders. The analysis gives an overview of who is responsible for what in terms of rights holders and duty bearers. A helpful instrument for making a stakeholder analysis is pattern analysis. The Table below gives an example of a pattern analysis of the right to education in a cultural setting where a blood-feud culture determines the human rights situation.

	CLAIMHOLDERS					
	Children	Parents	Teachers	NGO	District	GO
Parents	Allow children to go to school.		Support children in the process of learning (for instance allow time for homework).	Allow and support children to participate in their specific programmes	Allow children to attend school.	
DUTY BEARER						
Teachers	Provide good quality teaching.	Organize regular parent –teachers meeting to inform/ support parents.	Exchange information (for instance on the methodology of work).	Provide data on children affected from blood feud.	Participate in training workshops. Offer data on this category of children.	Follow established curricula.
NGO	Offer professional help for children, such as consultation, extracurricular activities etc.	Offer professional help for parent, for instance information and consultation.	Provide trainings on this specific issue. Offer professional consultation to deal with such a situation.	Exchange information.	Provide data and support the process of data collection Act on and respect domestic legislation and/or other forms of agreements with local governmental structures.	Support them to establish and improve the legislation, policies, and strategies related to blood feud.
District	Provide protection to insure their safety.	Provide protection for them and their children.	Retrain teachers to enhance their professional capacities	Provide data, support data collection.	Offer access and other facilities.	Use funds correctly.
GO	Legislate free and compulsory basic education Adopt strategies to increase school attendance.	Adapt policies/ programmes to support parents of children affected by blood feud.	Ensuring adequate salaries for teachers.	Involve NGOs in the process of strategy and policy making	Allocate adequate and specific funds for education and blood feud problem.	

TABLE I → POSITIONING DIFFERENT INTEREST GROUPS (PATTERN ANALYSIS)

While making a stakeholder analysis it is important to make a distinction between the different roles, interests and power relations of the different groups the organisation is dealing with. At the same time it must be realised that the most vulnerable groups are not often being heard. Extremely important with the stakeholder analysis is to get insight in who is interested in maintaining the status quo and who is interested in changes (defining allies).

d Gap analysis

Besides being based on the present stakeholders, the relevance of the intervention could, in a number of cases, be based on the *absence* of other actors who might take up an issue for intervention. The overview of what is done already and what still needs to or could be done (= gap analysis) in a certain situation to improve the situation from a HRBA perspective could direct the selection of possible interventions for the own organisation.

e Organisational Analysis

One central aspect in discussing relevance is insight in the organisation that is implementing the programme. Analysis is required of the capacities, past performance and experiences of the organisation. Main aspects of this analysis are: assessment of the organisational capacities and experiences, including an organisational analysis of strengths and weaknesses. Based on the analysis the organisation could be positioned in the field of possible actors and the question could be answered whether or not the organisation is in the right position to perform the envisaged programme. Or what could strengthen the organisation in executing the programme. In chapter III the issue of organisational analysis is discussed in further detail.

5 POLICY IMPLEMENTATION

After completing the analyses as described above a decision has to be made about what would be the most effective way to improve the analysed human rights situation, as the relevance of an intervention is also related to the feasibility for effective results.

After the root causes of the problem have been identified in the planning stage, it should now be clear what type of rights have been violated or denied and who is responsible for the fulfilment and protection of these rights, and also what the capacities and the weaknesses of the different actors in the field are. These considerations together lead to the assessment whether the intended intervention is feasible.

The next phase is the design stage: possible scenarios, strategies and solutions for the identified problems. For a given situation several scenarios are identified and explored. Prioritisation of the objective of the intervention takes place according to the human rights principles related to the priorities of the most vulnerable groups (e.g. minorities, indigenous people, and people living with HIV /Aids or other excluded groups). The intervention should focus on sustainable and meaningful changes in the lives of these groups. To realise sustainability ideally both duty bearers and rights holders should be involved in the design of the programme.

Sustainability is the concept that is used for realising a more long term planning and programming. Will the results remain visible and working in for instance ten years time? Ten years is a quite arbitrary time limit; others take one generation as their horizon for sustainability. In human rights work the long term is less predictable than in economic or agricultural programmes, because there are more external factors that have to be taken into account: how will in that period the political situation change?

In general the effort for sustainability could be enhanced by paying attention to the following points while formulating the programme objectives, not for this moment, but for the longer (e.g. 10 years) term:

- What are the changes the programme wants to realise for both the rights holders and duty bearers in the long run?
- How does the programme in say ten years time address the problems of the most vulnerable and reflect their priorities taking gender concerns into account?
- How is the long term objective of the programme related to human rights laws and human rights principles?
- What is the type of intervention the organisation is aiming at: respect, protect or fulfil?
- How does the programme address root causes, e.g. policy and legislative changes?
- Describe how changes have to take place, what strengths needs to be reinforced?
- How to deal with organisational constraints and obstacles relating to capacity, resources and attitudes?

Cooperation will enhance the relevance of any programme by the need to identify a common objective. The local actors such as human rights organisations, the more general civil society organisations including community based organisations (CBOs) and non-government development organisations (NGDOs), with whom it is a good idea to work together to implement these priorities are identified on the basis of the stakeholder analysis, the organisational analysis and the formulated programme objectives.

In the early 1990s communal conflicts tore apart Kuki and Naga indigenous groups and led to hatred and vengeful attitudes. Even though these groups had lived together for ages they could no longer communicate with each other. The leaders of the two groups tried their best in the peace negotiations yet they failed due to various reasons. Then both the church and the state played a role by bringing together church elders and village authorities. Their endeavours were in vain despite the signing of resolutions and the organisation of a peace feast. This resulted in more killings and burnings of houses and properties in the days following the talks. Neither of the organisers thought of including women in any of their meetings.

At this point some Naga women's groups realised that they had always been involved as peace brokers in conflict of any kind in their society. Traditionally, when women interfered in fights, men did have to stop immediately. The Naga Women's Union (NWUM) tried to restart the peace building initiative by reintroducing this tradition and speaking to groups of Nagas and Kukis, to the village authorities, community leaders, government delegates and other influential stakeholders for peace and harmony. NWUM and the Naga Mother Association (NMA)²² from Nagaland were also actively involved in peace building processes before, during the Karbi and Dimasa conflict in Assam and in Nagaland.

The interference was initially not very effective. But, eventually, the direct contact of the women with the leaders and communities worked well and they became more confident and continued their peace building work. The Kuki Mothers' Association was able to do even better work when they started to collaborate and network with the NWUM and NMA.

The women's peace process made space for people to listen to each other's truth and stories, understand each other's realities and accept their differences since they looked for similarities as starting point. Women are not only looking for peace as the absence of conflicts or wars but for peace in the sense of creating more space, true democracy and active participation in order to ultimately achieve justice and human rights.

Based on this successful intervention the government and NGOs realised and valued the importance of involving women in the peace building process in the region. Nowadays, Indian and foreign NGOs working on conflict resolution and peace building invite these women's groups to their trainings and also involve them in policy planning for peace building in the region. This is an example of involving duty bearers and NGOs to achieve a more inclusive policy in peace building.

