GLOBAL EVALUATION OF THE APPLICATION OF THE HUMAN RIGHTS-BASED APPROACH TO UNICEF PROGRAMMING

Final Report – Volume I

MARCH 2012
GLOBAL EVALUATION OF THE APPLICATION OF THE HUMAN RIGHTS-BASED APPROACH TO UNICEF PROGRAMMING

Final Report – Volume I

MARCH 2012
Global Evaluation of the Application of the Human Rights-Based Approach to UNICEF Programming
Final Report – Volume I
United Nations Children’s Fund
Three United Nations Plaza
New York, New York 10017

March 2012

The purpose of publishing evaluation reports produced by the UNICEF Evaluation Office is to fulfil a corporate commitment to transparency through the publication of all completed evaluations. The reports are designed to stimulate a free exchange of ideas among those interested in the topic and to assure those supporting the work of UNICEF that it rigorously examines its strategies, results, and overall effectiveness.

The contents of the report do not necessarily reflect the policies or views of UNICEF.

The text has not been edited to official publication standards and UNICEF accepts no responsibility for error.

The designations in this publication do not imply an opinion on the legal status of any country or territory, or of its authorities, or the delimitation of frontiers.

The copyright for this report is held by the United Nations Children’s Fund. Permission is required to reprint/reproduce/photocopy or in any other way to cite or quote from this report in written form. UNICEF has a formal permission policy that requires a written request to be submitted. For non-commercial uses, the permission will normally be granted free of charge. Please write to the Evaluation Office at the address below to initiate a permission request.

For further information, please contact:

Evaluation Office
United Nations Children’s Fund
Three United Nations Plaza
New York, New York 10017
evalhelp@unicef.org
PREFACE

The purpose of this evaluation was to evaluate UNICEF’s experience in understanding and implementing the human rights-based approach to programming (HRBAP) with a particular emphasis on the period from 2007 to the present. It was to do so by examining whether there is adequate understanding of and commitment to HRBAP throughout the organization, by locating the strengths and weaknesses of its application in UNICEF programming and by analysing whether there is a proper enabling environment in UNICEF to foster good HRBAP understanding and practice.

This evaluation takes place as UNICEF nears 15 years of its corporate commitment to the HRBAP. Since HRBAP was announced as a corporate commitment in 1998, both the organization and the broader human rights community have gained extensive practical experience in its implementation. Beyond UNICEF, the commitment to HRBAP spread across the globe to untold partners and stakeholders, not least the men, women and children of all communities seeking to develop and prosper. The time, then, is apt to review the organizational experience with HRBAP. The results will help narrowly as UNICEF reflects on its HRBAP conceptualization and guidance. They will help broadly as the organization continues to implement HRBAP as a foundational strategy across all its efforts. It is hoped, too, that the results will help beyond the organization as partners are inspired to assess their own rights goals and the HRBAP strategies they employ to reach them.

The UNICEF Headquarters Evaluation Office commissioned this independent global evaluation in December 2010. The evaluation was conducted by the firm of Universalia Inc. (Canada), under the leadership of its president, Marie-Helene Adrien. The Human Rights/HRBAP expert on the team was Michael O’Flaherty, a distinguished international human rights expert and currently a Professor of Applied Human Rights and Co-Director of the Human Rights Law Centre at the University of Nottingham (UK) and a member of the Committee on Economic, Social and Cultural Rights. UNICEF thanks the Universalia team for its hard work and dedicated effort to follow in full the precepts of utilization-focused evaluation.

The evaluation methodology included an extensive document review, six country visits, four Regional Office visits, interviews with more than 250 stakeholders and senior leaders, and a synthesis workshop to test the evaluation findings and recommendations. The workshop was held with the members of the evaluation reference group, a panel of internal and external experts on HRBAP that offered excellent guidance from the start of the finish of the 16-month effort.

Whole-hearted thanks go to UNICEF staff across the organization for their engagement in the evaluation, and even more for their support for the HRBAP. Special thanks are particularly offered to the team in the Gender, Rights, and Civic Engagement (GRACE) section of UNICEF New York. They spent untold hours in document searches, mobilization, networking, intellectual debate, travel, brainstorming, and reviewing documents. Our deepest thanks are extended to Richard Morgan, former Director of the Division of Policy Practice (now Division of Policy and Strategy), Rina Gill (Deputy Director, GRACE), Dan Seymour (Chief, Gender and Rights Unit), and Beatrice Duncan and Nicola Brandt (Technical Specialists, Gender and Rights Unit). The evaluation was managed by Samuel Bickel, Senior Advisor for Evaluation and Research in the
Evaluation Office, with professional-level technical support provided by Chelsey Wickmark, Suzanne Lee and Sheila Reiss.

Readers of the report may wish to pose questions or learn more. If the questions or comments are about the evaluation contents, methods, findings and recommendations, please write to the Evaluation Office at e-mail address <evalhelp@unicef.org>. If the questions or comments are about UNICEF and HRBAP, and how HRBAP will or should evolve in the future, please write to Beatrice Duncan of the Gender and Rights Unit at <Bduncan@unicef.org>. For a certain length of time there will also be a comments page open at the web page where the entire report is archived. Readers are also invited to visit the UNICEF website (<www.unicef.org>) to investigate the full range of actions and outputs of the Evaluation Office and the Gender and Rights team.

Colin M. Kirk
Director
Evaluation Office
UNICEF New York Headquarters
<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>Accra Agenda for Action</td>
</tr>
<tr>
<td>CAP</td>
<td>Consolidated Appeals Process</td>
</tr>
<tr>
<td>CCA</td>
<td>Common Country Assessment</td>
</tr>
<tr>
<td>CCC</td>
<td>Core Commitments for Children</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of Discrimination against Women</td>
</tr>
<tr>
<td>CEE</td>
<td>Central and Eastern Europe</td>
</tr>
<tr>
<td>CIDA</td>
<td>Canadian International Development Agency</td>
</tr>
<tr>
<td>CIS</td>
<td>Commonwealth of Independent States</td>
</tr>
<tr>
<td>CO</td>
<td>country office</td>
</tr>
<tr>
<td>CPAP</td>
<td>Country Programme Action Plan</td>
</tr>
<tr>
<td>CPD</td>
<td>Country Programme Document</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>DAC</td>
<td>Development Assistant Committee</td>
</tr>
<tr>
<td>DOCO</td>
<td>Development Operations Coordination Office (United Nations)</td>
</tr>
<tr>
<td>DPP</td>
<td>Division of Policy and Practice</td>
</tr>
<tr>
<td>DRR</td>
<td>disaster risk reduction</td>
</tr>
<tr>
<td>EAPRO</td>
<td>East Asia and Pacific Regional Office (UNICEF)</td>
</tr>
<tr>
<td>EMOPS</td>
<td>UNICEF Emergency Operations</td>
</tr>
</tbody>
</table>
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPRP</td>
<td>Emergency Preparedness and Response Plans</td>
</tr>
<tr>
<td>ESARO</td>
<td>East and Southern Africa Regional Office (UNICEF)</td>
</tr>
<tr>
<td>EXDIR</td>
<td>Executive Directive</td>
</tr>
<tr>
<td>GBV</td>
<td>gender-based violence</td>
</tr>
<tr>
<td>GEM</td>
<td>gender equality marker</td>
</tr>
<tr>
<td>GRU</td>
<td>Gender and Rights Unit</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>human immunodeficiency virus/acquired immune deficiency syndrome</td>
</tr>
<tr>
<td>HQ</td>
<td>headquarters</td>
</tr>
<tr>
<td>HRBAP</td>
<td>human rights-based approach to programming</td>
</tr>
<tr>
<td>HRM</td>
<td>Human Rights Mainstreaming</td>
</tr>
<tr>
<td>IASC</td>
<td>Inter-Agency Standing Committee</td>
</tr>
<tr>
<td>IASG</td>
<td>Inter-Agency Support Group on Indigenous Issues</td>
</tr>
<tr>
<td>IDRC</td>
<td>International Development Research Centre</td>
</tr>
<tr>
<td>IHL</td>
<td>international humanitarian law</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>KRA</td>
<td>Key Result Area</td>
</tr>
<tr>
<td>LDC</td>
<td>least developed country</td>
</tr>
<tr>
<td>LMIC</td>
<td>lower-middle-income country</td>
</tr>
</tbody>
</table>
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>M&amp;E</td>
<td>monitoring and evaluation</td>
</tr>
<tr>
<td>MDG</td>
<td>Millennium Development Goal</td>
</tr>
<tr>
<td>MIC</td>
<td>middle-income country</td>
</tr>
<tr>
<td>MRM</td>
<td>Monitoring and Reporting Mechanism</td>
</tr>
<tr>
<td>MTSP</td>
<td>medium-term strategic plan</td>
</tr>
<tr>
<td>NGO</td>
<td>non-governmental organization</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
</tr>
<tr>
<td>PPP</td>
<td>Programme Policy and Procedures</td>
</tr>
<tr>
<td>PRSP</td>
<td>Poverty Reduction Strategy Paper</td>
</tr>
<tr>
<td>RBM</td>
<td>Results-Based Management</td>
</tr>
<tr>
<td>RO</td>
<td>regional office</td>
</tr>
<tr>
<td>RR</td>
<td>Regular Resource</td>
</tr>
<tr>
<td>SitAn</td>
<td>Situation Analysis</td>
</tr>
<tr>
<td>TACRO</td>
<td>The American and Caribbean Regional Office (UNICEF)</td>
</tr>
</tbody>
</table>
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TCPR</td>
<td>Triennial Comprehensive Policy Review</td>
</tr>
<tr>
<td>ToR</td>
<td>terms of reference</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UMIC</td>
<td>upper-middle-income country</td>
</tr>
<tr>
<td>UNCT</td>
<td>United Nations Country Team</td>
</tr>
<tr>
<td>UNDAF</td>
<td>United Nations Development Assistance Framework</td>
</tr>
<tr>
<td>UNDG</td>
<td>United Nations Development Group</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNECA</td>
<td>United Nations Economic Commission for Africa</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNOCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
</tr>
<tr>
<td>UNPFII</td>
<td>United Nations Permanent Forum on Indigenous Issues</td>
</tr>
<tr>
<td>UPR</td>
<td>Universal Periodic Review</td>
</tr>
<tr>
<td>WASH</td>
<td>water, sanitation and hygiene</td>
</tr>
<tr>
<td>WCARO</td>
<td>West and Central Africa Regional Office (UNICEF)</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
</tbody>
</table>
# Contents

1. Introduction 1
   1.1 Background 1  
   1.2 Context 1  
     1.2.1 The human rights-based approach to cooperation as a foundation strategy 2  
     1.2.2 Gender equality as a foundation strategy 3  
     1.2.3 Renewed focus on equity 4  
   1.3 Evaluation scope and purpose 5  
   1.4 Organization of the report 6  

2. Methodology 7
   2.1 Evaluation components 7  
     2.1.1 Country Office missions 7  
     2.1.2 Regional Office missions 9  
     2.1.3 Country Office Assessments 9  
     2.1.4 Assessment of enabling environment 12  
     2.1.5 Review of data from the 2010 Harding survey 13  
   2.2 Evaluation conceptual framework 13  
   2.3 Analytical framework 19  
     2.3.1 Application of HRBAP at the programmatic level 19  
     2.3.2 Incorporation of HRBAP at the corporate/institutional level 20  
     2.3.3 Cross-cutting, comparative elements 20  
   2.4 Methodological framework 22  
     2.4.1 Mixed-methods approach 22  
     2.4.2 Comparative country analysis approach 23  
     2.4.3 Limitations 23  

3. History of HRBAP and UNICEF 25  

4. Evaluation findings: HRBAP conceptual understanding 36  
   4.1 Coherence across UNICEF rights documents, strategies and policies 36  
   4.2 Coherence and common understanding of UNICEF staff 39  

5. Application of HRBAP 49  
   Overview 49  
   5.1 UNICEF’s role in the promotion of HRBAP at the global level 49  
     5.1.1 Global human rights mechanisms 49  
     5.1.2 Global humanitarian structures 57  
   5.2 Application of HRBAP at the country level 60  
     5.2.1 Application of the principles of HRBAP 60
Contents

5.2.2 Application of HRBAP throughout the programme cycle  72
5.2.3 Application of HRBAP by Focus Area  81
5.2.4 Country context, including humanitarian settings  94

6. The enabling environment for HRBAP  105
   6.1 Overview  105
   6.2 The external context and its influence on HRBAP  106
   6.3 Internal environment of UNICEF  108
      6.3.1 Mission, policy and strategy  108
      6.3.2 Organizational structure at Headquarters and Regional Office levels  109
      6.3.3 Human resources management for HRBAP  110

7. Recommendations  137

Exhibits

Exhibit 2.1 COs selected for missions  8
Exhibit 2.2 RO missions  9
Exhibit 2.3 COs selected for CO Assessment  11
Exhibit 2.4 COs selected by Focus Area  11
Exhibit 2.5 Evaluation guiding principles  13
Exhibit 4.1 Level of understanding of human rights-based approaches  40
Exhibit 5.1 United Nations agencies making submissions to the UPR process, as a per cent of total submissions  56
Exhibit 5.2 Typology of reasons for marginalization (adapted from PPP Manual)  76
Exhibit 6.1 External factors that challenge UNICEF’s implementation of HRBAP  106
Exhibit 6.2 Senior staff responses to survey question: Is HRBAP referred to in any way in…?  111
Exhibit 6.3 Overall response to survey question: Do UNICEF staffing policies, including recruitment and induction, facilitate effective human rights-based approaches? 112
Exhibit 6.4 Senior staff response to survey question: Do UNICEF staffing policies, including recruitment and induction, facilitate effective human rights-based approaches? 112
Exhibit 6.5 Core values and core competencies for UNICEF staff  113
Exhibit 6.6 Response to survey question: How do you rate your understanding of the practical implications of integrating human rights-based approaches at each stage of the programme cycle?  115
Exhibit 6.7 Response to survey question, by job grades: How do you rate your understanding of the practical implications of integrating human rights-based approaches at each stage of the programme cycle?  115
## Exhibits

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.8</td>
<td>Response to survey questions on SitAns, priority setting and programming for children’s rights</td>
<td>116</td>
</tr>
<tr>
<td>6.9</td>
<td>Status of 2003 recommendations dealing with training and other forms of knowledge sharing</td>
<td>117</td>
</tr>
<tr>
<td>6.10</td>
<td>Response to survey question: Have you participated in one or more training events related to human rights-based approaches since joining UNICEF?</td>
<td>119</td>
</tr>
<tr>
<td>6.11</td>
<td>Response to survey question: Have tools and guidance been developed to build capacities for human rights-based approaches?</td>
<td>120</td>
</tr>
<tr>
<td>6.12</td>
<td>Tools and policies accessible through the portal on human rights-based approaches</td>
<td>121</td>
</tr>
<tr>
<td>6.13</td>
<td>HRBAP and UNICEF sectoral policies</td>
<td>125</td>
</tr>
<tr>
<td>6.14</td>
<td>Response to survey question: Do you feel accountable to your team and others in your application of human rights-based approaches?</td>
<td>130</td>
</tr>
<tr>
<td>6.15</td>
<td>Response to survey question, by job grade: Do you feel accountable to your team and others in your application of human rights-based approaches?</td>
<td>131</td>
</tr>
<tr>
<td>6.16</td>
<td>Response to survey question: Are incentive systems in place to assist and monitor the understanding and commitment to human rights-based approaches?</td>
<td>132</td>
</tr>
<tr>
<td>6.18</td>
<td>Response to survey question, by job function: Is the human rights-based approach referred to in any way in performance reviews?</td>
<td>133</td>
</tr>
<tr>
<td>6.19</td>
<td>Response to survey question: Is HRBAP integrated in performance evaluation reports?</td>
<td>133</td>
</tr>
</tbody>
</table>

## Appendices

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>List of findings</td>
<td>143</td>
</tr>
<tr>
<td>II</td>
<td>List of recommendations</td>
<td>148</td>
</tr>
<tr>
<td>III</td>
<td>HRBAP milestones</td>
<td>150</td>
</tr>
<tr>
<td>IV</td>
<td>Previous UNICEF HRBAP-related reviews and assessments</td>
<td>156</td>
</tr>
<tr>
<td>V</td>
<td>CO Assessment tables</td>
<td>157</td>
</tr>
</tbody>
</table>
Executive Summary

As part of its commitment under the medium-term strategic plan (2006–2013), UNICEF commissioned a Global Evaluation of the Application of a Human Rights-Based Approach to UNICEF Programming in 2011. The goal of the assignment was to evaluate UNICEF’s experience in understanding and implementing a human rights-based approach to programming (HRBAP), with a particular emphasis on the period from 2007 to the present. It was to do so by examining whether there is adequate understanding of, and commitment to, HRBAP throughout the organization, by elucidating strengths and weaknesses related to the approach, and by identifying good practices and lessons learned in HRBAP to help UNICEF to improve future programming.