6 SUMMARY

This chapter has clarified how to assess the relevance of human rights programmes with a rights-based approach. It provided an overview of important types of analysis that can be used to judge the relevance of HR programmes and projects. Several tools were discussed that facilitate this assessment so as to be able to answer the questions whether or not with this intended programme the right things are being done and whether they are being done in the right way.

²² Naga Mothers Association is based in Nagaland, an apex body of all Naga Women Unions of different Naga indigenous groups in Nagaland. Naga Women's Union is based in Manipur, Kuki Mother's Association is based in Manipur too.

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Assessment of organisational capacities of human rights organisations

1 INTRODUCTION

a Purpose of this chapter

In the process of assessing the activities (projects or programmes) of an organisation, one must be aware of the capacities of the organisation. Is the organisation whose programmes are going to be assessed capable of doing the things it intends to do? This chapter will discuss this aspect. Specifically: 'what to assess' and 'how to assess'.

Civil society organisations (CSOs) active in the field of human rights take on the responsibility to tackle injustice in their respective communities. It is very important to ascertain the manner in which they carry out their human rights programmes. All stakeholders, including beneficiaries, donor agencies, government agencies and the organisations themselves, would benefit from an unbiased assessment of the programmes and structures. This kind of periodic assessment would help the organisations to emerge as learning organisations and provide them with the scope to adapt their theories of change.²³

b Issues in this chapter

When assessing whether organisations have adequate capacities to ensure successful implementation of their human rights programmes, different characteristics of organisations are considered. There are several different approaches to examining organisational characteristics. A few of the most useful ones will be dealt with in this chapter.

Different sources can be used to assess the different facets of the capacity of an organisation. Some obvious sources are the constitution, the aims and objectives of the organisation, the bylaws, and the formal or informal working arrangements, written or unwritten. Especially in human rights organisations, which can be loosely formed organisations, it is important to look at so-called 'hidden connections', the invisible but very present organisational characteristics.

2 THE DIFFERENT TYPES OF CSOs THAT IMPLEMENT HUMAN RIGHTS PROGRAMMES

Civil society organisations engage in a wide range of human rights activities, such as among other things research, advocacy initiatives and education. Some organisations choose to work with specific groups such as women, children, migrants, or other vulnerable groups, while other organisations prefer a more general focus.

Civil society organisations engaging in human rights programmes can vary hugely regarding the established levels of organisation. It depends very much on the context in which the organisation carries out its activities. Some organisations have well organised systems and structures in place and are registered as legal organisations. Others prefer, or are forced, to work semi-legally or even illegally as loosely formed associations, ad-hoc movements, campaigns, or networks. The way in which an organisation is arranged has consequences for the assessment that is made and should be kept in mind when reading this chapter.

3 APPRAISAL OF THE ORGANISATIONAL CHARACTERISTICS OF THE CSOs

There are many approaches to looking at organisational characteristics. This section explains some concepts and provides insights, directions and tools for assessing organisational capacity.

Many approaches pay attention to the following elements when assessing organisational capacity: the 'context' (or environment), the 'being', the 'doing' and the 'relating'. This is made visible in Figure 1. It is important to note that there is a partial overlap between these elements and they are interlinked and inseparable. Evaluations can have a special focus on one of the four elements, but they can never separate them.²⁴

An evaluation or measurement that looks at the 'environment' or context in which an organisation works relates to issues of relevance, applicability and strategic positioning. This subject has already been dealt with in chapter II. The 'being' of an organisation refers to the way it is constructed (systems, structures etc.) and to its 'spirit' or identity, which is often reflected in its vision and mission. The 'relating' touches on the actors with whom the organisation is cooperating. To assess the relating it is important to look at issues of coherence and synergy with the work of cooperating partners.

A widely used tool to assess the being of an organisation is McKinsey's 7-S model.²⁵ It is particularly important to look at the interconnections between the elements. For example, do the skills within the organisation reflect the strategy? This element is discussed in this chapter.

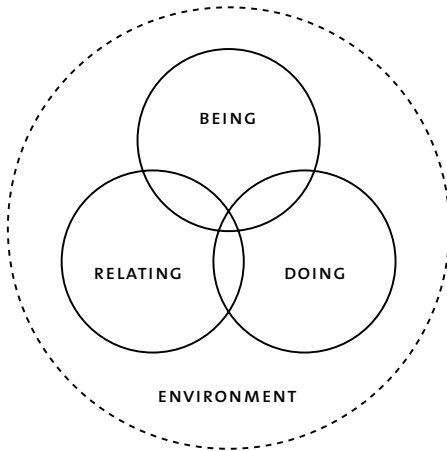


FIGURE 1 Being, doing and relating

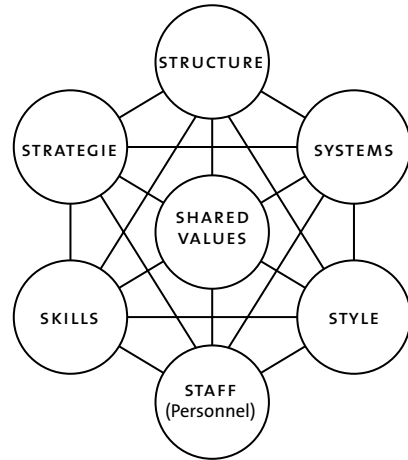


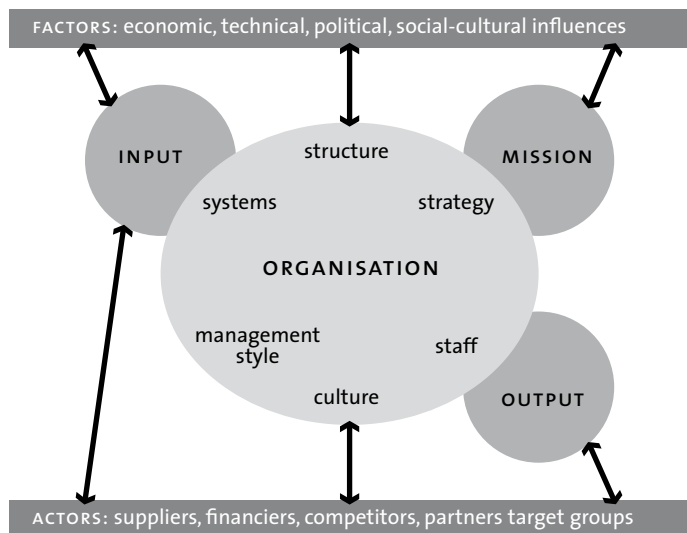
FIGURE 2 McKinsey's 7-S model

a The IOM model

A widely used approach to looking at organisational characteristics is the Integrated Organisation Model (IOM) as developed by MDF.²⁶ The major organisational characteristics that need to be addressed are reflected in this model, see below. First, this section pays some attention to the identity of an organisation, which is usually reflected in its vision and mission (called 'mission' in the model). After that the various characteristics in the central circle of the model will be discussed further.

FIGURE 3 The IOM-model

Integrated Organisation Model



²⁵ Peters and Waterman, 1982
²⁶ www.mdf.org

b The organisation's identity

The CSOs philosophy determines its 'identity': this is also referred to as 'spirit', 'raison d'être', 'ideology', et cetera. It reflects the organisation's motivation and direction. The easiest way to get information about the identity of an organisation is to look at its vision, mission and objectives. But in most cases the formulated vision and mission reflect only part of the identity. Much more information can be found in the tacit aspects of the organisation; what are the beliefs and values of staff members and how do they perceive the identity of the organisation. The motivation to work in a human rights organisation is to a large degree derived from this, and can thus be a tool to build coherence.