The evaluation was overseen by a reference group and was managed by UNICEF’s Evaluation Office. Under the office’s guidance, the evaluation team developed its independent conceptual framework to assess HRBAP application by focusing on the programme and corporate/institutional levels, and by using a cross-cutting lens aimed at understanding the effects of country context (with particular attention given to humanitarian environments), Focus Area, and programming phase. It also articulated, in concert with UNICEF and an HRBAP expert, the five core principles that subsequently guided the evaluation: normativity, participation, non-discrimination, accountability and transparency.

The evaluation drew upon both qualitative data (collected from interviews, focus groups and existing survey data) as well as quantitative data gleaned from extensive document reviews and field observations by evaluation team members. In particular, the data-gathering phase consisted of six Country Office missions to countries deemed representative in terms of their contexts: Cambodia, Chile, Haiti, Kenya, Senegal and Serbia as well as four Regional Office missions (Dakar, Geneva, Nairobi and Panama City). Information was also gathered on the situation in 38 Country Offices, including the six offices in which missions were carried out, through document reviews and telephone interviews. The enabling environment was evaluated through key informant interviews with stakeholders inside and outside of UNICEF, and with review and analysis of relevant documents. Finally, data from the Harding Survey that focused on capacity development and leadership on HRBAP for UNICEF staff (see section 2.1.5 for more details on the survey) were used as a basis for data on knowledge and understanding of HRBAP.

Conceptual understanding of HRBAP

The evaluation found that UNICEF staff’s understanding of HRBAP varies considerably. It also found that there is coherence across UNICEF and United Nations policies and strategies regarding HRBAP, including good integration within sectoral strategies. The emergence of the aid effectiveness agenda, coherence across the United Nations system and new ways of engaging in humanitarian situations have created new opportunities and challenges for the integration of HRBAP, and UNICEF has taken some positive steps to lead in the thinking around these issues. Also, of critical importance is the lack of clear harmonization between UNICEF’s focus on equity and HRBAP, leading to some confusion among staff and human rights experts alike. The evaluation found that HRBAP and equity are reconcilable, but that additional efforts need to be made to clarify remaining issues. And while HRBAP and results-based management are compatible, there are obstacles to their being applied concurrently.

Application of HRBAP

The component of the evaluation that focused on the application of HRBAP at the global level found that UNICEF is a leader on the approach, based on its underlying programming and...
reporting related to the Convention on the Rights of the Child. UNICEF’s global leadership role on HRBAP is echoed by its playing a similar role within the United Nations system, though it bears underlining that its engagement with certain human-rights actors such as the Committee on the Elimination of Discrimination against Women and the United Nations Permanent Forum on Indigenous Issues could be more structured. It was noted that UNICEF has played a key role in integrating HRBAP into various humanitarian and emergency frameworks, and has also played a proactive role related to HRBAP in its work arising from United Nations Security Council resolutions related to women, peace and security, and children affected by armed conflict.

At the country level, there was variation in terms of the application of the various HRBAP principles by UNICEF. In particular, normativity was the best-applied principle, while the application of the principle of participation was more mixed due to a lack of explicit references to how programmes are affected by the participation of rights holders, the lack of a common understanding of the principle within UNICEF, and external political and cultural constraints. The application of non-discrimination was found to range from satisfactory to weak, with a lack of strong, disaggregated data, thereby making it difficult to identify and thus target the most vulnerable. The application of transparency was similarly between satisfactory and weak, reflecting positive efforts by UNICEF Country Offices to promote the transparency of duty bearers and their lower level of success at ensuring the transparency of rights holders. The application of the principle of accountability was largely satisfactory, as a result of a lack of documentation on accountability mechanisms and of systems of complaint or redress within government or UNICEF programmes.

The evaluation also examined the application of HRBAP in the three phases of the UNICEF programme cycle at the country level. At the programme preparation stage, it found that the approach is well applied and well integrated, but that insufficient data hamper identification of – and thus programming targeting – vulnerable groups. The programme implementation stage was found to be weaker due to vulnerable groups being excluded for a wide variety of generally external reasons, though there were some commendable efforts by various Country Offices to reach such groups. The complexity and diversity of the various reasons for exclusion in turn make them difficult to overcome in a systematic manner. And at the monitoring and evaluation stage, insufficient attention is being given to HRBAP, especially in terms of its evaluation, despite some good practices.

Still another lens of analysis in the evaluation’s consideration of the application of HRBAP at the country level was the UNICEF Focus Area. In Focus Area 1, it found that an effort has been made to incorporate HRBAP principles but that only normativity, and to a lesser extent non-discrimination and accountability, were well integrated. Of note is that many staff seem to erroneously conflate human rights in general with HRBAP in particular, and many Focus Area 1 specialists do not see the link between HRBAP principles and their own decision-making. Focus Area 2 demonstrated a strong HRBAP focus, especially for normativity (due to strong linkages to key global policies and conventions in UNICEF documentation) and participation (as a result of strong participatory structures being in place). Non-discrimination was the weakest principle, as a result of inequalities related to such characteristics as gender, disability and geography, as well as a lack of strong data that could undergird better Focus Area 2 programming.

In addition, the evaluation found that more work needs to be done to integrate the principles of HRBAP into programming under Focus Area 3, though the principles of normativity, participation and accountability are relatively better integrated than the other two. It also found that Focus Area 4 programming was the strongest among the four Focus Areas reviewed in depth, at least partly because the Focus Area itself is more strongly rooted in HRBAP norms, and as a result of the efforts by UNICEF’s Child Protection Section. Regarding Focus Area 5, UNICEF has a good
track record in advocating and forming partnerships aimed at advancing children’s rights, yet could still do better through stronger and more systematic engagement on sensitive child rights issues and broader human rights issues, as well as by making better use of Regional Offices in advocacy.

A final lens for looking at the country-level application of HRBAP was the country context, with a particular focus on humanitarian settings. In general, country context issues were found to both enable and constrain the application of HRBAP, in diverse ways. Regarding normativity, the existence of a strong rule-of-law system was found to be a key determining factor, since it gives rights holders a formal means for claiming their rights. Linked to this, participation was found to be negatively impacted in weak, undemocratic and fragile states because it becomes difficult to identify appropriate government partners. The principle of non-discrimination is affected by weak capacity and infrastructure – particularly in terms of communication – which hampers the ability to collect data crucial to identifying and thus orienting programming toward most vulnerable groups, and is more generally affected by sociocultural barriers. And the principles of accountability and transparency are especially challenging in contexts of weak rule of law, weak state and civil society institutions, and in the face of political opposition.

The evaluation’s consideration of HRBAP in humanitarian settings found that the approach is fully compatible with such settings and with international humanitarian law. More particularly, it found that the principles of HRBAP are best applied during the preparedness and the early recovery phases, with the greatest challenges existing during the response phase, where it is often applied in an ad hoc manner. Reasons for this included the need to respond quickly during emergencies and the lack of clear guidance on applying the approach in such situations. In conflict situations, it was found that there is conceptual clarity regarding the application of HRBAP in most though not all documents, but that there is less clarity in the guidance provided. A particular challenge is that HRBAP is just one of several frameworks at play in humanitarian situations, and these multiple frameworks can be challenging to apply in practice; as a result, HRBAP can sometimes get lost in the shuffle.

**Enabling environment**

A major area of focus for the evaluation was UNICEF’s success at establishing an enabling environment for the implementation of HRBAP in programming. Both the external and internal environments are important in this regard. Regarding the former, key issues include whether a country’s legal framework includes policies and laws on human rights; whether the national government is stable, legitimate, accountable and transparent; and whether the sociocultural context supports human rights. In terms of the internal environment, UNICEF’s mission statement and the 1998 Executive Directive provide a solid foundation for implementing HRBAP in programming, although the support documents for the Executive Directive could give better guidance on the approach. Organizationally, the fact that UNICEF’s focal point for gender and human rights – the Gender and Rights Unit – is located within the Division for Policy and Practice creates some challenges to integrate the approach into programming.

Another key element in the evaluation of the internal environment was the degree to which human resource-management practices support the integration of HRBAP. It found that competency in the approach was to some degree considered at the time of recruitment, though it is given much less emphasis – and is relatively little supported by training – once people are hired. This has greatly contributed to a situation in which UNICEF staff are by and large applying the approach based on their own understandings rather than standardized and formalized understandings. In light of this, it is perhaps unsurprising that many staff have been asking for more training on HRBAP. UNICEF has responded positively to these requests, though only in a relatively modest way – thus many staff are still not receiving sufficient or timely
training in the approach and, moreover, such training is no longer mandatory. This could partly explain why many staff feel that existing HRBAP tools are inadequate for sector-specific application, while at the same time being unaware of many existing tools within UNICEF and within the United Nations more generally.

At the organizational level, accountability for HRBAP was found to be minimal, despite the fact that the approach is considered a pillar of UNICEF’s programming. Moreover, reporting on the approach’s implementation is not done systematically, nor is it done according to the medium-term strategic plan indicators. At the country and individual levels, accountability for implementing HRBAP is stronger but remains informal. At the same time, effective implementation of the approach is not a significant factor in UNICEF’s staff performance reviews, which neutralizes a potential incentive for staff to prioritize its implementation. The evaluation also found that effective implementation of HRBAP depends on strong support for the approach at a corporate level – particularly the Country Representative and the Deputy Country Representative – yet such support has declined since the high water mark of the late 1990s.

**Recommendations**

Flowing from the findings detailed above, a series of recommendations were developed that aimed to address the various challenges and opportunities facing UNICEF in terms of better applying a HRBAP.

It was recommended that UNICEF develop a HRBAP policy to replace the 1998 Executive Directive, one that reflects the evolving context and which expresses a clear conceptualization of the approach for the whole organization. UNICEF should also develop a strategy for coordinating the mainstreaming of foundational strategies, of which HRBAP is one. Another recommendation was that staff be given guidance on linking HRBAP with results-based management, particularly in terms of a greater use of indicators to measure the extent of the application of the approach’s principles. The linkages between HRBAP and the equity approach should also be clarified, particularly regarding the term ‘equity’, and how ‘rights holders’ and ‘duty bearers’ fit into the equity focus.

Regarding the global application of HRBAP, UNICEF should continue to lead and engage both internally and externally so as to promote, clarify and bring coherence to HRBAP. Importantly, the UNICEF Gender and Rights Unit in Geneva should take a more systematic approach in applying the approach globally.

At the country level, UNICEF should ensure that HRBAP principles are applied equally strongly throughout its programming and at all programme stages. It should also ensure that staff have access to and are aware of appropriate tools and guidelines for interpreting and operationalizing HRBAP in each Focus Area. Relatedly, staff should be given guidance in applying HRBAP in difficult country contexts. Another recommendation was that UNICEF Emergency Operations and Gender Rights Unit take the lead in preparing guidelines for applying HRBAP in humanitarian situations.

In terms of the enabling environment, UNICEF should strengthen the ability of its staff to implement HRBAP by considering different organizational staffing options – such as having dedicated staff for coaching and oversight on HRBAP, and developing a roster of HRBAP advisers – as well as including HRBAP in job responsibilities. The organization should also make an effort to build up Country Office Representatives and Regional Directors as champions of HRBAP, since individuals in these positions can play a key role in promoting and guiding the implementation of the approach. Such an effort should be complemented with an improvement
in the quality of UNICEF’s HRBAP training. Finally, UNICEF should increase accountability for HRBAP throughout the organization, and should track the resources that it dedicates to the approach.

**Resumen Ejecutivo**

Como parte del compromiso adquirido en el contexto del plan estratégico de mediano plazo (2006-2013), UNICEF encargó en 2011 una Evaluación mundial sobre la aplicación a la programación de UNICEF de un enfoque basado en los derechos humanos. El objetivo del proyecto era evaluar la experiencia de UNICEF en relación a la comprensión y la aplicación a la programación de un enfoque basado en los derechos humanos (HRBAP, según sus siglas en inglés), con un especial hincapié en el período comprendido entre 2007 y el presente. La forma de hacerlo era **examinando** si existe una adecuada comprensión y compromiso con el enfoque HRBAP en toda la organización, dilucidando los puntos fuertes y débiles relacionados con el enfoque, y determinando cuáles son las buenas prácticas y las lecciones aprendidas en materia del enfoque HRBAP para ayudar a UNICEF a mejorar su programación futura.

La evaluación fue supervisada por un grupo de referencia y fue gestionada por la Oficina de Evaluación de UNICEF. Bajo la dirección de la oficina, el equipo de evaluación elaboró un marco conceptual independiente para evaluar la aplicación del enfoque HRBAP, centrándose en los niveles programáticos y corporativos/institucionales, y mediante el uso de un prisma transversal destinado a comprender los efectos del contexto del país (con especial atención a los entornos humanitarios), las esferas de atención y la fase de programación. También articuló, en coordinación con UNICEF y un experto en el enfoque HRBAP, los cinco principios básicos que orientaron posteriormente la evaluación: normatividad, participación, no discriminación, rendición de cuentas y transparencia.

La evaluación se basó en datos cualitativos (obtenidos en entrevistas, grupos focales y los datos existentes procedentes de encuestas), así como en datos cuantitativos extraídos de un examen amplio de documentos y de observaciones sobre el terreno por parte de los miembros del equipo de evaluación. En particular, la fase de recolección de datos consistió en seis misiones en oficinas de los países considerados representativos en relación a sus contextos: Camboya, Chile, Haití, Kenia, Senegal y Serbia, así como cuatro misiones a las oficinas regionales (Dakar, Ginebra, Nairobi y Panamá). También se recogió información sobre la situación en 38 oficinas de países, incluyendo seis oficinas donde se llevaron a cabo misiones, a través del examen de documentos y entrevistas telefónicas. El entorno propicio se evaluó por medio de entrevistas a informantes clave de las partes interesadas dentro y fuera de UNICEF, y mediante el examen y análisis de los documentos pertinentes. Finalmente, los datos de la Encuesta de Harding, que se centró en el desarrollo de capacidades y liderazgo en HRBAP para el personal del UNICEF (véase la sección 2.1.5 para más detalles sobre la encuesta), fueron utilizados como base de los datos sobre el conocimiento y la comprensión del enfoque HRBAP.

**Comprensión conceptual del enfoque HRBAP**

La evaluación reveló que la comprensión del enfoque HRBAP por parte del personal de UNICEF varía considerablemente. También se encontró que existe coherencia entre las políticas y estrategias sobre el enfoque HRBAP de UNICEF y de las Naciones Unidas, incluyendo una buena integración en las estrategias sectoriales. El surgimiento del programa de la eficacia de la ayuda, de la coherencia en todo el sistema de las Naciones Unidas y de las
nuevas formas de involucrarse en situaciones humanitarias han creado nuevas oportunidades y desafíos para la integración del enfoque HRBAP, y UNICEF ha adoptado algunas medidas positivas para coordinar las ideas en torno a estos temas. También es de vital importancia la falta de armonización clara que existe entre el enfoque de UNICEF centrado en la equidad y el enfoque HRBAP, lo que da lugar a cierta confusión entre el personal y los expertos en derechos humanos por igual. La evaluación reveló que es posible conciliar el enfoque HRBAP y la equidad, pero que se deben realizar más esfuerzos para aclarar las cuestiones pendientes. Y aunque el enfoque HRBAP y la gestión basada en los resultados son compatibles, hay obstáculos para aplicarlos al mismo tiempo.

**Aplicación del enfoque HRBAP**

El componente de la evaluación que se centró en la aplicación del enfoque HRBAP a nivel mundial encontró que UNICEF es un líder en el enfoque, sobre la base de su programación y presentación de informes que se sustenta en la Convención sobre los Derechos del Niño. La función de liderazgo mundial de UNICEF en materia del enfoque HRBAP se hace eco del desempeño de una función similar dentro del sistema de las Naciones Unidas, a pesar de que no está de más destacar que su relación con ciertos actores de derechos humanos, como el Comité para la eliminación de la discriminación contra la mujer y el Foro Permanente de Naciones Unidas para las Cuestiones Indígenas, podría estar más estructurada. Se señaló que UNICEF ha desempeñado un papel clave en la integración del enfoque HRBAP en los diversos marcos humanitarios y de emergencia, y también ha desempeñado un papel activo en relación con el enfoque HRBAP en su labor derivada de las resoluciones del Consejo de Seguridad sobre la mujer, la paz y la seguridad, y los niños afectados por conflictos armados.

A nivel nacional, hubo una variación en cuanto a la aplicación de los distintos principios del enfoque HRBAP por parte de UNICEF. En particular, la normatividad fue el principio mejor aplicado, mientras que la aplicación del principio de la participación resultó más complejo debido a la falta de referencias explícitas sobre la manera en que la participación de los titulares de derechos afecta a los programas, la falta de una comprensión común sobre el principio en UNICEF, y las restricciones políticas y culturales externas. La aplicación de la no discriminación se encuentra en una escala que oscila de satisfactoria a deficiente debido a la ausencia de datos sólidos y desglosados, lo que hace difícil identificar a los más vulnerables y por lo tanto orientar los programas hacia ellos. La escala de la aplicación de la transparencia fue similar, entre satisfactoria y deficiente, lo que refleja los esfuerzos positivos por parte de UNICEF en las oficinas de los países para promover la transparencia de los titulares de obligaciones, y su escaso éxito para garantizar la transparencia de los titulares de derechos. La aplicación del principio de rendición de cuentas fue ampliamente satisfactoria, como resultado de la falta de documentación sobre los mecanismos de rendición de cuentas y de los sistemas de reclamación o reparación en el marco de los programas de gobierno o de UNICEF.

La evaluación también examinó la aplicación del enfoque HRBAP en las tres fases del ciclo del programa de UNICEF a nivel nacional. En la etapa de preparación del programa, se encontró que el enfoque está bien aplicada y bien integrado, pero la falta de datos dificulta la identificación de los grupos vulnerables, y por lo tanto la programación de objetivos. La etapa de implementación del programa resultó ser más deficiente debido a que los grupos vulnerables son excluidos por una amplia variedad de razones, externas por lo general, aunque hubo algunos esfuerzos encomiables por parte de varias oficinas de países para llegar a estos grupos. La complejidad y la diversidad de las diversas razones de la exclusión hacen que a su vez sean difíciles de superar de una manera sistemática. Y en la etapa de seguimiento y evaluación no se presta suficiente atención al enfoque HRBAP, especialmente en la faceta de evaluación, a pesar de algunas buenas prácticas
Las esferas prioritarias de UNICEF fueron otro prisma para el análisis en la consideración de la evaluación de la aplicación del enfoque HRBAP a nivel nacional. En la esfera prioritaria 1, la evaluación concluyó que se ha hecho un esfuerzo para incorporar los principios del enfoque HRBAP, pero que sólo la normatividad y, en menor medida, la no discriminación y la rendición de cuentas, estaban bien integrados. Es de destacar que muchos funcionarios parecen confundir erróneamente los derechos humanos en general con el enfoque HRBAP en particular, y muchos especialistas en la esfera prioritaria 1 no observan el vínculo entre los principios del enfoque HRBAP y su propia toma de decisiones. La esfera prioritaria 2 demuestra un sólido enfoque HRBAP, especialmente en el caso de la normatividad (debido a los sólidos vínculos con las políticas y convenios internacionales principales en la documentación de UNICEF) y la participación (como resultado de las sólidas estructuras de participación que están en marcha). La no discriminación es el principio más deficitario, como consecuencia de las desigualdades relacionadas con características como el género, la discapacidad y la geografía, así como la falta de datos sólidos que podrían sustentar una mejor programación en la esfera prioritaria 2.

Además, la evaluación constató que aún queda trabajo por hacer para integrar los principios del enfoque HRBAP en la programación en la esfera prioritaria 3, aunque los principios de la normatividad, la participación y la rendición de cuentas están relativamente más integrados que los otros dos. También encontró que la esfera prioritaria 4 de programación era la más sólida de las cuatro esferas prioritarias analizadas en profundidad, al menos en parte debido a que la propia esfera prioritaria está más sólidamente arraigada en las normas del enfoque HRBAP, y como resultado de los esfuerzos realizados por la Sección de Protección de la Infancia de UNICEF. En cuanto la esfera prioritaria 5, UNICEF tiene un buen historial en la promoción y la formación de asociaciones destinadas a defender los derechos de los niños, y aún podría hacerlo mejor a través de un compromiso más sólido y sistemático con cuestiones delicadas sobre los derechos de la infancia y temas más amplios de los derechos humanos, así como mediante un mejor el uso de las oficinas regionales en las tareas de promoción.

El último prisma para observar la aplicación a nivel nacional del enfoque HRBAP era el contexto del país, con un enfoque particular en las situaciones de emergencia humanitaria. En general, se encontró que las cuestiones relacionadas con el contexto de los países son propicias y al mismo tiempo limitan la aplicación del enfoque HRBAP de diversas maneras. En cuanto a la normatividad, la existencia de un sólido estado de derecho resultó ser un factor determinante, ya que otorga a los titulares de derechos un medio oficial para reclamar sus derechos. En relación con esto, se encontró que la participación tenía un impacto negativo en los estados débiles, frágiles y no democráticos, porque se hace difícil identificar a los homólogos adecuados en el gobierno. El principio de no discriminación sufre las consecuencias de la capacidad e infraestructura limitadas –en particular en materia de comunicación– lo que dificulta la capacidad de recopilar datos cruciales para la identificación de los grupos más vulnerables, y por tanto orientar la programación hacia ellos, y está generalmente más afectado por las barreras socioculturales. Y los principios de rendición de cuentas y la transparencia son especialmente problemáticos en un contexto en que el estado de derecho es deficiente, el Estado y las instituciones de la sociedad civil son débiles, y hay que contar con el marco de una oposición política.

La consideración de la evaluación del enfoque HRBAP en situaciones humanitarias encontró que el enfoque es totalmente compatible con este tipo de configuración y con el derecho internacional humanitario. Más concretamente, encontró que los principios del enfoque HRBAP se aplican mejor durante las fases iniciales de la preparación y recuperación, y que los mayores desafíos se producen durante la fase de respuesta, en la que a menudo se aplica de una manera ad hoc. Las razones para esto incluyen la necesidad de responder rápidamente en las situaciones de emergencia y la falta de directrices claras sobre la aplicación del enfoque en...
este tipo de situaciones. En situaciones de conflicto, se encontró que no hay claridad conceptual en relación con la aplicación del enfoque HRBAP en la mayoría de los documentos, aunque no todos, pero que hay menos claridad en la orientación que se ofrece. Un desafío particular es que el enfoque HRBAP es sólo uno de varios marcos en las situaciones de emergencia humanitaria, y aplicar en la práctica estos marcos múltiples puede ser un desafío; como resultado de ello, el enfoque HRBAP puede a veces difuminarse en medio de la confusión.

Entorno propicio

Una esfera importante de la evaluación fue el éxito de UNICEF para establecer un entorno propicio para la aplicación del enfoque HRBAP a la programación. Tanto los entornos externos como los internos son importantes en este sentido. Con respecto a los primeros, entre los temas principales cabe destacar si el marco jurídico de un país incluye políticas y leyes sobre los derechos humanos; si el gobierno nacional es estable, legítimo, transparente y responsable; y si el contexto sociocultural es compatible con los derechos humanos. En cuanto al entorno interno, la declaración de la misión de UNICEF y la Directiva Ejecutiva de 1998 proporcionan una base sólida para la aplicación del enfoque HRBAP a la programación, aunque los documentos de apoyo a la Directiva Ejecutiva podrían ofrecer una mejor orientación sobre el enfoque. Institucionalmente, el hecho de que el enlace de UNICEF para el género y los derechos humanos –la Unidad de Género y Derechos– pertenece a la División de Políticas y Prácticas presenta algunos desafíos para integrar el enfoque en la programación.

Otro elemento clave en la evaluación del entorno interno era el grado en que las prácticas de la gestión de recursos humanos apoyan la integración del enfoque HRBAP. Se encontró que la competencia en el enfoque se tenía en cuenta hasta cierto punto en el momento de la contratación, a pesar de que se hace menos hincapié –y está relativamente poco apoyada en la formación– una vez que se realiza la contratación. Esto ha contribuido en gran medida a una situación en la que el personal de UNICEF está aplicando generalmente el enfoque sobre la base de su propia comprensión en lugar de en una comprensión estandarizada y oficializada. Como consecuencia, no es sorprendente que muchos miembros del personal hayan estado pidiendo más formación sobre el enfoque HRBAP. UNICEF ha respondido positivamente a estas solicitudes, aunque sólo de una forma relativamente modesta, por lo que muchos funcionarios aún no están recibiendo la formación necesaria ni oportuna en el enfoque y, además, esta formación ya no es obligatoria. En parte, esto podría explicar por qué muchos miembros del personal consideran que los instrumentos existentes no son suficientes para la aplicación sectorial del enfoque HRBAP, mientras que al mismo tiempo son conscientes de las numerosas herramientas existentes en UNICEF, y en las Naciones Unidas en general.

A nivel organizativo, se encontró que la rendición de cuentas con respecto al enfoque HRBAP era mínima, a pesar de que el enfoque se considera uno de los pilares de la programación de UNICEF. Por otra parte, la presentación de informes sobre la aplicación del enfoque no se realiza de forma sistemática, ni se hace de acuerdo a los indicadores del plan estratégico de mediano plazo. A nivel de país e individual, la responsabilidad de la aplicación del enfoque HRBAP es más sólida, pero sigue siendo informal. Al mismo tiempo, la aplicación efectiva del enfoque no es un factor importante en el examen del desempeño del personal de UNICEF, lo que neutraliza un incentivo potencial para que el personal otorgue prioridad a su aplicación. La evaluación detectó también que la aplicación efectiva del enfoque HRBAP depende de un sólido apoyo del enfoque a nivel institucional –en particular del Representante en el país y del Representante Adjunto en el País– y sin embargo ese apoyo ha disminuido desde su punto más álgido en la década de 1990.
Recomendaciones

A partir de las conclusiones descritas anteriormente, se elaboraron una serie de recomendaciones dirigidas a abordar los distintos problemas y oportunidades que confronta UNICEF para una mejor aplicación del enfoque HRBAP.

Se recomendó que UNICEF establezca una política del enfoque HRBAP para sustituir a la Directiva Ejecutiva de 1998, que refleje la evolución del contexto y que exprese una clara conceptualización del enfoque para toda la organización. UNICEF también debe desarrollar una estrategia para coordinar la incorporación de determinadas estrategias fundamentales, una de las cuales es el enfoque HRBAP. Otra recomendación fue que el personal reciba orientación sobre la vinculación del enfoque HRBAP con la gestión basada en resultados, en particular en términos de un mayor uso de indicadores para medir el alcance de la aplicación de los principios del enfoque. También es preciso aclarar los vínculos entre el enfoque HRBAP y el enfoque basado en la equidad, en particular con respecto al término “equidad”, y la forma en que “los titulares de derechos y los titulares de deberes” encajan en el enfoque de equidad.

En cuanto a la aplicación mundial del enfoque HRBAP, UNICEF debe seguir ejerciendo su capacidad de liderazgo y comprometiéndose tanto a nivel interno como externo a fin de promover, clarificar y dar coherencia al enfoque HRBAP. Es importante destacar que UNICEF y la Unidad de Género y Derechos en Genebra deberían adoptar un enfoque más sistemático en la aplicación del enfoque a nivel mundial.

A nivel nacional, UNICEF debería asegurar que los principios del enfoque HRBAP se apliquen sólidamente por igual en la programación y en todas las etapas del programa. También debe garantizar que el personal tenga acceso y esté al tanto de las herramientas y directrices apropiadas para interpretar y poner en funcionamiento el enfoque HRBAP en cada una de las esferas prioritarias. En relación con esto, el personal debe recibir orientación en la aplicación del enfoque HRBAP en contextos de países con dificultades. Otra recomendación es que las operaciones de emergencia de UNICEF y la Unidad de Género y Derechos tomen la iniciativa en la preparación de directrices para la aplicación del enfoque HRBAP en situaciones humanitarias.

En términos de un entorno más propicio, UNICEF debería fortalecer la capacidad de su personal para implementar el enfoque HRBAP considerando diferentes opciones de organización de personal, tales como contar con personal especializado para la capacitación y la supervisión del enfoque HRBAP, y la creación de una lista de asesores sobre el enfoque HRBAP, así como la inclusión del enfoque HRBAP en las responsabilidades del puesto de trabajo. La organización también debe hacer un esfuerzo para establecer a los representantes de las oficinas locales y los Directores Regionales como campeones del enfoque HRBAP, ya que las personas en estos puestos pueden desempeñar un papel clave en la promoción y orientación de la aplicación del enfoque. Tal esfuerzo debe complementarse con una mejora en la calidad de la formación sobre el enfoque HRBAP que imparte UNICEF. Por último, UNICEF debe incrementar la rendición de cuentas sobre el enfoque HRBAP en toda la organización, y debe realizar un seguimiento de los recursos que dedica a este enfoque.
Résumé Analytique


L’évaluation a été supervisée par un groupe de référence et gérée par le Bureau de l’évaluation de l’UNICEF. Avec les conseils de ce bureau, l’équipe chargée de l’évaluation a mis au point son propre cadre conceptuel pour évaluer l’application de l’approche de la programmation fondée sur les droits de l’homme en concentrant son attention sur les niveaux programmatiques, ainsi que privés/institutionnels, et en utilisant une optique transversale afin de comprendre les effets du contexte national (en accordant une attention particulière aux conditions humanitaires), des domaines d’intervention et de la phase de programmation. Elle a également mis en évidence, dans le cadre d’une collaboration entre l’UNICEF et un expert de cette approche, les cinq principes fondamentaux qui ont guidé l’évaluation : la normativité, la participation, la non-discrimination, la responsabilité et la transparence.

L’évaluation s’est appuyée sur des données à la fois qualitatives (réunies dans le cadre d’entretiens, groupes de réflexion et de données extraites d’autres études) et quantitatives tirées de l’examen de nombreux documents et d’observations sur le terrain par les membres de l’équipe d’évaluation. En particulier, la collecte de données a été réalisée dans le cadre de six missions de Bureaux de pays dans des pays jugés représentatifs de par leur contexte : Cambodge, Chili, Haïti, Kenya, Sénégal et Serbie, ainsi que de quatre missions de Bureaux régionaux (Dakar, Genève, Nairobi et Panama City). Des informations ont aussi été réunies sur la situation dans 38 bureaux de pays, y compris les six bureaux dans lesquels des missions ont été organisées, avec examen de documents et entretiens téléphoniques. Ce milieu porteur a été évalué dans le cadre d’entretiens informatifs avec des acteurs agissant au sein et à l’extérieur de l’UNICEF, et grâce à l’étude et à l’analyse des documents pertinents. Finalement, des données extraites de l’enquête Harding qui portait sur le renforcement des capacités et le leadership du personnel de l’UNICEF en matière d’approche de la programmation fondée sur les droits de l’homme (voir section 2.1.5 pour plus de détails sur cette étude) ont été utilisées pour compiler des informations sur les connaissances et la compréhension de ce que représente une telle démarche.