In order to assess the identity of the organisation, the following questions are helpful:

- To what extent does the organisation have clear, coherent, shared, accepted and internalised aims and objectives? Sometimes the vision and mission are taken for granted by the people who work in the human rights organisation. Driven by own values they may not have internalised the organisational spirit, which can lead to less coherence and lack of unity within the organisation.
- To what extent has the strategy for implementation of human rights programmes been built on the vision and mission of the organisation?
- To what extent does the organisation, and especially the individuals within it, adhere to international standards of human rights and to what extent have they internalised them?
- To what extent is the identity of the organisation reflected in its appearance to the 'external world', e.g. brochures, internet sites, publications of the organisation?
- To what extent are the vision and mission valued and shared by the constituency of the organisation.

c Organisational characteristics

1 *Organisational characteristics: STRUCTURE*

Civil society organisations that are active in the field of human rights can be exposed to restricting circumstances by authoritarian regimes. But there are other constraints e.g. financial constraints, inadequate resources, inadequate means of communication, competition from peer organisations, etc. A frequent result of these constraints is that many civil society organisations compromise on the nature of their organisational structure. They might for instance not have a properly worded constitution, or they may not have formal communication structures. Nevertheless, these organisations can be successful in achieving the objectives of their programmes. Recognising this, it is important to acknowledge that informal structures that cannot be

observed may still be present. Organisations with or without a well defined organigram can be governed by 'hidden connections' (see Box III). In any case it is important that the assessment of the organisation measures the coherence between the structure of the organisation, its spirit, the capacities of the staff (functional division of labour) and the implementation of the programmes.

While looking at the structure of an organisation the following points need to be addressed:

- Defined job responsibilities;
- Functional division of labour;
- Decision making structure;

BOX III → INFORMAL DIMENSIONS OF ORGANISATIONS;
THE HIDDEN CONNECTIONS

In and around the town of Dhanbad in India, thousands and thousands of workers are still working in the traditional coal mines. Labour relations are often very strained and labour conditions are poor. In the 1990s, some of the workers had organised themselves in a reformist trade union aiming not only to campaign for better working conditions but also for social reform. The area is notorious for the big power basis of the local mafia. In 1992 the local trade union leader, who was a charismatic leader, was shot dead; a few years later some of the local coal mine owners were imprisoned for this murder.

Years later an evaluation team visited the area and had long conversations with some

of the members of the union. The team raised questions about the planning, monitoring and evaluation systems within the union.

After a while a few of the workers got annoyed with the members of the study team. 'You are asking us all types of questions in your development jargon. Forget about it! We are people who are involved in a struggle. Our lives and time are very precious. We know how to "monitor and evaluate" our actions!' was the main argument. Then followed a detailed and impressive account how activities were reviewed and evaluated in an informal manner through informal communications, text-messaging, messengers and informal peer reviews.

II *Organisational characteristics: SYSTEMS*

Systems of governance should reflect how the structures described in the previous section are organised. These need to be examined in order to ensure transparency in working practices, accountability – be it downward, upward or horizontal, the presence of inbuilt PME systems, accounting systems, annual government returns, and to measure the extent of people's participation.

The highest level of governance is what is usually laid down in the Statutes or Constitution of the organisation. In the statutes functions such as General Assembly, the Board/Council et cetera have been defined.

In the governance of an organisation, the following points need to be covered:

- Board meetings: The frequency of and attendance at board meetings; agenda of the meetings; record and distribution of minutes; follow up of actions arising out of the meetings.
- Staff meetings: The frequency of and attendance at staff meetings; agenda of the meetings; subjects discussed; method of communication and participation of staff; who has the authority to call meeting and to set the agenda;
- Scope of learning organisation; to what extent are there in house systems for periodic PME and the follow up of the information it generates.
- Fulfilment of legal requirements, wherever applicable. Annual returns to different government departments (e.g. accounts, taxes, reports of activities, etc.).
- Accountability: financial and on content; to donors or government, to target groups. Submission of annual reports and accounts to donor agencies.
- Periodic reporting to the beneficiaries and partners, manner of dissemination of this information.
- Mode of communication system.

III *Organisational characteristics: STRATEGY*

The strategy of the organisation is about how an organisation plans to achieve its objectives and mission. It encompasses the ways the organisation plans ahead and responds to its environment. The strategy should describe the activities, their coherence and the way the activities contribute to the desired results.

The strategy of an organisation needs to cover the following points:

- To what extent does the strategy reflect and contribute to the mission, vision and objectives of the organisation?
- Strategy document: is there a written document in which the strategy of the organisation is laid down? If not, is there a justification for its absence?
- To what extent has the strategy been internalised, accepted and supported by staff members, but in particular by the leadership of the organisation?
- To what extent does the strategy help to clarify priorities, make decisions and to improve performance?
- To what extent does the organisation have a process in place for reviewing its strategy and keeping it up to date and relevant in its context?
- To what extent does the organisation have a system in place that monitors the application of the strategy?

IV Organisational characteristics: LEADERSHIP STYLE

Leadership style determines to a large extent how 'business' is conducted within the organisation. Therefore it is useful to review the following issues:

- Democratic methods of decision making (the urgency of the situation may not permit the organisation to work in a democratic manner at all times);
- Way of communicating within the organisation;
- Representative quality of leadership;
- How the staff perceives leadership;
- How the community perceives leadership;
- The manner in which criticism is dealt with.

Leadership and management often overlap; yet there are a few differences. Generally speaking, leadership tries to answer the question: are we doing the right things? Whereas management tries to answer the question: are we doing things right?

Good management standards that should be maintained in human rights organisations are transparency and accountability. Transparency means that the organisation needs to make its rules and systems accessible to all concerned, and that those rules are applied equally. Accountability means that decision making and responsibility are spread over the various levels of the organisation and mutually reported and accounted for. In a democratic organisation, concentration of authority should be avoided and ample checks-and-balances should be in place. This is contrary to the fact that it is, for example, not common in many organisations for leaders or directors to accept criticism from lower rank staff.

V Organisational characteristics: STAFF

The capacity of the people (staff and board and associates) of an organisation largely determines the extent to which the vision and mission can be carried out. For example, human rights work requires analytical skills, diplomatic skills etc., which might not be present among the staff.

It is important to be able to measure the human resources capacity of an organisation since it can occur that the capacities of people working in a human rights organisation do not correspond with what is expected from them.

Focusing on typical human rights aspects, human rights organisations are often attacked by people who do not want the human rights situation to improve. False accusations against human rights defenders are a common phenomenon. Some specific capacities may be particularly important for people working in the fields of human rights, such as integrity (see Box IV), the capacity to work under severe threats, and immunity to stress.