Conceptualisation de l’approche de la programmation fondée sur les droits de l’homme

l’approche de la programmation fondée sur les droits de l’homme est un problème fondamental car elle est source de confusion au sein du personnel et chez les experts des droits de l’homme. Selon l’évaluation, les deux concepts (approche de la programmation fondée sur les droits de l’homme et équité) sont conciliables, mais des efforts doivent être faits pour éclaircir certains points. Et même si l’approche de la programmation fondée sur les droits de l’homme et la gestion fondée sur les résultats sont compatibles, certains obstacles gênent encore leur mise en œuvre simultanée.

Application de l’approche de la programmation fondée sur les droits de l’homme


Au niveau national, on constate des variations en matière d’application des divers principes qui sous-tendent l’approche de la programmation fondée sur les droits de l’homme par l’UNICEF. En particulier, la normativité a été le principe le mieux appliqué, tandis que celui de la participation était appliqué plus irrégulièrement en raison de l’absence de références explicites sur la manière dont la participation de détenteurs de droits influence les programmes, du manque d’entente sur ce principe au sein de l’UNICEF, et de contraintes politiques et culturelles externes. L’application du principe de non-discrimination se situait entre satisfaisante et faible, mais souffrait de l’absence de données vigoureuses et ventilées, ce qui compliquait la tâche visant à identifier et, partant, donner la priorité aux plus vulnérables. Il en allait de même pour l’application de la transparence qui allait de de satisfaisante à faible, reflétant les efforts des bureaux de pays de l’UNICEF visant à promouvoir la transparence chez les responsables et leur niveau de succès plus faible quand il s’agit de garantir la transparence des détenteurs de droits. L’application du principe de responsabilité était très satisfaisante, ce qui s’explique par l’absence de documentation sur les mécanismes de responsabilité et les systèmes de dépôt de plaintes ou de compensation au sein des gouvernements ou des programmes de l’UNICEF.

L’évaluation a aussi porté sur l’application de l’approche de la programmation fondée sur les droits de l’homme dans les trois phases du cycle programmatique de l’UNICEF au niveau du pays. À l’étape de la préparation des programmes, il apparaît que la démarche est bien appliquée et intégrée, mais la médiocrité des données entrave l’identification, et partant, le ciblage, des groupes vulnérables. Il s’est avéré que l’étape de la mise en œuvre des programmes était plus faible en raison de l’exclusion des groupes vulnérables pour toutes sortes de raisons généralement extérieures, bien que certains bureaux de pays aient déployé des efforts louables pour atteindre ces groupes. La complexité et la diversité des causes d’exclusion empêchent de les éliminer de manière systématique. Et à l’étape du suivi et de l’évaluation, une attention insuffisante est accordée à l’approche de la programmation fondée sur les droits de l’homme, surtout en termes d’évaluation, malgré certaines bonnes pratiques.
L’analyse de l’application de l’approche de la programmation fondée sur les droits de l’homme au niveau national a aussi été faite dans l’optique du domaine d’intervention 1 de l’UNICEF. Concernant le domaine d’intervention 1, il est apparu que des efforts ont été déployés pour intégrer les principes qui sous-tendent cette approche, mais que seule la normativité, et dans une moindre mesure la non-discrimination et la responsabilité, ont été bien intégrées. Il convient de noter que plusieurs fonctionnaires semblent assimiler à tort droits de l’homme en général et approche de la programmation fondée sur les droits de l’homme en particulier, et que de nombreux spécialistes du domaine d’intervention 1 ne comprennent pas bien ce qui unit les principes qui sous-tendent l’approche de la programmation fondée sur les droits de l’homme et leurs propres prises de décisions. Le domaine d’intervention 2 privilégie avec force l’approche de la programmation fondée sur les droits de l’homme, en particulier en termes de normativité (en raison du lien étroit avec les grandes politiques et conventions mondiales dans la documentation de l’UNICEF) et de participation (grâce aux solides structures participatives en place). La non-discrimination s’est avérée être le principe le plus faible, en raison des inégalités liées à certaines caractéristiques telles que le sexe, les handicaps et la situation géographique, ainsi que de l’absence de données vigoureuses susceptible de sous-tendre plus efficacement la programmation du domaine d’intervention 2.

Par ailleurs, l’évaluation a révélé que des mesures plus vigoureuses doivent être prises pour intégrer les principes de l’approche de la programmation fondée sur les droits de l’homme dans la programmation aux termes du domaine d’intervention 3, bien que les principes de normativité, participation et responsabilités soient relativement mieux intégrés dans les deux autres domaines d’intervention. Il s’est aussi avéré que la programmation du domaine d’intervention 4 était la plus vigoureuse des quatre domaines d’intervention examinés en profondeur, au moins en partie parce que ce domaine d’intervention est plus profondément enraciné dans les normes de l’approche de la programmation fondée sur les droits de l’homme, en raison des efforts déployés par la Section de la protection de l’enfance de l’UNICEF. Concernant le domaine d’intervention 5, l’UNICEF affiche de bons résultats en termes de sensibilisation et de création de partenariats en faveur des droits de l’enfant, même s’il pourrait mieux en s’engageant plus vigoureusement et plus systématiquement sur des questions sensibles liées aux droits des enfants et sur des problèmes plus généraux liés aux droits de l’homme, ainsi qu’en s’appuyant davantage sur les Bureaux régionaux pour la sensibilisation.

L’application de l’approche de la programmation fondée sur les droits de l’homme au niveau national a finalement été examinée à la lumière du contexte national en accordant une importance particulière à la situation humanitaire. En général, les problèmes liés au contexte national ont à la fois favorisé et entravé l’application de cette approche, de diverses manières. Concernant la normativité, l’existence d’un État de droit solide était un facteur déterminant dans la mesure où un tel système donne aux détenteurs de droits des moyens officiels de faire respecter leurs droits. Partant, la participation a souffert dans les États faibles, peu démocratiques et fragiles car il est alors difficile d’identifier les partenaires gouvernementaux appropriés. Le principe de la non-discrimination souffre également lorsque les capacités et les infrastructures sont faibles – surtout en termes de communication – ce qui limite la possibilité de réunir des données cruciales pour identifier et ensuite orienter la programmation vers les groupes les plus vulnérables, et ce principe est généralement tributaire des barrières socioculturelles. Par ailleurs, l’application des principes de responsabilité et transparence est particulièrement difficile dans les contextes où l’État de droit est faible, les institutions publiques et de la société civile sont chancelantes et lorsqu’il y a une opposition politique.

L’étude réalisée dans le cadre de l’évaluation de l’approche de la programmation fondée sur les droits de l’homme dans des situations de crise humanitaire a permis de constater que cette démarche est tout à fait compatible avec de telles situations et avec le droit humanitaire international. Plus particulièrement, il semble que les principes qui sous-tendent l’approche de
la programmation fondée sur les droits de l’homme sont appliqués le plus efficacement pendant les phases de préparation et au début du relèvement, tandis que les plus grandes difficultés surviennent pendant la phase d’intervention, lorsque les principes sont souvent appliqués sans réelle continuité. Ce problème s’explique par la nécessité de réagir rapidement lors des situations d’urgence et par l’absence de lignes directrices claires sur la manière d’appliquer cette approche dans de telles situations. Lors des conflits, il semble que le concept d’application de l’approche de la programmation fondée sur les droits de l’homme est clair dans la majorité des documents, mais que les lignes directrices sont moins claires. Toutefois, l’approche de la programmation fondée sur les droits de l’homme est l’un des cadres multiples en jeu lors des situations humanitaires, et il est parfois difficile d’appliquer ces multiples cadres en pratique ; il en résulte que l’approche de la programmation fondée sur les droits de l’homme peut parfois se perdre dans cette multitude.

Un milieu porteur


Un autre élément clé de l’évaluation du contexte intérieur a été le niveau d’appui à l’intégration de l’approche de la programmation fondée sur les droits de l’homme dans les pratiques de gestion des ressources humaines. Il est apparu que les compétences dans ce domaine sont prises en considération dans une certaine mesure au moment du recrutement, mais qu’on y attache beaucoup moins d’importance – et peu de formations y sont consacrées – une fois que la personne est engagée. Il s’ensuit que les fonctionnaires de l’UNICEF appliquent souvent cette approche en se fondant sur leur propre perception de l’approche plutôt que sur un concept uniformisé et formalisé. Dans cette optique, il n’est pas surprenant de que nombreux fonctionnaires aient demandé à suivre une formation sur l’approche de la programmation fondée sur les droits de l’homme. L’UNICEF a répondu favorablement à ces demandes, mais de façon relativement modeste – ainsi, de nombreux fonctionnaires n’ont pas une formation suffisante ou donnée en temps voulu sur cette approche et en plus, cette formation n’est plus obligatoire. Cela explique peut-être en partie pourquoi de nombreux fonctionnaires ont le sentiment que les outils d’approche de la programmation fondée sur les droits de l’homme ne sont pas adaptés à une application spécifique par secteur sans être conscients du fait qu’il existe de nombreux outils tant à l’UNICEF qu’au sein des Nations Unies en général.

Au niveau de l’organisation, la responsabilité de l’approche de la programmation fondée sur les droits de l’homme s’est avérée très limitée, bien que cette approche soit considérée comme l’un des piliers de la programmation de l’UNICEF. Par ailleurs, la présentation de rapports sur la mise en œuvre de cette approche n’est pas systématique, et ne tient pas compte des indicateurs du plan stratégique à moyen terme. Aux niveaux national et individuel, la responsabilité de la mise en œuvre d’une approche de la programmation fondée sur les droits
de l’homme est plus vigoureuse mais demeure informelle. En même temps, une mise en œuvre efficace de cette approche n’est pas un facteur revêtant une importance significative dans le système d’évaluation des performances du personnel de l’UNICEF, ce qui neutralise tout encouragement potentiel à donner la priorité à cette mise en œuvre. L’évaluation a aussi permis d’établir qu’une mise en œuvre efficace de l’approche de la programmation fondée sur les droits de l’homme dépend du soutien pour cette approche au sein de l’organisation – en particulier de la part du Représentant de pays et de son adjoint – et pourtant, ce soutien s’est affaibli depuis son niveau le plus élevé à la fin des années 1990.

**Recommandations**

Sur la base des conclusions mentionnées ci-dessus, une série de recommandations ont été élaborées, le but étant de faire face aux divers défis et possibilités auxquels l’UNICEF est confronté en termes d’application plus efficace de l’approche de la programmation fondée sur les droits de l’homme.


Concernant l’application de l’approche de la programmation fondée sur les droits de l’homme, l’UNICEF doit continuer à jouer le rôle de chef de file au plan interne comme à l’extérieur de façon à garantir la clarté et la cohérence de cette démarche. Surtout, l’Unité pour les droits et l’égalité des sexes à Genève doit adopter une démarche plus systématique afin d’appliquer cette approche à l’échelle mondiale.

Au niveau national, l’UNICEF doit s’assurer que les principes qui sous-tendent l’approche de la programmation fondée sur les droits de l’homme sont appliqués avec la même vigueur à toutes les étapes de sa programmation et de ses programmes. Il doit aussi s’assurer que les fonctionnaires ont accès aux outils et lignes directrices appropriés et sont au courant de leur existence pour interpréter et opérationnaliser l’approche de la programmation fondée sur les droits de l’homme dans chaque domaine d’intervention. Parallèlement, des directives doivent être données au personnel sur la manière d’appliquer l’approche de la programmation fondée sur les droits de l’homme dans des contextes nationaux difficiles. Il a encore été recommandé que l’Unité des opérations d’urgence et des droits sexospécifiques de l’UNICEF (Emergency Operations and Gender Rights Unit) prenne les devants et prépare des lignes directrices relatives à l’application de l’approche de la programmation fondée sur les droits de l’homme dans des situations d’urgence humanitaires.

En termes de contexte, l’UNICEF doit renforcer les capacités de son personnel en matière de mise en œuvre de l’approche de la programmation fondée sur les droits de l’homme en envisageant diverses options pour ses effectifs – par exemple, certains fonctionnaires se
Acknowledgements

An evaluation of this complexity cannot be accomplished without the support of many people in providing critical information and logistical support.

Universalia would like to thank the representatives of the UNICEF Evaluation Office and the Gender and Rights Unit of UNICEF, representatives of this evaluation’s Reference Group, and all UNICEF staff from headquarters, Regional Offices and Country Offices who shared their knowledge and experience with the evaluation team and whose invaluable support both before and during the field missions made the completion of this report possible.

We thank all of the duty bearers and rights holders who agreed to share with us their perspectives and who did so with candour and dignity. Special thanks are also extended to all UNICEF partners interviewed for their kind collaboration.

Universalia also wishes to thank the members of the evaluation team who led the different components of the work, undertook the visits to the Country Offices and the Country Office Assessment, as well as conducted analytical work and provided logistical and administrative support. The main findings of the evaluation result from their collaborative efforts.
1. Introduction

Universalia is pleased to submit to the United Nations Children’s Fund (UNICEF) its report on the Global Evaluation of the Application of a Human Rights-Based Approach to Programming. The report is presented in two volumes: Volume I contains the conceptual and analytical frameworks that informed the evaluation findings and recommendations, and Volume II details the methodological tools used to collect and analyse the data, as well as a full list of interviewees and reference materials.¹

1.1 Background

Mainstreaming human rights is at the core of UNICEF’s work. It is enshrined within UNICEF’s mission statement and is foundational to the work of the United Nations and the United Nations Charter itself. The Universal Declaration of Human Rights of 1948 recognizes human rights as a prerequisite for peace, justice and democracy. In recent decades, the United Nations has increasingly emphasized the fulfilment of human rights as a precursor to and necessary condition for social and economic development. A human rights-based approach to programming (HRBAP) requires that human rights standards and principles, as set out in international human rights treaties and conventions, guide all programming and phases of development cooperation. A human rights-based approach emphasizes that the processes by which the stated goals are realized are important. The HRBAP has re-conceptualized the notion of development from one that is focused on ‘needs’ to one that is focused on the ‘rights’ of the people it serves.

The UNICEF 2010 Annual Report highlights the challenges to realizing children’s rights today. While there is progress in achieving the Millennium Development Goals (MDGs), often the poorest groups have been neglected. Even in areas of strong economic growth, there are gaping disparities and glaring poverty; “…economic growth alone has not been enough to sweep away the deeply rooted social and economic inequities that make some children more at risk of missing out on progress towards the MDGs.”²

Studies and reports demonstrate that no country or region is immune to significant challenges in the full realization of children’s rights. These rights are to be found in the Convention on the Rights of the Child (CRC), which to date is the most ratified human rights treaty in history and which significantly informs the work of many actors, including UNICEF.

1.2 Context

This evaluation takes place at a time of significant global and regional developments, among them being the 2005 World Summit, the 2007 Triennial Comprehensive Policy Review (TCPR) and the 2010 MDG review, all of which affirm human rights as one of the three pillars of the work of the United Nations system. These will inform and influence the impending 2015 MDG review and its consequent agenda.

UNICEF has a clear vision to position itself strategically to respond to present and emerging concerns affecting children. Mainstreaming of human rights and gender constitute a guiding principle for UNICEF programming: “UNICEF brings a human rights perspective and strives to mainstream gender issues in all its work for children, with the Convention on the Rights of the Child as principal reference, and recognizes the mutually supportive relationship between this

¹ This report is informed by previous assessments and reviews of HRBAP within UNICEF; for a list of these earlier reviews and assessments, please see Appendix 4 – Previous UNICEF HRBAP-related reviews and assessments.
Convention and the Convention on the Elimination of all Forms of Discrimination against Women.°3

The medium-term strategic plan (MTSP) further notes that [a]pplying the human rights-based approach and promoting gender equality as ‘foundation strategies’ for UNICEF work will improve and help to sustain the results of development efforts to reduce poverty and reach the MDGs by directing attention, long-term commitment, resources and assistance from all sources to the poorest, most vulnerable, excluded, discriminated and marginalized groups.

The MTSP commits to evaluating UNICEF’s performance with respect to the application of these two foundation strategies as part of its Global Integrated Monitoring and Evaluation Framework.°4 This evaluation of UNICEF’s application of the HRBAP follows that of the gender evaluation that was undertaken in 2007.°5

1.2.1 The human rights-based approach to cooperation as a foundation strategy

A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities that lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability of development work, empowering people themselves – especially the most marginalized – to participate in policy formulation and hold accountable those who have a duty to act.

As an international development organization, tasked by its mandate and mission statement to advocate for the protection of children’s and women’s rights, UNICEF has worked since the 1989 adoption of the Convention on the Rights of the Child (CRC) to identify ways in which normative processes of international human rights law can inform and guide development work for children and women. In 1998, with the issuance of Executive Directive 1998–2004, UNICEF adopted the HRBAP. For UNICEF, such an approach means that the organization needs to be mindful in its development interventions of the basic principles of human rights that have been universally recognized and which underpin both the CRC and the Convention on the Elimination of Discrimination against Women (CEDAW).

---

°3 The MTSP, p. 14.
°4 The MTSP, 2006–2013, p. 35.
UNICEF’s approach is fully embodied in the UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (otherwise known as ‘the Common Understanding’), approved by the United Nations Development Group (UNDG) in 2003 to foster coherence at global, regional and country levels in common programming processes.  

1.2.2 Gender equality as a foundation strategy

‘Gender Equality and Empowerment of Women and Girls: A policy review’ (1994) was adopted as UNICEF’s official gender policy in 1994 by the Executive Board. It identified gender mainstreaming as the main strategy to achieve gender equality and women’s rights. It also promoted gender-specific programme activities targeted at women and girls, with special attention to the girl child. This served as UNICEF’s gender policy in programming through 2010, when an updated gender policy was introduced. The new policy was preceded by an evaluation on gender policy implementation.

The evaluation found that the strategies advocated by the original policy remain sound, and these have been retained. However, it indicated that the policy required updating to respond to new programme priorities. Such priorities included the commitment to work more explicitly with men and boys as both agents and beneficiaries of gender equality, and to improve the priority and resourcing given to gender-equality programming by the organization and the grounding of its actions in CEDAW together with the CRC.

The current 2010 Gender Policy notes that “the commitment to achieve gender equality on the basis of human rights shapes our programming activities. We cannot meet our obligations to follow a human rights-based approach without placing gender equality at the heart of our work.” The policy states that UNICEF aims to work with partners to pursue gender equality and the equal rights of girls and boys “to contribute to poverty reduction and the achievement of the Millennium Development Goals through results-oriented, effective and coordinated action that achieves the protection, survival and development of girls and boys on an equal basis. To achieve this, UNICEF-assisted programmes in all focus areas of its Medium-Term Strategic Plan are designed to contribute to gender equality in well-defined ways, as measured and assessed by gender results statements and indicators.”

UNICEF supports the development of national capacities to achieve equality for girls and boys – through the strengthening of both national counterparts in pursuit of development goals and human rights, and of enabling institutions and environments. Programmes of cooperation with governments help to develop the capacity of duty bearers to implement and operate these institutions and systems, and the capacity of women and girls, as well as men and boys, to claim their rights. UNICEF also supports the development of national and international policies, legislative frameworks, institutions, gender- and child-responsive budgeting and service delivery systems that “promote norms, services and protections for children that reflect global human rights standards, including those relating to gender equality.” UNICEF works in partnerships to promote equal development outcomes for girls and boys.

---

After reviewing the experience in other agencies, UNICEF has put in place a gender equality marker (GEM) that tracks the allocation and expenditure of resources in relation to gender-focused programme results. The first full year of implementation of the marker was 2011, and this experience was reviewed to refine the marker and its use for future years. UNICEF is also collaborating with UN Women and other partners in the development of United Nations system-wide standards for gender markers based on its own tool and experience and that of the United Nations Development Programme (UNDP) and the Inter-Agency Standing Committee (IASC).

1.2.3 Renewed focus on equity

UNICEF’s mission statement commits the organization to ensure special protection for the most disadvantaged children – victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities.

By 2010, it was noted that the gains made towards realizing the MDGs in particular were largely based on improvements in national averages. A growing concern was that the progress based on national averaging was concealing broad and even widening disparities in poverty and children’s development among regions and within countries. Based on the emerging data and analysis that increasingly confirmed that deprivations of children’s rights were disproportionately concentrated among the poorest and most marginalized populations within countries, reaching the poorest and most vulnerable became an even more important mission of the organization. This was defined as the refocus on equity within UNICEF.

For UNICEF, equity means that all children have an opportunity to survive, develop and reach their full potential, without discrimination, bias or favouritism. This interpretation is consistent with the CRC, which guarantees the fundamental rights of every child, regardless of gender, race, religious beliefs, income, physical attributes, geographical location or other status.

A human rights-based approach is instrumental for understanding the immediate, underlying and root causes of inequity and for developing programmatic responses that bind together different sectoral interventions in a coherent way. For example, child health and nutrition both depend on access to preventive and curative interventions. Access is largely influenced by the socio-economic status – including education, housing and income – of the child’s household. Socio-economic status is in turn influenced by the economic, social and political forces that shape societies and influence the environment in which children live and grow.

A common organizing framework for equity approaches may involve examining: (a) societal factors, i.e., the social norms, behaviours and practices that impact access to services or fuel discrimination and deprivations; (b) services and systems, asking why services are not reaching those who are most in need, and identifying the barriers to access and systems constraints; and, (c) ‘political’ factors, such as governance, accountability, policy and legislative issues that reinforce patterns of deprivation among children and communities.

As noted in the recently released ‘Focus on Equity’ training manual, a focus on equity addresses discrimination through attention to diversity and differences in background, culture,

race and identity. It is also tied to the notions of fairness and social justice, and requires the redistribution of resources and power to enable disadvantaged groups to realize their potential.

A renewed focus on equity within UNICEF involves reorienting much of its programming to more closely target and meet the rights and needs of the most deprived and marginalized children. Equity-focused strategies are being developed to improve the provision and use of services by reducing barriers that result from factors such as geographical location, income poverty and lack of awareness. UNICEF also issued ‘Progress for Children: Achieving the MDGs with equity’, a comprehensive companion report that examined a range of indicators for children's well-being, underscoring the inequitable nature of the progress being made towards the goals.

Achieving sustainable progress and results with regard to equity demands a human rights-based approach. The situation of deprived children and the structural causes of exclusion and poverty cannot be addressed without providing those children with a voice and space to participate in decisions affecting them. Those with the power to shape lives must be accountable to the most deprived if inequities are to be overcome. Discrimination must be identified, understood and challenged to achieve equitable development for all children. If progress towards equity is made without accompanying progress in other areas fundamental to human rights, it is likely that the gains will only be short term. Investments in services for deprived regions or groups that are not accompanied by, and based on, structural changes in governance and in the knowledge, attitudes and practices of communities are at best fragile.

1.3 Evaluation scope and purpose

This external evaluation examines UNICEF’s experience with and implementation of a human rights-based approach to its global programming and is based on programming evidence from 2007 to the present. It has a twofold purpose: to examine if there is adequate organizational understanding and commitment to HRBAP, identifying strengths and weaknesses in implementation; and to identify changes needed to make UNICEF more effective in applying HRBAP and therefore in fulfilling its mandate to children. The evaluation focuses on three broad sets of issues.¹⁴

1) The conceptual basis of UNICEF HRBAP work, and specifically the extent to which there is a common understanding of HRBAP in UNICEF;

2) The application of HRBAP in UNICEF programming, specifically the extent to which UNICEF has implemented its global programming using a human rights-based approach; and

3) The enabling environment for HRBAP, specifically the extent to which UNICEF as an organization supports its implementation.

The evaluation is intended to inform two key audiences: technical users engaged in the design and implementation of UNICEF programmes, and UNICEF management groups that determine changes required to improve UNICEF’s organizational performance. The complete terms of reference (ToR) are presented in Volume II.

As part of the evaluation, and in order to guide our analysis, we developed a conceptual framework of what constitutes an HRBAP, on the basis of contemporary good practice on such

¹⁴ These issues, which form the basis of the evaluation, differ from the initial issues presented in the ToR, and were agreed to by UNICEF and the Reference Group to the evaluation in June 2011, in the course of discussions with the evaluation team.
an approach. While this framework does not correspond exactly with UNICEF’s explicit guidelines for HRBAP, the two are compatible. In formulating our analysis, every effort was made to ensure that HRBAP performance was not judged against criteria that are not explicitly or inherently included in UNICEF’s foundational policy documents.

Given the fact that the HRBAP has been foundational in the organization since 1998 and that it was further concretized in the most recent UNICEF Medium-Term Strategic Plan (2006–2013), this evaluation of the application of HRBAP in UNICEF programming is necessarily broad in scope. It covers the breadth of UNICEF’s activities, across UNICEF programming Focus Areas, stages in the programming cycle and levels of engagement and partnership. HRBAP is not only foundational at the country level for the day-to-day work that UNICEF does in support of children’s rights and how it carries out that work, but its reach extends to UNICEF’s engagement with human rights institutions and mechanisms, be they local, regional or global in nature.

1.4 Organization of the report

This report is presented in seven chapters. Following this introduction, chapter 2 provides an overview of the evaluation methodology, while chapter 3 presents a historical timeline of HRBAP at the global level and at UNICEF. Chapters 4, 5, and 6 present the findings of the evaluation on the three sets of issues noted above. Finally, chapter 7 presents recommendations.
2. Methodology

The evaluation was based on a mixed-method approach combining quantitative and qualitative approaches, including case study analysis. This chapter outlines the evaluation components, the evaluation conceptual framework, the analytical framework and the methodological framework.

2.1 Evaluation components

In order to assess the implementation and incorporation of HRBAP at the programmatic and corporate/institutional levels, we instituted a series of inter-connected elements:

1) Country Office (CO) and Regional Office (RO) missions: Six CO and four RO missions, for one to two weeks each. These visits to carefully selected, exemplary offices were an integral part of the evaluation, and were particularly aimed at determining if practices on the ground are in line with corporate policy;

2) CO Assessment: A review of 38 COs through document review and interviews, including the six COs visited;

3) Assessment of enabling environment: Key informant interviews (individual and focus groups) with stakeholders inside and outside of UNICEF, as well as a document review and analysis of relevant corporate/institutional documents and HRBAP evaluations or meta-evaluations;

4) Review and use of data from previous HRBAP surveys, particularly that of the Harding Survey.\(^\text{15}\)

Each of these components is discussed below.

2.1.1 CO missions

Country sampling for CO missions

The UNICEF Request for Proposal noted that: “The field visits will be based on a purposive sampling strategy – i.e., intentionally going where the learning potential is greatest.” Based on extensive consultations and a series of eliminations, the team arrived at the following six-point criteria:

1) Geographic/language diversity: The evaluation team considered possibilities across all seven UNICEF operational regions and selected countries that were willing and able to receive the team during the time frame allotted, keeping in mind the need to focus on at least one humanitarian country. Through this process, two countries (Haiti and Chile) were selected from the Latin America and Caribbean region, and one each from Eastern and Southern Africa (Kenya), West and Central Africa (Senegal), East Asia and the Pacific (Cambodia), and Central and Eastern Europe/Commonwealth of Independent States (Serbia). Although attempts were made to include countries from South Asia (India, Pakistan and Nepal in particular), this proved to be either unfeasible or inconvenient for the countries concerned. The ongoing unrest in the Middle East and North Africa made the possibility of selecting a CO in that region problematic.

\(^{15}\) The 2010 survey by Amanda Harding, ‘Human Rights-Based Approaches: Assessment of UNICEF staff capacity;’, was undertaken for UNICEF, and aimed to understand the organization’s capacity in terms of the human rights-based approach at both the organizational and individual levels. It combined information from a web-based survey questionnaire targeting 300 staff members across UNICEF – of which 77 per cent responded – with key informant interviews and a desk review.

June 2012
2) **At least one country with a challenging political environment for HRBAP:** The political environment for HRBAP was defined by using a 50/50 weighting of two sets of country rankings: the Economist Intelligence Unit Democracy Index 2010 and Freedom House’s Freedom of the World 2010. Cambodia and Haiti were proposed as countries with a less enabling environment.

3) **Country context:** The countries included in the CO missions included least developed countries (LDCs) (Kenya, Senegal), fragile states (Haiti) and middle-income countries (MICs) (Chile, Serbia).

4) **Minimum Regular Resource (RR) Allocation Country:** One of the approximately 70 COs that receive a basic allocation of US$750,000 a year was selected. This country was Serbia.

5) **At least one country where UNICEF’s programming has a humanitarian focus:** Haiti was selected as the primary humanitarian country, while the team also used the pilot exercise in Kenya to explore additional humanitarian concerns.

6) **Sectoral focus:** The evaluation ensured coverage of all of the different kinds of UNICEF programming Focus Areas. The country selection and document review (below) allowed for a broad range of sectoral issues to be explored.

The overall focus of the CO missions was to determine commitment, leadership and application of the HRBAP at the CO level. The mission countries were organized in the following manner:

- A pilot country (Kenya) mission involving three members of the evaluation team accompanied by a local consultant, and the manager of the evaluation. Following the mission, adjustments were made to the methodology and tools and were incorporated into subsequent missions;
- Two country missions with two members of the evaluation team; and
- Three country missions with one member of the evaluation team.

The use of national consultants in the CO missions to Kenya and Cambodia in particular allowed for a more thorough assessment of mainstreaming of HRBAP at the community level. Exhibit 2.1 presents the COs and the selection criteria used for the visits.

### Exhibit 2.1  COs selected for missions

<table>
<thead>
<tr>
<th>Country</th>
<th>Region</th>
<th>Country context</th>
<th>Political environment</th>
<th>Humanitarian focus</th>
<th>Minimum RR allocation country</th>
<th>Language diversity</th>
<th>Sectoral focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>EAPR</td>
<td>LDC</td>
<td>Medium</td>
<td>No</td>
<td>No</td>
<td>English</td>
<td>FA1, FA2</td>
</tr>
<tr>
<td>Serbia</td>
<td>CEE/CIS</td>
<td>MIC</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>Serbian</td>
<td>FA4, FA5</td>
</tr>
<tr>
<td>Chile</td>
<td>TACR</td>
<td>MIC</td>
<td>High</td>
<td>No</td>
<td>No</td>
<td>Spanish</td>
<td>FA4, FA5</td>
</tr>
<tr>
<td>Senegal</td>
<td>WCAR</td>
<td>LDC</td>
<td>Medium</td>
<td>No</td>
<td>No</td>
<td>French</td>
<td>FA2, FA5</td>
</tr>
<tr>
<td>Haiti</td>
<td>TACR</td>
<td>LDC</td>
<td>Low</td>
<td>Yes</td>
<td>No</td>
<td>French</td>
<td>FA1, FA4</td>
</tr>
<tr>
<td>Cambodia</td>
<td>EAPR</td>
<td>LDC</td>
<td>Low</td>
<td>No</td>
<td>No</td>
<td>Khmer</td>
<td>FA3, FA4</td>
</tr>
</tbody>
</table>
2.1.2 RO missions

Interviewees in New York and Reference Group members identified ROs as key players in the mainstreaming of HRBAP. Universalia added missions to four ROs as part of the evaluation methodology. Up to two days were spent at ROs to analyse their roles in supporting HRBAP. The evaluation team met with the Regional Director and technical specialists in the sectoral specialties, as well as with other United Nations agencies, to gain a broader picture of the regional application of HRBAP. It also assessed whether HRBAP is included in regional indicators, and the Regional Learning Plan/Priorities presented each year to the Regional Management Teams by the regional Human Resource Development Committee. This added an important layer of analysis to the assessment of the organizational capacity and leadership in HRBAP. The list of RO missions is shown in Exhibit 2.2.