In order to assess the capacities of the human resources of an organisation it is important to look at:

- Qualifications of staff.
- Experiences of staff.
- Flexibility to face rapid changes in a situation.
- Human resource policies in the organisation like retention: incentives for people to continue working in the organisation. Motivation of individual human rights defenders (staff) has to be nurtured by other factors as well as the clear and shared 'being/spirit' of an organisation. Since human rights work can be strenuous, some form of reward can be necessary to keep people going despite the adversities they have to face. Aside from a good salary, people can be motivated by other rewards like positive remarks/praise, social activities, even 'rituals'. Non-salary rewards are especially important to develop, because most human rights organisations are not in the position to give high salaries to their staff.
- Systems in place (both internal and external) to develop staff capacities through continuous reflection and learning.
- Complementary nature of skills (social skills, creativity, technical).

Both formal capacities and *tacit* aspects of human resources are important to keep in mind. People within an organisation have to relate with each other both at a professional and a personal level. Aside from different tasks, responsibilities, authorities and accountabilities, each staff member has to be able to respond wisely to criticism and suggestions.

Another aspect that needs to be dealt with when reviewing the people that work within an organisation is the relationship between professional and personal relations: if in an organisation personal friendships are stronger than professional relations, this might have consequences for the communication within the organisation. The loyalty to friends or family members might be different from the loyalty towards colleagues.

Sources for information about human resources are:

- Bylaws
- Policy documents
- Appointments
- Tacit sources (non-written), such as interviews with staff
- Other stakeholders

BOX IV → REGISTRATION TO RECEIVE FUNDING FROM FOREIGN SOURCES

In India organisations that receive foreign funding are obliged to realise a prior registration with the Home Ministry. This process may require some time before the registra-

tion is granted. Unfortunately, some organisations pay bribes to the desk officers in the ministry to expedite the registration.

It would be worthwhile to find out in what manner an organisation in possession of this registration, has received it. In other words, whether they were party to the corrupt practice or if they waited patiently and accepted the long arduous process; not resorting to corruption.

At the same time this would be an opportunity to see if a human rights organisation practices what it preaches and shows integrity in a real life situation.

In order to get the information required to assess integrity and sense of engagement, the following questions might be examined:

- How does the organisation handle its transparency rules;
- How has the organisation structured its own checks and balances;
- How are international human rights standards and accountability translated into practice, e.g. in a Code of Conduct;
- To what extent have members (staff, board) of the organisation been involved in unintended misappropriation of funds;
- How is the background being checked of the people directly or indirectly involved in the organisation?

However, one should also be aware of the fact that in case of human rights defenders or organisations, intimidation by falsely created records does occur, as well as trumped-up charges and malicious manipulations by adversaries.

VI Organisational characteristics: CULTURE

Each organisation has its formal and informal customs. Local human rights organisations often come from traditional societies where informality and confidentiality are highly valued. Other important values are, for example, seniority, loyalty, and ethnicity; these core values may well be at odds with the values sought for running a human rights organisation. It is necessary for an organisation to embark on a discussion on its own culture, and try to involve all staff in this discussion.

d Coherence of organisational characteristics with programmes

What is important to emphasise here is that organisational capacity has to be taken into account when developing any human rights programme; organisational capacity should match the scope, size and complexity of the programme. In fact this is about the internal coherence and capacities of the organisation. When there is no or insufficient coherence between the organisational capacities and the programme being carried out, the quality and sustainability of the programme may be negatively affected in terms of efficiency and effectiveness.

An appropriate method in matching organisation with programme is the SWOT analysis; assessing
S strengths and
W weaknesses (internal) and
O opportunities and
T threats (external).

A SWOT analysis is best carried out with participation of all staff members and an external moderator who is independent from internal hierarchy. It needs some courage to express one's ideas on how and to what extent the organisation has weaknesses. Conditions for an open and honest exchange should be taken into account, such as a venue outside the office and working methods that allow for some anonymity.

e Environment

No organisation operates in a vacuum. This means that positive as well as negative impacts of the environment on the operation and opportunities of the organisation have to be taken into account. With regards to environment, a distinction can be made between external actors on the one hand and external factors on the other. The relevance of both external actors and factors may vary over time. By external actors are understood actors within the civil society, the government, the stake holders, target groups and also the business community, for instance:

- Peer organisations
- Government agencies
- Funding agencies
- Communities
- Opinion makers and leaders
- International human rights organisations

External factors are all kinds of influencing factors on the work of the organisation beyond other physical actors, but quite related to the environment in which the organisation operates, such as:

- Changing political leadership
- Political instability
- Election time
- Natural disasters.

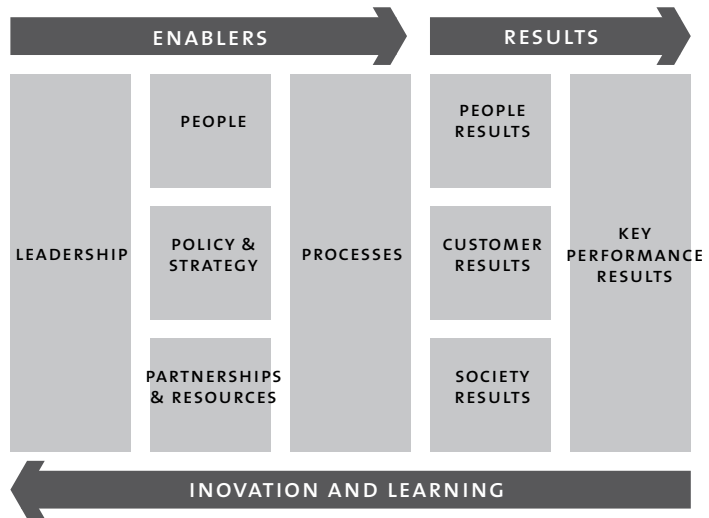
f Another approach: the EFQM-model

The EFQM-model (European Foundation for Quality Management; in Dutch: INK-model), is a framework for self-assessment of performance. It covers all aspects of the functioning of an organisation and it focuses on

- enablers and results;
- leadership;
- processes such as 'interface' between strategy, human and financial resources, partnerships and results.

Especially the last component receives a great deal of attention in this approach. It looks at who owns the processes and how do the different processes within an organisation interact. Below the model is given graphically. The approach is very well documented and several tools for self-assessment are available on the EFQM website.²⁷

FIGURE 4
The EFQM-model



4 SUMMARY

As stated in the introduction to this chapter it is essential to assess the capacity of an organisation in order to know if it has adequate capacities to ensure the successful implementation of human rights programmes. Since no single civil society organisation in the field of human rights is the same, it is important to look at the different types of organisations in the field. Due to circumstances that are typical for human rights organisations (restriction, threat and lack of support) it is important to bear in mind that they cannot always have all the systems and structures in place that organisations ideally should have. The major lesson that can be learned from practical experience across the board is that human rights organisations should be judged according to their specific situations and that informal systems and structures cannot always be seen, but nevertheless are often more than adequate to deal with the specific circumstances of their organisation.

CHAPTER IV

Assessment of the results of human rights programmes

1 INTRODUCTION

Following the analyses of the playing field, the relevance and conditions for effective organisational assessment outlined in the previous chapters, this chapter provides an overview of the technical aspects of measuring results. This chapter's section 2 briefly reviews the rationale behind impact assessment, while section 3 deals with the three distinctive levels of output, outcome and impact. This section furthermore deals with the pre-conditions of measurement in relation to efficiency and effectiveness. Sections 4 and 5 discuss timing and methodology of assessment programmes and briefly discuss tools, process and indicators of measurement. Section 6 discusses validity and deals with a number of recurring errors affecting the measurement process. The chapter concludes with a short summary.