Exhibit 2.2 RO missions

<table>
<thead>
<tr>
<th>RO</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESARO (Kenya)</td>
</tr>
<tr>
<td>WCARO (Senegal)</td>
</tr>
<tr>
<td>CEE/CIS (Geneva)</td>
</tr>
<tr>
<td>TACRO (Panama)</td>
</tr>
</tbody>
</table>

2.1.3 CO Assessments

The Request for Proposal for the evaluation underlined the importance of gaining a broad portrait of the application of HRBAP across regions, country income levels, and enabling environments. In its technical proposal, Universalia suggested analysing 40 out of 130 country programmes in a two-step process: 1) through document reviews, and 2) through phone interviews, so as to gain a deeper understanding of HRBAP. As described below, the CO assessment was carried out across all regions. The six COs selected for field missions were included in the total, so that background documentation from these countries was reviewed in the same way as that from the remaining countries. It turned out that the evaluation team was unable to conduct an assessment of the full complement of 40 countries, as 3 countries either opted out of the process or did not have sufficient documentation available, and it was only possible to replace one of them within the time constraints of this evaluation. Therefore, the total number of countries included in the CO Assessment was 38.

The objective of the CO Assessment was to assess the application of HRBAP at the programmatic level in a representative sample of countries. Data from this assessment were used to answer key evaluation questions, as well as to fill evaluation gaps, particularly those that could be covered in the CO and RO missions. The combination of document review with follow-up interviews, coupled with the review of recent evaluations (when available), ensured the thoroughness of the data. The evaluation team also reviewed UNICEF policy and programming guidance, as well as United Nations Country Team (UNCT) guidance, in order to develop criteria for assessing documents. The criteria were pretested by two members of the evaluation team on four sets of documents and revised as required, using standard processes in meta-

---

16 Excluding 12 East Caribbean multi-country islands and 14 Pacific Island countries.
17 “Overview of Methodology and Selection Process for Identifying Good Examples of Rights-Based UNDAFs” (DOCO).
The methodology for the CO Assessment was strongly grounded in the benchmarking approach.

The assessment team used a ‘best fit’ approach. This is a type of criterion-referenced basis for judgment that is more suitable when criteria are multidimensional, there is a mix of both qualitative and quantitative data, and it is not possible to calculate a simple sum of the data points. Therefore, we created clear and simple assessment criteria based on the conceptual framework. This allowed us to obtain a simple but robust Strong/Satisfactory/Weak classification, with the added advantage that it could be applied to project, sector, programme and other scales of effort.

Each of the descriptors references an achievement level, and the assessment team selected the achievement level that best described the performance on all of the criteria for that principle. This approach also involved two or more evaluators in the assessment, to ensure consistency.

The ‘best fit’ approach was further enhanced by the fact that a team of assessors (as opposed to one individual) was responsible for making the judgment. This meant that a wider range of perspectives and understandings were brought to bear on the data. Each CO received a consensual rating on a scale of ‘strong’ to ‘weak’ on each of the key HRBAP principles; these were all reviewed by a senior evaluator to further ensure the consistency of this extensive exercise.

The CO Assessment included a document review of four key documents:

- Common Country Assessment (CCA)/Situation Analysis (SitAn);
- Country Programme Action Plans/Country Programme Documents/United Nations Development Assistance Framework (UNDAF);
- Annual Reports; and
- Country Programme Evaluations or Mid-Term Reviews, where available.

Following the document assessment, Universalia held teleconference interviews with representatives from each CO (Deputy Representative, Monitoring and Evaluation (M&E)/Planning Specialist and/or the Programme Specialist for the selected focus area). Questions for these interviews were shared in advance. They concentrated on digging deeper into the specifics found in the document assessment, as well as HRBAP programming in general and the enabling environment. One of the purposes of these interviews was to triangulate findings from the document review and to assess stronger as opposed to weaker programming across country contexts and sectors, as well as in humanitarian situations. The focus of the CO Assessment was sector specific, although each office was asked to share a variety of experiences and examples. The assessment was also used to fill gaps in areas not adequately covered by other evaluation functions, such as in relation to treaty body reporting.

In addition, the CO Assessment interviews allowed us to complement our reassessment of the 2010 Harding Web Survey data (see section 2.1.5 for more details). The methodology used to select the sample countries was intended to provide adequate geographic coverage, as well as to account for the cross-cutting comparative analysis of the effects of context, Focus Area, and humanitarian situations on the application of HRBAP. The selection of the COs for assessment was carried out by using purposive stratified cluster sampling so as to ensure both regional and humanitarian representation (see exhibit 2.3).

---

18 For example, the United Nations Population Fund (UNFPA) and Active Learning Network for Accountability and Performance meta-evaluations of evaluation quality.
Exhibit 2.3 COs selected for CO Assessment

<table>
<thead>
<tr>
<th>UNICEF region</th>
<th>Number of countries</th>
<th>COs</th>
<th>Humanitarian country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central and Eastern Europe/Commonwealth of Independent States</td>
<td>4</td>
<td>Bosnia and Herzegovina, Ukraine, Serbia</td>
<td>Tajikistan</td>
</tr>
<tr>
<td>East Asia and Pacific</td>
<td>4</td>
<td>Cambodia, Pacific Islands, Viet Nam</td>
<td>Philippines*</td>
</tr>
<tr>
<td>Eastern and Southern Africa</td>
<td>8</td>
<td>Mozambique, Lesotho, Botswana, Swaziland, Burundi, Eritrea, Kenya</td>
<td>Uganda</td>
</tr>
<tr>
<td>Middle East and North Africa</td>
<td>4</td>
<td>Syrian Arab Republic, Lebanon, Egypt*</td>
<td>South Sudan**</td>
</tr>
<tr>
<td>South Asia</td>
<td>5</td>
<td>Maldives, India, Bhutan, Bangladesh</td>
<td>Pakistan</td>
</tr>
<tr>
<td>The Americas and Caribbean</td>
<td>4</td>
<td>Honduras, Guyana, Chile</td>
<td>Haiti</td>
</tr>
<tr>
<td>West and Central Africa</td>
<td>11</td>
<td>Guinea-Bissau, Senegal, Cameroon, Togo, Sierra Leone, Democratic Republic of the Congo, Gambia, Niger, Côte d’Ivoire, Nigeria*</td>
<td>Guinea</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>40</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* These countries were unable to participate in the CO Assessment.
** The documentation for South Sudan was not sufficiently disaggregated and therefore this was replaced by Northern Sudan.

The CO Assessment also included a distribution of countries across Focus Areas, according to a) the percentage of their budget devoted to a specific Focus Area, and/or b) the countries to be visited for which a separate criteria for selection was made. The selection of countries by Focus Area is shown in Exhibit 2.4.

Exhibit 2.4 COs selected by Focus Area

<table>
<thead>
<tr>
<th>FA1</th>
<th>FA2</th>
<th>FA3</th>
<th>FA4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Niger</td>
<td>Bhutan</td>
<td>Botswana</td>
<td>Serbia</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Gambia</td>
<td>Lesotho</td>
<td>Tunisia</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Guinea-Bissau</td>
<td>Ukraine</td>
<td>Chile</td>
</tr>
<tr>
<td>Haiti</td>
<td>Pacific Island countries</td>
<td>Swaziland</td>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>Eritrea</td>
<td>Maldives</td>
<td>Mozambique</td>
<td>Viet Nam</td>
</tr>
<tr>
<td>Sudan area programme</td>
<td>Bangladesh</td>
<td>Cameroon</td>
<td>Honduras</td>
</tr>
<tr>
<td>Kenya</td>
<td>Burundi</td>
<td>Guyana</td>
<td>Tajikistan</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>Senegal</td>
<td>Uganda</td>
<td>Lebanon</td>
</tr>
<tr>
<td>India</td>
<td>Guinea</td>
<td>Cambodia</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Côte d’Ivoire</td>
<td>Papua New Guinea</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Togo</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It was decided that to assess performance in Focus Area 5 by considering each CO’s work on supporting legal frameworks, advocacy, capacity development and partnership building in the context of the selected Focus Area for the CO Assessment.
2.1.4 Assessment of enabling environment

Using the Organizational Assessment framework described in section 2.3.1, the evaluation team reviewed UNICEF documents and other related documents at the country, regional and global levels. The documents reviewed are included in the bibliography in Volume II. Although the main period under review was 2007 onward, the evaluation team reviewed all relevant documentation prior to this period, including all HRBAP guidance and consultations.

In addition to the document review that was carried out for each CO and RO mission, the evaluation involved key informant interviews relevant to the three areas covered by the Organizational Assessment framework:

External environment
- United Nations documentation, e.g., from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Committee on the Rights of the Child, the Human Rights Council/Commission, UN Women, UND, the United Nations Population Fund (UNFPA) and UNDP;
- Documentation relating to Convention Reporting, and evaluations related to United Nations Security Council Resolutions 1325 and 1612;
- Government Poverty Reduction Strategy Papers (PRSPs), donor selection and reporting criteria; and,
- HRBAP materials from other stakeholders.

Organizational capacities
- Review of the internal enabling environment in UNICEF, including recent assessments of capacity development, organizational reviews, training materials and documents on competencies;
- Policy papers, speeches and Executive Board minutes;
- HRBAP training directives, budgets and guidelines from the Organizational Learning and Development section of the Division of Human Resources, as well as HRBAP training materials, participants’ training evaluations (or equivalent) and documents on competencies;
- Programme monitoring and reporting documents; and,
- Staff job descriptions.

Organizational motivation
- The institutional history of HRBAP from the mid-1990s to the present. This is already well captured in documentation, particularly through 2004;
- Policy and guidance documents: the 1998 Executive Directive, MTSP 2006–2013, Programme Policy and Procedures (PPP) Manual, guidance on SitAn, sectoral strategies and general guidance (e.g., on adolescents; malaria; maternal and child health; nutrition; immunization; education; water, sanitation and hygiene (WASH); HIV and AIDS; child protection; and partnerships), the Core Commitments for Children (CCCs), and guidance on disaster risk reduction (DRR) and emergency preparedness and response (EPR), as well as other recent policy documents such as the gender equality policy; and,
- Staff performance evaluation systems.
2.1.5 Review of data from the 2010 Harding Survey

The team reanalysed some of the raw data collected in the Harding Survey, focusing on the questions that were most closely aligned with the evaluation investigation at the programmatic and corporate/institutional level, such as those dealing with staff perceptions of their understanding of HRBAP, staff perceptions of the support, guidance and training they receive on HRBAP, and staff perceptions on the incentive structures in place for adherence to HRBAP principles. We are mindful, however, that the 2010 survey did not differentiate between respondents according to our comparative dimensions of context, Focus Area, and humanitarian situations. For that reason, the relevant questions were added to the CO Assessment interview questionnaire. These responses were analysed in comparison with those provided in the 2010 survey.

2.2 Evaluation conceptual framework

After a period of consensus building and consultations with UNICEF we prioritized five core guiding principles that underlie the approach: participation, non-discrimination, transparency and accountability. The fifth principle, ‘normativity’, helps to more explicitly capture the fundamental relationship between HRBAP and the international human-rights legal system, particularly as UNICEF is guided by the CRC, as stated in its mission statement. The evaluation considered that all of these principles should inform the way UNICEF undertakes programming in both contexts of its own internal accountabilities, as well as measures taken in support of building the capacities of duty bearers and rights holders.

Given the different understandings of HRBAP that the team encountered, this process proved useful, as it sought to bring clarity to the meaning of HRBAP for the purposes of this evaluation and provided a solid basis for the assessment. Each guiding principle is informed by a set of corresponding indicators that served as benchmarks for the evaluation process. This framework was used throughout the analysis to assess HRBAP application in programming.

Exhibit 2.5 Evaluation guiding principles

<table>
<thead>
<tr>
<th>Human rights normativity</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Programming is developed on the basis of the promotion and protection of human rights as set out in the CRC and its two Optional Protocols on the involvement of children in armed conflict and on sale of children, child prostitution, and child pornography, CEDAW and other key international and regional human rights instruments.</td>
</tr>
<tr>
<td>• Programming takes due account of the findings and recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, as well as those of the Human Rights Council Special Procedures and those adopted in the Universal Periodic Review (UPR) Procedure.</td>
</tr>
<tr>
<td>• Human rights-related lessons learned, analysis and findings are transmitted by programmers, as relevant, through the various human rights mechanisms and procedures of the United Nations system.</td>
</tr>
<tr>
<td>• In addition to other necessary partnerships, partnership is established, as appropriate, with country-level human rights actors, including national human-rights institutions and relevant government ministries, as well as with human rights-related civil society groups.</td>
</tr>
<tr>
<td>• In addition to other necessary partnerships, partnerships are established, as appropriate and relevant, with field presences of OHCHR and with other international and regional human-rights actors.</td>
</tr>
</tbody>
</table>

19 What might be termed a sixth principle, indivisibility/interdependence, is considered to inhere in the principle of normativity.
### Non-discrimination
- Considerations of non-discrimination and equality of rights holders are integrated into programmes and are taken account of in all programme phases.
- Programmes prioritize the situation of the most marginalized and vulnerable rights holders.
- Programmes have systems in place to ensure that they are accessible (based on the principles of participation, openness and accountability) to the most marginalized and vulnerable of rights holders.
- Assessments of marginalization and vulnerability take account of the analysis, inter alia, of data disaggregated by, as relevant, race, colour, ethnicity, gender, religion, language, political orientation, disability, nationality, birth or other status, as well as other bases of discrimination.

### Participation
- Rights holders and duty bearers are clearly identified in the SitAn.
- Relevant rights holders and duty bearers participate and/or are consulted in all programme phases.
- Mechanisms for participation and the documentation of participation are in place.
- Space is also established for informal participation, particularly so as to engage children, adolescents and women, as well as persons belonging to excluded groups.
- Frameworks for participation are context-specific and take account of relative degrees of dependency and empowerment of the relevant rights holders and duty bearers.
- Rights holders and duty bearers are provided with capacity-building support, as necessary, to enhance their participation.
- There is demonstrated impact of participation of children and adolescents (boys and girls) on programme decision-making.

### Transparency
- CRC and other relevant treaties are disseminated in different languages and made widely known among children and adults alike.
- Duty bearers are clearly aware of and act on their responsibilities to make information available in all programming phases.
- Rights holders are aware of the availability of information and are facilitated to access it.
- The information is readily accessible by means that take account of the particular circumstances of the rights holders and duty bearers, with particular attention paid to the situation of the most vulnerable and marginalized.
- Concluding observations and recommendations of the CRC and other treaty bodies are disseminated and made widely known.

### Accountability
- All duty bearers are held accountable on the basis of their duties and in all programme phases.
- Impediments to accountability are identified and addressed in the SitAn and review processes.
- Accountability is facilitated by an ongoing monitoring process.
- There are mechanisms in place to raise awareness among duty bearers and rights holders of the role and obligations of the duty bearers. Knowledge of and access to such mechanisms is facilitated for rights holders, including the most vulnerable and marginalized of them.
- There are fair and effective mechanisms in place to receive and consider complaints about the behaviour of duty bearers in a timely manner.
- Complaints that are upheld result in the delivery of redress and implementation of corrective measures.