2 REASONS TO ASSESS THE RESULTS OF A PROGRAMME

Assessing results is essential to be able to understand the effect of human rights interventions on the realisation of human rights. Additionally, assessment also aims to determine if performance was satisfactory, and to understand what went right and what went wrong. Moreover, assessing results is widely considered crucial for present-day NGOs to be answerable towards the wide range of parties involved. While one could give several more reasons for the aim of assessment of results, we will distinguish three primary motives:

- **Measuring:** Assessment needs to take place to clarify the results; have the objectives of the programme been achieved? If objectives have partially been achieved, to what extent?
- **Learning:** Assessment of interventions is paramount to analyse their effectiveness in achieving the objectives; have the objectives been achieved in the best possible way? What lessons can be drawn from the intervention and what can be improved on?
- **Accountability:** Assessment of output, outcome and impact is a widely accepted tool to be accountable towards all parties involved, including beneficiaries, donors, public opinion and (local) authorities.

In the end human rights programme's assessments should lead to improving strategies and better results, which, in turn, should ultimately lead to improving people's lives. Assessment will only be constructive when and if NGOs are genuinely motivated to learn from their experiences and to identify possible flaws in operational strategies, and are willing to address those. Accountability towards beneficiary populations is not only key in promoting people's participation in (future) programmes, but equally important to ensure the NGO's legitimacy and the support of host authorities. However, NGOs still tend to be more accountable towards their donors than towards their beneficiaries. And while NGOs can learn from the feedback, there is obviously also an ethical component to being answerable to those on whose behalf they claim to work.

3 RESULTS TO ASSESS – OUTPUT, OUTCOME AND IMPACT

Measurement of results generally takes place at three different levels of output, outcome and the impact of human rights interventions. For the measurement of these different level results different level and reliable indicators are required.

Output refers to something tangible: services or products delivered; the immediate products of an activity. Measuring output is therefore considered the least difficult as measurement of output is simple to identify and to quantify.²⁸ For example, the output of a 'human rights training for law enforcement officers' is the number of human rights training sessions delivered, or the number of officers trained.

Outcome refers to the intended result, effect, or consequence that will be created by the implementation of a project, activity or programme. For example, the outcome of a human rights training as described above could be the improvement of certain skills or increased knowledge among the target group. Measurement at this level is more often (though not always) qualitative in nature and therefore more complicated. The difference between output and outcome often is to be identified in terms of sphere of influence: the actor has complete control over the realisation of output, but only partially over the realisation of outcome.

Impact refers to the change following the outcome that can more or less be attributed to the particular project or programme. Impact goes beyond the acquired skills or enhanced knowledge and refers to a wider circle of people's changes in behaviour or attitude. Measuring the impact of a human rights training for law enforcement officers could reveal, for example, a general decrease in the use of violence; a fairer treatment of detainees; or increased gender sensitivity among law enforcement officers.

Impact assessment aims also to answer the reversed question; 'What would have been the situation if the human rights intervention had not taken place?'²⁹

Impact measurement is more qualitative in nature and requires a process-oriented approach, as changes in attitude or behaviour may take many years to develop. Examples of indicators on the levels of output, outcome and impact will be offered below. Definitions of indicators are given in the Interlude.

a Did we make a difference?

Establishing whether change actually took place is not enough. We need to understand whether change took place as a result of our intervention. Establishing a causal relation between the intervention and change is not always possible and at the least a challenging exercise. Human rights interventions often take place in rapidly changing or unstable political and social environments, which may have a major influence on the programme's results. Other interventions may take place simultaneously, causing the fine line between attribution and contribution to blur.

Moreover, proper impact assessment requires consideration of whether the achieved change was planned, as changes may not always be intentional or positive. Intended results generally are the desired and anticipated objectives of an intervention, understood to be an 'improvement'. Unintended results refer to the possible side effects of an intervention, which may be positive but could also be negative and thus undesired. Undesired side effects may be counterproductive and may jeopardize the intervention as a whole. Understanding and acknowledging both positive and negative side effects is thus key to being able to improve the programme.

b Attribution and contribution

Attribution and contribution can be considered as two sides of the same coin. Attribution aims to assess what proportion of change can really be attributed to the intervention. Contribution aims to demonstrate whether or not the intervention is one of the causes of observed change.³⁰ While impact assessment often aims to identify the level of attribution; understanding to what extent the project contributed to a confirmed change may be more realistic. Establishing a 'cause and effect relationship' is therefore difficult. Assessing the level of contribution means making a compromise: which is as much as establishing plausible links between the activity and the observed changes.³¹

29 World Bank

30 Europe Aid; Evaluation Guidelines: Cause and Effect Analyses, 2006

31 Establishing Plausability in Impact Assessment; by the Workgroup on Assessing the Impact of Agricultural Research in Development, February 2003; GTZ.

c Did we make a difference in the best possible way?

While it is important to assess whether your goals have been achieved, it is equally important to understand whether your goals have been achieved as efficiently and effectively as possible. Having achieved one's goals could after all be overshadowed when the inputs made to achieve those goals have far exceeded available resources or time limitations.

4 EFFICIENCY & EFFECTIVENESS

In this section we explain a number of criteria that are taken into account in assessing results of the activities carried out in human rights programmes.

a Efficiency and effectiveness

While many in the field have attempted to define efficiency versus effectiveness, the economist Peter Drucker has offered one of the most straightforward definitions. In his words, efficiency could be characterised as 'doing things right', which means getting the maximum out of your resources, human or material. Effectiveness could be then defined as 'doing the right things', which means as much as setting realistic goals and applying the right approaches to achieve those goals.³²

Being efficient means producing results with the smallest wasted effort; it is primarily a measurement of speed and cost. However, being efficient does not necessarily mean being effective in reaching your goals. Effectiveness is about achieving the expected results of your set goals, and is therefore more a measurement of quality and reliability. Efficiency and effectiveness should perhaps not be compared in terms of importance, but of priority. Sometimes, prioritizing efficiency results in less effectiveness.

b Cost-benefit

One aspect of efficiency often most valued is the *cost-benefit* analysis. In other words, could the objectives have been achieved with (far) less input of resources? With a cost-benefit analysis, one establishes whether the benefits of success of the human rights intervention outweigh the costs of the intervention. Remember that achieving goals at excessive cost will possibly impact negatively on follow-up, on participation as well as on donor-commitment.

c Timeliness

Timeliness refers to the limited time frame in which objectives should have been achieved. In other words, do the benefits of

³² Peter Drucker. (1966). *The Effective Executive*

success outweigh the loss of precious time, and therewith resources? In other words, could the objectives have been achieved within a much shorter time frame?

d Relevance

The relevance of an intervention is the extent to which an intervention's objectives are appropriate to address the (real) needs, problems and issues. In other words; does the project or programme address genuine needs, requirements and/or desires? See also Chapter II on assessment of the relevance of human rights programmes.