In order for HRBAP to be properly applied, all of the principles should inform all stages of the programming process, including assessment and analysis, programme planning and design (which encompasses the setting of goals, objectives and strategies), implementation, and M&E.
Normativity

By the principle of normativity, we mean the reliance of the HRBAP on the human rights system as framed in the Universal Declaration of Human Rights and the human rights treaties. This is the fundamental principle from which all others emerge. Indeed, it legitimizes the categorization of rights holders and duty bearers and generates the requirement for participation. Furthermore, the notion of non-discrimination is inherent within it, while transparency and accountability derive from its general obligations. As such, the principle of normativity provides the goal for HRBAP: the empowerment of rights holders on the basis of the human rights standards to be found in international human rights law.

All of the human rights treaties provide guidance for HRBAP, although, as noted in the PPP Manual, the CRC and CEDAW are the instruments that are most directly relevant to the work of UNICEF. The Committee on the Rights of the Child has recognized that the CRC establishes four ‘general principles’: non-discrimination; best interests of the child; the right to life, survival and development; and the views of the child (the child’s right to be heard). All of these are incorporated within HRBAP.

HRBAP should take account of both the treaty provisions and their interpretation by the treaty monitoring bodies, with the findings and recommendations issued by the CRC and CEDAW being the most significant for UNICEF. Another important source of guidance for HRBAP is the proceedings of the United Nations Human Rights Council. It should be underlined that engagement by UNICEF with the various mechanisms and procedures should be a two-way process such that UNICEF’s work is enhanced and the organization also contributes to the effectiveness of the international human-rights system in protecting rights holders.

The obligations of duty bearers towards rights holders continue in situations of armed conflict and define an individual’s rights to services and protection. International humanitarian law (IHL) does not create individual rights, but like all law, it does create duty bearers – the parties to the conflict. And among the duties of the parties to the conflict is the duty to protect civilians. So we can link the concepts of duty bearers and rights holders in human rights law with duty bearers (parties to the conflict) and protected persons under IHL.

Normativity, through its introduction of the human rights principles of universality, indivisibility and non-discrimination (all of which underlie the CRC), requires that UNICEF apply HRBAP for the benefit of rights holders across all of its areas of competence and engagement. Thus it is as significant for humanitarian as for developmental contexts. Normativity often compels the organization to engage with difficult, challenging and sensitive human rights issues to meet its commitment to children and women. The way in which normativity introduces the principle of indivisibility is particularly important since it recalls the equal status of economic, social, cultural, civil and political rights and their interrelateness and interdependence. In other words, rights-based approaches emphasize the need for development to address both categories of human rights in an integrated manner and, as the PPP Manual observes, “the fulfilment of one right cannot be achieved by compromising or violating another right.”

While partnerships are critically important for all good programming, normativity sheds light on particular partnerships that might otherwise be overlooked. For instance, it draws attention to the need to partner with such human rights actors as national human rights institutions and civil society groups focused on human rights. At the national and international levels, normativity also points to the importance of fostering partnerships with key United Nations human rights actors.

---

20 See, for example, Seymour, Daniel, ‘New Models for Human Rights Capacity-Building in the Field: Human rights field officers and relief development professionals’, In The Professional Identity of the Human Rights Field Officer, edited by Michael O’Flaherty and George Ulrich, Ashgate, Surrey, United Kingdom, 2010.
When appropriate, there should also be partnerships with relevant regional human-rights bodies and mechanisms.

**Non-discrimination**

The principle of *non-discrimination* is at the heart of international human rights law and is fundamental to HRBAP. As a reflection of the universality of human rights, HRBAP requires that all rights holders be treated equally. However, non-discrimination does not require that all programming should benefit all persons, or that everyone should be treated the same. According to the Stamford Statement, “All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.”

This definition allows for other grounds of discrimination to be added – for example, the Committee on Economic, Social and Cultural Rights has identified sexual orientation as one such un-enumerated ground.

Non-discrimination requires that the situation of those who are most marginalized and vulnerable – who are least able to demand and enjoy their own rights – be prioritized in HRBAP. It is also typical for them to experience discrimination and violation of their rights on several grounds – for instance, a displaced girl may be vulnerable in terms of her age, gender and displacement. The identification of the most vulnerable and marginalized rights holders is greatly facilitated by using data that are disaggregated according to the various grounds of discrimination that are prohibited in human rights law. A major challenge for HRBAP programming is the frequent absence or inadequacy of such data.

It is important to note that particular attention needs to be paid to the relative lack of capacity of vulnerable and marginalized groups when designing and implementing frameworks for participation, transparency and accountability, in order to ensure that these frameworks are genuinely accessible and effective.

Further to the principle of non-discrimination and the manner in which it draws attention to the most vulnerable and marginalized, it is legitimate to undertake targeted programming that addresses the situation of a particular at-risk group. On the other hand, the prioritization of the situation of the most vulnerable and marginalized does not mean that all programming must directly address their situation, since there may well be perfectly legitimate reasons to address the situation of other rights holders. Furthermore, programmes can legitimately target the strengthening of systems, such as governance, that only indirectly address the situation of the most vulnerable. What matters in a HRBAP framework is to demonstrate that the situation of the most vulnerable is at the heart of programming strategy, and is given appropriate prominence.

**Participation**

*Participation* of rights holders in processes that impact on their welfare is a human right that has been repeatedly reaffirmed in such documents as the Stamford Statement. As noted in the

---


22 Committee on Economic, Social and Cultural Rights, General Comment No. 20, para. 32, United Nations Document.

CRC, participation is both a goal in itself and a means to achieve other goals. Its central significance for HRBAP reinforces the perception of development as being about both process and outcomes.\(^{24}\)

In practice, participation requires the identification of the relevant categories of rights holders and duty bearers. With regard to duty bearers, the primary responsibility – and, according to international law, the sole legal responsibility – rests with the state. The duties of the state are incumbent upon all of its agents at all levels. However, HRBAP recognizes that the category of duty bearer should also extend to all of those actors who have responsibilities, including social and ethical responsibilities, towards rights holders.

To be effective, participation has to be placed in the context of as precise as possible an elucidation of the claims/entitlements of rights holders and the responsibilities of the duty bearers. All of these will be context-specific, and their identification demands substantial time, research and analysis.

To satisfy the principle of participation, it is necessary that the appropriate implementation systems and structures be put in place. This involves first identifying which groups of rights holders and duty bearers should participate. To do so, programming must provide spaces and opportunities for structured exchanges of views between rights holders (including children) and duty bearers. These should be adjusted to the various local environments, and should take account of the capacities of the participants. Where necessary, participation should be encouraged and promoted by the delivery of capacity-building assistance to rights holders and, if needed, duty bearers.

If it is to be meaningful, participation should make a genuine impact on programming. And to ensure that HRBAP is considered ‘good’, it should be demonstrated how the views of rights holders and duty bearers have contributed to shaping programme activities.

**Transparency**

International human rights law recognizes a right of access to information. It is part of the right to freedom of expression, and is widely considered to be essential for the promotion and protection of human rights and for the maintenance of a democratic society. The right to information is reflected in HRBAP in the principle of **transparency**. UNDP observes that transparency involves “all means of facilitating the citizen’s access to information and also his/her understanding of decision-making mechanisms.”\(^{25}\) Transparency is the necessary condition whereby rights-based actors can be held accountable and whereby rights holders can participate meaningfully. Early literature commonly listed transparency as an element of the principle of accountability. More recently, it has become common for it to be listed separately.\(^{26}\) This separate presentation

---


reinforces its importance – it does not, however, mean that a new principle is being introduced.\textsuperscript{27} The key point in this regard is that without attention to the issue of transparency, respect for other core principles is undermined.\textsuperscript{28}

For programming purposes, transparency requires that all relevant information be made available in a timely and intelligible manner to both rights holders and duty bearers. The Human Rights Committee recently completed a new General Comment\textsuperscript{29} on freedom of expression; the section on access to information\textsuperscript{30} provides guidance that can also be applied in the HRBAP context (by extending the references to States parties to embrace all duty bearers):

To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation. The procedures should provide for the timely processing of requests for information according to clear rules that are compatible with the Covenant. Fees for requests for information should not be such as to constitute an unreasonable impediment to access to information. Authorities should provide reasons for any refusal to provide access to information. Arrangements should be put in place for appeals from refusals to provide access to information as well as in cases of failure to respond to requests.\textsuperscript{31}

\textbf{Accountability}

According to the Stamford Statement, states and other duty bearers must comply with the legal norms and standards enshrined in human rights instruments, and if they fail to do so, can be held accountable. Thus, being a duty bearer involves certain responsibilities and obligations – be they legal, ethical or otherwise – which impose a burden of accountability. The principle of accountability applies to all duty bearers, including the state and other development actors. The state’s responsibility is incumbent upon all its agents at all levels. Other actors that may be held accountable are all those who are engaged in HRBAP, including development organizations such as UNICEF and the private sector.

A starting point to ensure accountability is the identification of any impediments that make it difficult for the duty bearers to carry out or be held responsible for their duties. Once identified, strategies to overcome them should be developed and implemented. This may require such things as changes to laws, regulations, policies and practices. To hold non-state actors responsible, there may also be a need for voluntary codes of conduct and for wide-ranging regulatory frameworks.

\textsuperscript{27} See, for example, Piron, Laure-Hélène, and Tammie O’Neil, ‘Integrating Human Rights into Development: A synthesis of donor approaches and experiences’, Overseas Development Institute, London, 2005.\textsuperscript{28} It states that “…mutual accountability principles are fully compatible with the human rights principles of accountability and transparency, which require access to information as well as participation in decision making.”\textsuperscript{29} General Comment No. 34.\textsuperscript{30} General Comment No. 34, para. 19.\textsuperscript{31} <www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>.
Effective accountability in HRBAP requires ongoing monitoring of programme implementation that is participatory and that involves all stakeholders to the greatest extent possible, and which also integrates both quantitative and qualitative dimensions. Monitoring should be tied to programme reporting processes and staff performance systems.32

Accountability further requires mechanisms of complaint and redress. These can range from all of the institutions of the rule of law sector – including judicial, quasi-judicial and administrative laws, as well as informal or traditional legal mechanisms – to specific complaint frameworks within a programming context. At a programming level, accountability should also be reflected in the establishment and the effective functioning of complaint and redress mechanisms. In an HRBAP framework, all of the complaint and redress mechanisms should be brought to the attention of, and be readily accessible to, all rights holders. Significantly, the upholding of complaints should be shown to result in corrective measures and remedial action being taken, where relevant. Thus, upheld complaints should result in the review and adjustment of programmes.

2.3 Analytical framework

Overview

The analytical framework of the evaluation is composed of three primary elements: the project/programme level application of HRBAP, the corporate or institutional level, and a cross-cutting or comparative element that takes into account context, focus area, programming phase and humanitarian situations. Each of the first two elements is informed by a specific though complementary analytical approach, which is cross-cut by a comparative approach that accounts for the third element.

2.3.1 Application of HRBAP at the programmatic level

The application of HRBAP ideally begins with an assessment and in-depth situation analysis using a wide range of sources that examines the immediate, underlying and root causes of the violation of children’s and women’s rights as recognized in the CRC and CEDAW. The assessment and analysis of the status of children’s rights influences the selection of programme areas for cooperation. Human rights principles will also influence the way in which interventions are designed and implemented.

In order to carry out this component of the evaluation, we employed a benchmarking approach based on the HRBAP conceptual framework developed in section 2.2 and presented in exhibit 2.5. On this basis, our analysis of UNICEF’s programming assesses the extent to which HRBAP is effectively applied by comparing the operationalization on the ground of the five core principles discussed above in all phases of programming with the aforementioned benchmarks. This assessment was based on the triangulation of qualitative evidence (survey data, interviews, focus groups with staff and managers at CO, RO and headquarters (HQ) levels) with document review (CCA/SitAn, Country Programme Action Plan (CPAP), Country Programme Document (CPD), Annual Reports, Country Programme Evaluations and Mid-Term Reviews).

2.3.2 Incorporation of HRBAP at the corporate/institutional level

In order to assess the extent to which UNICEF supports the integration of human rights-based approaches at the corporate level, we used the Organizational Assessment framework developed by the International Development Research Centre (IDRC) and Universalia. The framework provides a systematic approach to obtaining valid information about the performance of an organization and the factors that affect performance: its external environment, internal motivation and internal capacities. A more detailed discussion of this framework is provided in chapter 6 of this report.

In this evaluation, we collected data on how the following factors support or limit the integration of human rights-based approaches into UNICEF programming:

- **External environment**: attention to the political and social/cultural conditions in which UNICEF operates, and the influence of UNICEF stakeholders such as governments and donors;
- **Organizational capacities**: policies, leadership, human resources management systems, program management systems, financial management and organizational structure; and,
- **Organizational motivation**: the culture of UNICEF, its history, and its incentive and reward system.

By triangulating qualitative evidence (i.e., results of the Harding Survey, interviews, focus groups with staff and managers at CO, RO and HQ levels) with documents reviewed (UNICEF management systems, training documentation, policies and M&E reports) and hard data (i.e., financial allocations to support HRBAP training, amount of HRBAP orientation/coaching given to staff, etc.), we made an informed judgement about the degree to which the environment of UNICEF supports the integration of human rights-based approaches into programming.

2.3.3 Cross-cutting, comparative elements

In addition to the five principles upon which HRBAP was assessed, the evaluation applied different analytical lenses, specifically to understand the effects of context, Focus Area, the programming phase and the emergency environment of humanitarian situations.

**Context**

For the purposes of this evaluation, we posited that the contexts within which UNICEF’s programming takes place may present opportunities and challenges and require specific adaptations depending, in particular, on the socio-economic status and extent of institutionalization of the state. Hence, we define **context** as:

- LDCs;
- Income level, subdivided into:

---

34 The list of countries classified as LDCs is based on the definition of the Office of the High Representative for the Least Developed Countries (LDCs), Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS). The full list is available at <www.unohrlls.org/en/ldc/25/>.
35 The classification and list of countries by income level is drawn from the World Bank Classification. The list is available at <http://data.worldbank.org/about/country-classifications/country-and-lending-groups>.
– Lower-income countries
– MICs
– Lower-middle-income countries (LMICs)
– Upper-middle-income countries (UMICs)
– Fragile states

Focus Area

We further posited that different programming sectors might face different challenges and/or benefit from particular opportunities. In this context, we define Focus Areas as the first four Focus Areas of UNICEF’s MTSP, namely:

- Young Child Survival and Development (Focus Area 1)
- Basic Education and Gender Equality (Focus Area 2)
- HIV and AIDS and Children (Focus Area 3)
- Child Protection from Violence, Exploitation and Abuse (Focus Area 4)

Focus Area 5 (Policy Advocacy and Partnerships for Children’s Rights) was analysed across sectors and contexts, given that, by definition, it “will effectively complement the other four Focus Areas through addressing overarching and cross-cutting policy issues.”

Programming phase

The evaluation also analysed the application of HRBAP across the three stages of the UNICEF country programme cycle: preparation, implementation, and M&E. The purpose of this analysis was to understand whether particular hurdles or opportunities presented themselves according to these stages. It is important to note that while the stages of programming provided a framework for the analysis, each stage was not subject to a discrete rating.

Humanitarian situations

Humanitarian situations represent a unique environment for UNICEF programming. They can occur in any of the above-defined contexts and affect the previously defined sectors differentially. HRBAP is as relevant to humanitarian situations as it is to developmental contexts, as indicated by its adoption by the IASC and other relevant actors, although its application will always be case specific and will involve taking into account the humanitarian context. However, the CCCs establish the essential principles and programmatic and operational actions that should be taken to protect and care for children and women in emergency situations. The CCCs make a clear distinction between life-saving interventions that should be carried out immediately, within the first six to eight weeks of any crisis, and the broader spectrum of essential activities that may be undertaken once an initial response is well under way.