e Participation

The 'right things' most definitely include an adequate level of participation of beneficiaries in the planning, monitoring and evaluation of the intervention and its results. Participation (of the many different groups) within a certain beneficiary population is widely understood as one of the key conditions for a successful planning, implementation and evaluation of a project or programme. Some even claim that participation has an intrinsic value, as without it people may benefit but may not develop from a certain intervention.³³ On principle the aspect of participation is in itself important for a successful intervention as it will imply a more in-depth context analysis, a better problem analysis and commonly agreed indicators, as set out in the Inter-clude part on Human Rights Based Approach to development.

f Ownership

Assessing the level of participation involves looking at 'ownership.' An adequate level of participation should, in an ideal situation, lead to beneficiary ownership. The more beneficiaries who 'own' the project or programme, the better the chance for sustainability, for self-regulation and self-management. Ownership of a project (or programme) is claimed to reduce corruption when beneficiaries feel the need themselves to sustain and uphold the project.³⁴ The level of ownership is also a solid indication of how beneficiaries value the intervention as to relevance, expected results and sustainability. Ownership, as participation, is a pre-condition for success.

g Compliance with human rights standards

Measuring the results of a human rights programme involves looking at the whole process of implementation. Compliance with (international) human rights standards may sound self-

³³ Prof. Finsterbusch & W.A. van Wicklin, *The Contribution of beneficiary participation to development of project effectiveness*, 2006.

³⁴ Transparency International. *Corruption in Humanitarian Aid*, Working Paper # 03/2006

evident, but in reality, it is not. Like any other intervention, human rights programmes may develop into unforeseen directions or may generate undesired side effects, which could manifest itself only at a later stage of implementation. Various tools are available for commercial companies as well as NGOs to assess compliance with human rights standards.

h Compliance with organisational vision

While looking at the process of implementation, assessment should identify to what extent the intervention has been performed in conformity with the organisational vision and views. In other words, while objectives may have been achieved; they should not be achieved at excessive cost. Being true to one's principles and ideas is essential in maintaining a necessary level of credibility and legitimacy.

i Sustainability

One key question that should be answered by an impact assessment is the question of sustainability. Have the objectives been achieved, and have they been achieved in a sustainable way? In other words, are the results of the programme lasting or are the changes only temporary. For programmes and their results to be sustainable, local capacity must be adequate and the environment conducive to maintain and uphold the created benefits. Relevance, local ownership and nearly all other aspects of both efficiency and effectiveness play a role in determining the level of sustainability of results.

j Overall assessment

The conclusion of all partial assessments should not just be an exercise in adding up of different particles; indicators should also be checked as to what, in the end, the result is of the intervention on the lives of rights holders and whether this effect is sustainable. There the level of impact can be identified.

5 THE MOMENT TO ASSESS

The different moments of impact assessment can be distinguished in three stages; ex-ante, mid-term and ex-post assessment.³⁵

Ex-ante assessment is conducted prior to a project or programme. At this stage, an assessment is required to spell out the possible results of the project in greater detail, including objectives and expected output, outcome and impact. This stage is often also

³⁵ Some NGOs apply four stages of assessment: Ex-ante; Mid-term; Terminal and Ex-post. 'Terminal' assessment is performed directly upon completion of an intervention, primarily to understand whether completion is appropriate or whether a certain follow-up is required.

used to look critically at the programme's necessity as well as its relevance.

Mid-term assessment is conducted more or less halfway the intervention which aims to assess to what extent the project or programme is going in the right direction. More specifically; the process and achievements to date are examined after which the original plan can be adjusted or revised. This adaptation is meant to lead to a more effective programme.

Ex-post assessment is undertaken at the end of the intervention. To assess impact, which requires a longer-term focus, an ex-post assessment should be conducted only after a certain time has passed since the completion of the project or programme. This moment is well-placed for an evaluation carried out by an external expert. Ex-post assessment or evaluation often focuses on understanding the levels of efficiency and effectiveness. At this stage when there is no going back to adjusting or revising, assessment aims to formulate lessons learnt and recommendations for future initiatives.

6 THE WAY TO ASSESS RESULTS; DEFINING ASSESSMENT METHODOLOGY

Choosing the right time and the right methodology to assess a human rights intervention requires a systematic approach, which ideally starts even before the intervention takes off. Developing a systematic approach begins with introducing a structural framework of the assessment process, possibly including an ex-ante assessment and/or a baseline study. The initial preparation phase is important as it aims to apply a certain operational logic to the assessment. Additionally, putting a structure in place ideally serves as an institutional momentum to look at the organisation as a whole, such as the core mission, the aims, scope and available support. This phase also implies looking at the rationale for assessment in relation to the organisation: why do we need an assessment? For whom do we need an assessment? How does an assessment contribute to our organisations' views?

Structuring an impact assessment framework also requires looking at the institutional capacity and support networks: do we have the human and financial resources to accomplish the intervention and realise the objectives? Who are our main supporters? What about our legitimacy? How is our organisation being perceived?³⁶ See also Chapter III for an assessment of organisational capacities. Once an organisation has made its mission clear and has reviewed all available resources and sup-

³⁶ Fernando Raine; The measurement challenge in human rights. SUR – International Journal on human Rights, No 4. Year 3, 2006, (pp. 7 – 29).

port networks, several steps need to be taken to define the process as well as the appropriate methodology in order to be as effective as possible.

a Baseline studies

A baseline study is instrumental in the measurement process. It aims to generate basic data to facilitate measuring the progress and results at a later stage. In other words, baseline studies generate data against which progress and results can be measured and should thus be conducted at the earliest stage possible. But there is more to a baseline study than facilitating measurement at a later stage. As baseline studies take place in the planning process, the outcomes may assist in revealing the core human rights concerns the intervention aims to address. Baseline studies or surveys are therefore instrumental in both the problem analysis and the justification as well as in the design of the human rights programme. While conducting one's own survey is important, ample information will have been generated on the same or similar subject through baseline surveys carried out by others. Making use of what baseline data are already available is obviously useful, as it may help in preparing the baseline study.

BOX V → A BASELINE OBSERVATION

The Ethiopian organisation APAP (Action Professionals Association for the People) planned to develop a project on Economic, Social and Cultural rights. APAP decided to first carry out a base line study to generate basic data. One of the methods APAP selected was to spend enough time with the local communities to observe, share, talk and discuss. APAP surveyors went to different rural areas where they spent three days among locals who hosted them and shared their food. During their stay, surveyors had ample opportunities to observe how people lived and collect their ideas on poverty and rights. Staying together under the same roof gave the APAP surveyors a lot of information on people's own views and concerns, and enhanced their understanding. Moreover, spending time with lo-

cal communities provided unique insights in people's daily routines, problem-solving skills and social infrastructure. Following the observations, the individual surveyors of APAP put reports together. Based on the different documentations, a condensed baseline report was drafted, reflecting people's own ideas on the right to food, to housing, education and health. Surveyors then went back to discuss the findings with the communities and the local authorities. Only after these series of evaluative discussions, did APAP prepare its strategy plan. This participatory approach of carrying out a base line study not only provided information on the situation of the target group prior to the project, but also gave people the opportunity to influence the project's design from beginning to end.

b Data collection and analyses

Data can be collected from primary and secondary sources. Primary data generally refer to information often obtained from individuals or groups using participatory methods or surveys. Secondary data refer to already existing sources of information, such as locally available reports and (news) publications, databases of (local, national) human rights and civil society groups, universities, medical institutions or government archives. Collecting secondary data is often a fairly workable exercise. Obtaining primary data on the other hand, is generally a large undertaking in which high numbers of field surveyors are required.

c Qualitative and quantitative data

Qualitative data are often described as descriptive, while quantitative data are merely numerical in form. Qualitative data can however be more than text. Photos, videos or sound recordings are also considered qualitative data. Qualitative data are mostly perceived as data which can be observed but cannot be measured, while quantitative data can be measured. As a result, opposing groups argue that quantitative data is the more 'credible' and 'scientific', while advocates of qualitative research counter that qualitative data are more 'insightful' and 'contextual'. While the differences between the two forms have some use, the distinction is sometimes drawn too rigidly.

Qualitative and quantitative data are closely linked as all quantitative data are simply based upon descriptive judgements and most (if not all) qualitative information can be translated numerically.³⁷ Without going too much into detail concerning data conversion, both groups of information have their unique value in the field of data collection. Impact assessment of human rights programmes should therefore focus on collecting both qualitative and quantitative data sets.

d Tools of data collection

Beside primary and secondary sources, we distinguish three categories of data collection.

- *One-way traffic of information to collect data.*
Methods that belong to this category focus primarily on collecting raw, standardized and secondary data and are the least participatory. Semi-structured questionnaires for example allow for limited flexibility and little interaction with the respondents as answers are often categorized. Among this group of instruments are structured questionnaires; score lists; case studies; existing materials, (secondary sources) and opinion polls.

- *Tools that allow for more in-depth information.*
Among these more flexible methods are (open and semi-structured) interviews and tracer studies. Open or semi-structured interviews are particularly useful to collect specifically required in-depth information at a particular point in time. Tracer studies have the flexibility to provide in-depth information over a prolonged period of time. Surveyors are in control over who participates. Privacy often can be assured, which may lead to collecting sensitive information.
- *Tools that allow for participation and analysis of collecting data.*
In this group methods of data collection are most participatory, more difficult to structure and have least control over who participates. To this category belong public debates, conferences and focus group discussions. While these methods do not allow for collecting in-depth or more sensitive information, they may encourage certain individuals (or groups) to participate who would otherwise not have voiced their views.

Selection of appropriate methods of data collection is a challenging and time consuming exercise and depends heavily on the assessment context, on the available resources, and the beneficiary population. As going into details of each method of data collection is beyond the scope of this manual, we refer to the bulk of existing information in this field.

e Process of the assessment

Human rights impact assessment is a long and often challenging process in which each stage has its own pitfalls. Frequent reflection with team members and a cross section of stakeholders is important. In brief, the assessment process can be outlined in the following six stages, of which stage VI would involve a new series of planning initiatives to realize the recommendations effectively (the “act”-part of the plan-do-check-act cycle in the Interlude).

- **PLANNING STAGE**
Define purpose; conduct a baseline survey, define the aim of the intervention; consultation process; define key questions of assessment and indicators.
- **DATA COLLECTION STAGE**
Identify primary and secondary sources; use of participatory methods; reporting.
- **DATA ANALYSIS STAGE**
Carry out quantitative and qualitative assessment; answer all assessment questions.
- **CONCLUSIONS STAGE**
Time to reflect; consult (certain) stakeholders; judge materials and results; draft conclusions and give recommendations.
- **REPORT STAGE**
Document, reflect once again; finally disseminate and share.

- FOLLOW-UP STAGE

Planning to develop and realize recommendations. Consultations with stakeholders.

f Indicators

Impact assessment requires reliable ‘indicators’ to measure. As described in the Interlude, there are different categories of indicators, which are used to determine whether a human rights programme or project has achieved its main aims and objectives.³⁸

Table I provides a short but detailed description of a (non-existent) human rights programme in rural Liberia. Table II reflects the indicators that aim to measure the programme of Table I on the three levels of output, outcome and impact.

TABLE II → A FICTIONAL JUSTICE TRAINING PROGRAMME IN RURAL LIBERIA³⁹

Human Rights & Gender Training for Court Staff in Liberia

Rationale & situation sketch	The Liberian Civil War has impacted heavily on the formal justice system in the rural areas. The judicial system in many of the rural areas is largely non-functional and corrupted. Justice is often available to the highest bidder and discrimination of women claimants in court is rife. Court staff is poorly trained in human rights standards and gender issues. Several women have filed complaints with human rights groups about being verbally abused in court, in particular when their opponent was male. People have little faith left in the justice system and women in particular are increasingly reluctant to seek redress in court.
Organisation	Organisation for Peace, Justice and Gender Equality (OPJGE), based in Bomi County, rural Liberia.
Programme	Four series of two-week training sessions were developed and organised in collaboration with two Liberian human rights lawyers and the governmental justice department. Each training session was followed up by a refresher course. Social workers of OPJE monitored court sessions for 12 weeks after each training. Six courts were targeted, 108 court staff (of various functions) in total.
Objectives	The immediate objective of the OPJE was to create increased gender and human rights awareness among local court staff of six functional courts in Bomi county. OPJE’s longer term objectives was to have the number of miscarriages of justice in those counties reduced; faith in the justice system generally restored; discrimination of female claimants reduced and the number of women seeking redress in courts, increased.

38 Indicators for Human Rights Based Approaches to Development in UNDP Programming: A User’s Guide, March 2006, (p. 14).

39 This programme does not exist. Its rationale, situation sketch, organisation (OPJE) and objectives are meant as examples only. Any resemblance to possibly existing situations or programmes in the West African region is entirely coincidental.

TABLE III → EXAMPLES OF INDICATORS OF A FICTIONAL JUSTICE TRAINING PROGRAMME

Output indicators	Outcome indicators	Impact indicators
<ul style="list-style-type: none"> • X-number of training sessions provided; • X-number of court staff trained in Bomi county; • X-number of courts monitored over a period of 12 weeks; • X-number of court cases documented and filed following the monitoring period. 	<ul style="list-style-type: none"> • Court staff is increasingly aware of human rights standards and the need for gender equality in jurisprudence; • Fewer numbers of female claimants indicate being verbally abused during court settings; • More women claimants indicate they are treated correctly in court. 	<ul style="list-style-type: none"> • Increased faith in the local justice system, court staff and local jurisprudence; • Increased number of people, women in particular, seeking redress in courts; • Changed legal attitudes lead to increased professionalism in court proceedings; • Increased observance of national laws and standards by local courts.

g Consultation of stakeholders

Key to a successful impact assessment or baseline study is adequate consultation of (and communication with) all relevant stakeholders (cf. the participation aspects in a human rights based approach). Appropriate and timely planning of a consultation process is paramount. Questions need to be asked:

- who needs to be informed and involved, when, to what extent and how?
- Who should be reported to during the assessment process?
- How will the assessment results be disseminated and with whom will they be shared?

One should always consider the often fine line between consulting, informing and involving. While certain stakeholder groups need to fully participate (and thus be fully involved) because they play a primary role in the process (beneficiary populations), other stakeholders need to be merely informed or consulted.

Each consultation process must have a clear objective:

- is consultation a means to validate a hypothesis?
- is it a means to get hard information?
- is it a means to promote legitimacy or to ensure beneficiary participation?

While proper consultation of all relevant stakeholders is essential, there needs to be a healthy relation between the expected results of the assessment and the scope and length of the consultation process. Consultation can have both a positive and negative impact on efficiency.

6 BIASES AND VALIDITY

A bias is a beforehand unknown and often undetected error, which can occur during any stage of a project or programme. Biases will always affect impact assessments to a certain extent and can never be avoided entirely. Acknowledging the fact that errors can and will always affect a research programme is a necessary first step in preventing errors as much as realistically possible.

There are two primary categories in measuring the validity of a project or programme; external and internal validity. External validity refers to the extent to which the study's results can be generalized to the research group or other people or other settings. In other words, an assessment that allows its findings to be applied to the population at large has high external validity.⁴⁰ The most common threats to external validity are shortcomings in the selection and representativeness of the sample population.

Internal validity refers to the extent to which the assessment has measured 'true' results while eliminating unanticipated extraneous variables, such as changes over time, as much as possible. Internal validity is high when there are strong indications that the results of the assessment can be causally linked to intervention without being affected by the large number of different external variables. In other words, internal validity is about causal control.

Information on different types of biases and factors that affect social research or assessment programmes is extensively available. This section will suffice with a brief overview of certain realistic errors that can affect impact assessment in the field.

a Biases in measurement

The measurement process is biased if the value of the measurement is either systematically understated or overstated. This could be the case when surveyors fail to control the effects of data collection. One of the most common examples of measurement bias is the respondent's tendency to give 'socially-desired answers'. Desirability easily distorts measurement on both sides, as it may lead to a preference bias. The respondent may think he has something to gain (or lose) and will provide the answers he thinks will either benefit him or protect him from harm. When observing respondents or participants, the surveyor may tend to interpret according to his own desires, often unconsciously. Individuals who participate in an assessment or who are aware of being observed may react differently, even when desirability plays no substantial role.

⁴⁰ Andrew F. Hayes, (1997). *Research Methods and Statistics, Research and Commentary Notes*. University of New England

b Biases in sampling or selection

Errors in sampling or selection generally occur when the sampling procedure has introduced a bias in representation. A lack of proper representation may take place when certain groups or categories have been left out of the sample population. When this is the case, the sample population is no longer representative of the researched group as a whole, and results can no longer be generalized.

There are many different causes for sampling biases, which can never be ruled out. Even if selection of the sampling group – taking part in interviews for example – is fully randomly chosen, certain individuals with characteristics specific for their group may still be over represented, while others (with different but equally group-specific characteristics) may largely be excluded. In regions where human rights assessments take place, sampling biases are more difficult to avoid due to particular situational circumstances. Repressed minorities may rightly fear to participate and will be difficult to include, while others not sharing that fear may have developed expectations that will be difficult to readjust.

c Procedural biases

Unreliable procedures lead to invalidation of the assessment. Unreliable procedures can easily occur when many people are involved in the assessment process and everyone has not been provided with the same information. Inconsistencies in instructions for example to both participants and surveyors will most likely generate certain errors. Procedural biases can be prevented by proper preparation, and can, to some extent, be repaired.

d Instrumentation

A change in the measurement methods (or the administration of measurement) is likely to jeopardize the internal validation. Introducing other methods during assessment⁴¹ (for example to rectify other discrepancies), will also affect the outcome as it will affect people's responses and the surveyors' approach.

e History

An unplanned variable affecting assessment is often referred to as history. Unplanned events may occur when there is a significant amount of time between the first measurement (baseline study) and the impact assessment. Many things could happen, such as an earthquake, an outbreak of hostilities after a period of relative peace, or a new government.

⁴¹ Campbell, D. T., & Stanley, J. C. (1966). Experimental and quasi-experimental designs for research.

f Maturation

Even without significant events, populations and their socio-economic infrastructure may change rapidly over time. Depending on the passing of time, respondents and those who participate grow older and may become less or more motivated to participate.

8 SUMMARY

In this chapter the assessment of the results of human rights programmes has been discussed, mainly by looking at why, what, when and how to assess. Different strategies have been discussed and possible pitfalls identified. It has become clear that the assessment of results is not an isolated affair, but should be performed in conjunction with the assessment of relevance and organisational aspects of human rights programmes.

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As explained in the foreword, the initiative for the trajectory that led to the creation of this practical guide was inspired by the shared opinion that many traditional methodologies and approaches have not been sufficiently helpful for gaining insight into the complex processes of change that may be brought about by the implementation of human rights programmes. Looking back, it can be said that significant steps have now been made on the road to solving this problem. Of course, readers will have to judge for themselves how useful this guide is in improving the practice of their daily work with regard to human rights. Yet it is clear that the title of the trajectory, 'Learning from human rights programmes' has correctly captured the essence of its contents. There are two important lessons that need to be reiterated in this epilogue.

The first lesson refers to the first chapter of this guide. As discussed there, human rights can be understood in different, culturally or regionally specific, ways, and this affects their implementation and interpretation. This has caused profound debate about the universality of human rights. Indeed, throughout the process of the trajectory it was found that different backgrounds sometimes even lead to a temporary 'confusion of tongues'. Nevertheless it was apparent that the participants shared an enthusiasm for the same objective that made them open-minded and willing to think along with each other. Whether it was about blood feud troubles in Albania, environmental sacrifices for economic gains in Uganda, or the role of women's groups in solving communal conflicts in Northeast India, there was always something that the participants could recognise in and learn from each other's stories. Out of this it became clear that, although the universality of human rights may still be debatable, the enormous potential learning that may come from reflecting together upon issues of human rights is universal.

The second lesson relates to the cooperation in this trajectory between typical human rights organisations and practitioners with a more mainstream development cooperation background. The Interlude in this guide quoted the words of Nobel Prize laureate Amartya Sen, 'development and human rights mutually reinforce each other'. This trajectory has shown that in many instances the separation between development work and

human rights work is an artificial one and that synergy will occur when everyone involved continues to strive towards the same goals. It also stresses the fact that development and thus development efforts have a political aspect that cannot be underestimated. Even the other way round: political interventions are necessary to stimulate development. This is the core of the concept of the human rights based approach to development.

With the publication of this guide, a two-year period of collaboration between over twenty fellow human rights workers has resulted in a concrete output, at least with regard to the production of the hardcopy version of this guide. The outcome will hopefully be that more practitioners will be stimulated to assess their programmes in a process of learning and improving. With regard to cooperation on 'Learning for human rights programmes', and as an additional outcome, a new process is beginning. In this dynamic world, the need for continued efforts to improve human rights situations in the world is still very evident. The importance of ongoing cooperation between practitioners dealing with issues of human rights, be they human rights defenders, development workers, government officials or representatives of trade and industry, can hardly be overstated. Therefore this practical guide will also be made available on the internet as a 'living document'. New insights and new best practices can be shared and added to the original text by vetted contributors. It is hoped that through a joint effort this guide will be kept up to date for years and years to come. Input on how to assess the impact of this manual is very welcome by its users.

Finally, the confidence is hereby expressed that agencies or individuals who will obtain a copy of this guide will be able to better assess questions of relevance, organisational characteristics and the results of their human rights activities, projects or programmes.

ANNEX I

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Context,
international cooperation