Hence our analysis assessed the constraints presented by these situations. The country missions to Kenya and Haiti allowed us to clarify our understanding of what is meant by the three phases of programming in a ‘humanitarian situation’, according to the 2010 UNICEF Core Commitments for Children in Humanitarian Action – the primary policy framework guiding UNICEF humanitarian action. These phases of preparedness, response and early recovery informed the humanitarian component of the evaluation.

### 2.4 Methodological framework

#### Overview

The methodological framework for this evaluation was based on a mixed-method approach combining quantitative and qualitative approaches as well as some elements of case study analysis. The evaluation was also informed by a comparative perspective in order to be able to assess different contexts, sectors and the particularities of humanitarian situations.

#### 2.4.1 Mixed-method approach

The scope of this evaluation required that the analysis consider perceptions as well as concrete data across a range of environments at the country, regional and global levels. It thus demanded a variety of methodological approaches, including data collection from existing survey data, interviews and focus groups to gather the more subjective and perception-based data (such as the views and opinions of UNICEF staff and UNICEF partners), as well as extensive document reviews and the observations of the evaluation team. Elements of all of these approaches were incorporated into our data collection methodology, which allowed us to not only analyse the data collected through the lens of the programmatic and corporate/institutional frameworks, but also to triangulate information collected at country, regional and corporate levels from different sources. All of this ensured that our findings were based on a wide array of carefully chosen and well-balanced information.

The quantitative element of our study is where our sampling approach to the evaluation was most important, especially because it was not possible to visit every CO or to collect the views of every staff member and every partner.

The evaluation team chose complementary sources to develop an adequate database to respond to the overarching evaluation questions. This ensured that findings are rigorous and are supported from several perspectives, complementing and triangulating perception-based and fact-based data.

Data analysis involved triangulation between different data sources. The different evaluation tools asked similar questions of different stakeholders, as well as of different types of documents, which allowed for assessment of performance against the overarching evaluation criteria. Qualitative responses and quantitative data were reviewed and compared to answer the overarching evaluation questions, such as: “How successfully have UNICEF staff applied HRBAP in highlighting the concerns of, and in supporting the rights of, particular social groups, particularly the most disadvantaged girls, boys and women?” and “Are there particular groups or sets of rights holders and duty bearers that do not appear to be receiving appropriate attention within UNICEF programming? If yes, why?”

Apart from drawing on aggregate findings from the CO Assessment document review and interviews, as well as existing data from the Harding Survey on HRBAP, the main form of analysis was qualitative, as this is the most appropriate method for the kind of evaluation questions asked.
2.4.2 Comparative country analysis approach

The evaluation’s analytical lens and data collection tools had to allow us to compare across context and Focus Area, and to highlight the particularities of programming phases and humanitarian situations. Therefore, these differentiations were made throughout our evaluation matrix, and for all the evaluation elements and evaluation tools. Combined with our sampling approaches, this allowed us to analyse the implementation of HRBAP not only in particular COs but also across UNICEF.

Given the scope of the evaluation, we were only able to visit a handful of COs and ROs. The CO missions were selected to be representative of a range of contexts and Focus Areas, and included a humanitarian situation. Visited countries are to be understood as being representative of trends that can be expected to be present, to a greater or lesser degree, in similar environments in non-visited countries.

2.4.3 Limitations

While the evaluation team has endeavoured to apply the most stringent methodological tools, any methodological choice involves certain limitations, which impact on the reliability and completeness of data collection and analysis.

Scope

This assignment was multidimensional in nature, encompassing UNICEF’s work at the CO and RO levels, as well as the work of the Gender and Rights Unit (GRU) in New York and Geneva. However, application of HRBAP at the CO level forms the core data source of the evaluation, with somewhat less attention given to upstream issues. Many of the issue areas – such as, for example, capacity development and global advocacy – are substantive enough to merit evaluations of their own.

Country selection

As mentioned above, the scope of the evaluation only allowed us to visit six COs and four ROs. Hence, an important component of our data collection and analysis was the document-centred CO Assessment. The sampling frame for this exercise was primarily intended to allow us to obtain adequate regional representation, as well as the inclusion of countries facing humanitarian situations. It was upon this sampling frame that other elements were superimposed, particularly the Focus Area. Therefore, while the overall sample of 38 countries represents a statistically valid sample of the universe of UNICEF COs, the resulting small samples by Focus Area in particular prevented us from being able to generalize with a strong level of confidence.

Assessment in humanitarian situations

We were only able to visit two of the relevant COs included in our sample (Haiti and Kenya). As a result, the quantity of data collected on this topic was too limited for us to develop strong findings in this area. We encountered particular difficulties in accessing data relating to conflict states, work with non-state entities and the ‘early recovery’ phase of humanitarian response, which limited the findings of the evaluation.

Standardization of documents

In addition, the documentation reviewed was not always as consistent as had been anticipated, which negatively impacted on the comparability of the reported activities and programming approach of the different COs. Nevertheless, there is a certain degree of standardization in the
documentation. More specifically, many of the documents use a standardized language in reporting, and closely follow guidance material. While we were able to compensate for this to some extent in the context of the interview component of the CO Assessment, this was not always possible.

It is also important to note that a ‘weak’ rating of in the CO Assessment did not necessarily indicate poor performance, since such a rating was also used to indicate an absence of data in the documents reviewed. It should be noted that while the conceptual framework for this assessment of HRBAP has differed somewhat from those applied in the past, most of the questions used in the CO Assessment were taken directly or were adapted from previous HRBAP analyses (for example, by Fox), or taken directly from the PPP Manual.
3. History of HRBAP and UNICEF

This chapter sets out the historical development of human rights in the United Nations in the lead-up to UNICEF’s 1998 HRBAP Executive Directive, analysing the ways in which policy and procedures have attempted to promote HRBAP within the organization, as well as the developments that have occurred at the United Nations level that have influenced HRBAP since 1998.38

The United Nations Charter and the International Bill of Rights

There is no clear starting point for the discussion of human rights in the context of development. For some, it begins with American President Woodrow Wilson’s enunciation of the ‘four freedoms’ at the beginning of the twentieth century, with development and human rights workers striving to integrate rights into human development from that point on.39 For others, it dates from the League of Nations’ adoption of the Geneva Declaration of the Rights of the Child, on 26 September 1924. The Declaration articulated five core principles: the child’s right to the means for material and spiritual development; help when hungry, sick, disabled, orphaned or delinquent; priority relief in times of distress; protection from exploitation; and a socially oriented upbringing. Still another starting point is the United Nations Charter. One prominent defender of this starting point is Jonsson (2007), who says that the human rights agenda, with its demands for development cooperation aimed at producing the progressive realization of human rights, began with the United Nations Charter and the Universal Declaration on Human Rights. The Charter of the United Nations was adopted on 26 June 1945 in San Francisco, and came into force on 24 October 1945. The Charter outlines four major organizational goals: peace, justice, freedom and human rights, as is clear in the following statement from its preamble: “We the peoples of the United Nations, determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large and small…”

It is incumbent upon all United Nations entities to abide by the United Nations Charter, and thus with the fundamental principles of rights and justice. The bedrock instrument on human rights is the Universal Declaration of Human Rights (UDHR), which was adopted in 1948.40 The Declaration states that: “The recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

The UDHR is generally considered to have acquired the status of a universally recognized norm of customary international law that is widely seen as binding on all Member States of the United Nations. It affirms that the realization of human rights is a necessary condition for each of the other three pillars, that is, freedom, justice and peace in the world. The UDHR is the key normative foundation for the human rights work of the United Nations.

As Jonsson (2007) points out, economic, social and cultural rights were originally promoted as equal to civil and political rights, but this position provoked political resistance from some United Nations member countries. More particularly, the Cold War period saw the human rights debate dominated by the East-West dispute about whether civil and political rights should be given priority over economic, social and cultural rights, or vice versa. Although the United Nations has

38 The section draws on a number of United Nations human rights documents and other publications, notably those of Urban Jonsson, whose work guided the move towards HRBAP within UNICEF.
always insisted that both types of rights are equally important and that they represent an indivisible whole, this dispute resulted in the creation of two separate covenants. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were both adopted by the General Assembly in 1966, and entered into force in 1976. The International Bill of Human Rights consists of the Universal Declaration of Human Rights and the two Covenants.

The promotion and protection of human rights is a bedrock requirement for the realization of the Charter’s vision of a just and peaceful world. The increased profile of human rights norms and conventions has been one of the truly great achievements of the past century, and the United Nations has been at the centre of that effort. Their importance and relevance for the Organization’s programme of work has only grown throughout the past decade, as affirmed by the Millennium Declaration: “We will spare no effort to promote ... respect for all internationally recognized human rights and fundamental freedoms.”

UNICEF, as part of the United Nations system and because it is guided by the United Nations Charter, has an obligation to facilitate and promote the realization of human rights, and in particular has been mandated by the United Nations General Assembly to advocate for the respect, protection and fulfilment of children’s rights.

**CRC and CEDAW**

The human rights principles set out in the UDHR and the two Covenants are further supplemented by such treaties as CEDAW and the CRC. These instruments reflect the principle of universality, which is a foundation of all human rights treaties. The related principle of non-discrimination is reflected in article 2 of the CRC and article 1 of CEDAW. Discrimination must be identified, understood and challenged if equitable development for all children is to be achieved.

CEDAW is composed of a preamble and 30 articles addressing discrimination against women. It also establishes an agenda for national action to put an end to abuses against women. Adopted by the General Assembly in 1979, 183 State Parties have ratified the Convention to date.

In 1978, on the eve of the United Nations-sponsored International Year of the Child, a draft text was proposed for the CRC. A working group within the United Nations then revised the draft, drawing heavily on the UDHR, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It finally agreed on what subsequently became the articles of the CRC. The CRC was adopted by the General Assembly on 20 November 1989, and entered into force on 2 September 1990. It is the most widely ratified treaty in history, the first virtually universal human rights convention, and the most far-reaching and comprehensive of human rights treaties. The CRC has brought about a qualitative transformation in the status of children as the holders of rights. Although there are provisions in other international human rights instruments that protect child rights, the Convention was the first to articulate the entire complement of rights relevant to children: economic, social, cultural, civil and political. It was also the first international instrument to explicitly recognize children as social actors and active holders of their own rights.

---

As Alston and Tobin point out, UNICEF had, since the 1960s, made clear its unqualified support for the draft Convention; and, following its adoption, it mounted a concerted diplomatic push to encourage and facilitate ratification of the new Convention. The specific references to UNICEF in the Convention’s implementation articles – articles 45a and 45b – also galvanized the organization in assuming an explicit and direct role supporting states in implementing the treaty’s provisions. In turn, States Parties to the CRC from all over the world came to call for and depend on the technical support provided by UNICEF in order to meet the reporting requirements that arise within two years of a state’s ratification of the Convention, and more generally for support in implementing the CRC at the national level. The international monitoring treaty body that oversees the implementation of the CRC, the Committee on the Rights of the Child, also relies on the technical support that it regularly receives from UNICEF at global, regional and national levels.

The acknowledgement of the relationship between development and human rights in the 1990s

The 1986 Declaration on the Right to Development had defined the right to development as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.” It said that the right to development includes: full sovereignty over natural resources, self-determination, popular participation in development, equality of opportunity and the creation of favourable conditions for the enjoyment of other civil, political, economic, social and cultural rights. The human person was identified as the beneficiary of the right to development, as is true of all human rights. The right to development can be invoked both by individuals and by peoples. It imposes obligations both on individual states to ensure equal and adequate access to essential resources, and on the international community to promote fair development policies and effective international cooperation.

UNICEF initiated an important meeting point of human rights and development discourse when it organized a highly successful World Summit for Children in 1991, which enhanced the profile of children’s issues generally, mobilized support for the CRC, began the process of setting targets for evaluating countries’ performance, and put in place a regular review process. The summit added political weight to the Convention, as did the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, which saw 71 heads of state and government representatives call on all governments to promote the “earliest possible” ratification and implementation of the Convention.

The movement for women’s rights, although largely separate from children’s rights groups, demonstrated at the 1993 Vienna World Conference on Human Rights the impact that an organized coalition could have. The children’s rights groups subsequently became more effective and engaged in the various world conferences that took place during the remainder of the decade, most notably those on population and development (Cairo in 1994), social development (Copenhagen in 1994), women (Beijing in 1995) and housing (Istanbul in 1998).

On 25 June 1993, representatives of 171 states adopted by consensus the Vienna Declaration and Programme of Action of the World Conference on Human Rights, thus presenting to the international community a common plan for the strengthening of human rights work around the world. The Vienna Declaration and Program of Action marked the culmination of a long process

---


of review and debate on the status of human rights machinery in the world. It also marked the beginning of a renewed effort to strengthen and further implement the body of human rights instruments.

The final document agreed to in Vienna, which was endorsed by the 48th session of the General Assembly in Resolution 48/121 (1993), acknowledged the interdependence between democracy, development and human rights, and thus prepared the way for future cooperation by international organizations and national agencies in the promotion of all human rights, including the right to development.

The Conference also took steps to promote and protect the rights of women, children and indigenous peoples by, respectively, supporting the creation of a new mechanism known as the Special Rapporteur on Violence against Women; calling for the universal ratification of the CRC by 1995; and recommending the proclamation by the General Assembly of an international decade of the world’s indigenous peoples. The General Assembly later implemented that recommendation.

Another dimension of the Vienna Declaration was its concrete recommendations for strengthening and harmonizing the monitoring capacity of the United Nations system. In this regard, it called for the General Assembly to establish a High Commissioner for Human Rights, which the Assembly did on 20 December 1993 with the passing of Resolution 48/141.

In the 15 years since the adoption of the CRC as UNICEF’s key guiding reference, this comprehensive treaty has broadened the scope of the organization’s work by guiding the way country programmes are designed and implemented, and by expanding UNICEF’s role as an advocate for children to cover a wide range of issues affecting children.

It is important to recognize the numerous ways that the CRC changed UNICEF, since it also helps to explain the steps that were taken to develop a HRBAP. Before the CRC, UNICEF primarily focused on child survival and development by concentrating on children under the age of 5. When it adopted the CRC as a guiding reference, greatly encouraged by governments worldwide as well as international NGOs working for children, UNICEF began to increase its attention on children by using a life-cycle perspective and addressing the issues concerning boys and girls in a more holistic way. Accordingly, the issue of child protection became increasingly important, including child labour, child exploitation and abuse, juvenile justice, children affected by armed conflict, and more. For the first time, UNICEF would address the problems associated with a lack of birth registration and consider the impact of different forms of discrimination on children, as well as regard the participation of children as a human right. The ‘needs’ of children were now being discussed as ‘human rights’ that were to be realized for all without discrimination.

Most importantly, children were now recognized as ‘subjects of rights’ and as active participants in development with their own voice, as opposed to mere passive beneficiaries or objects of charity. Gender discrimination issues became a higher priority in light of the fact that gender equality was also a human right to be respected and protected. UNICEF now recognized that it was obliged to help safeguard the rights of all children and to pay special attention to the most disadvantaged and excluded children, such as children belonging to minorities, indigenous children, children with disabilities and children that were living in remote areas that were hard to reach. This indicated that reaching the majority of children in terms of ensuring their rights to health and education, for example, was no longer sufficient. Thus, UNICEF was obliged to advocate for all children and to focus on reaching all children everywhere.

Externally, UNICEF was being increasingly regarded as one of the leading advocates for children’s rights, and quickly became engaged in the international human rights discourse. It also
began working closely with OHCHR and the Committee on the Rights of the Child. These developments led to considerable internal debates at the highest policy level, with the Executive Director strongly indicating that the organization had a leading role to play as an advocate of ‘children’s rights’. There was much discussion regarding the extent to which UNICEF staff would be able to respond competently to the numerous demands and challenges that the CRC had placed on the organization. Some senior-level staff were especially concerned about staff and resource capacity, and questioned whether there were sufficient guidelines for programme officers to understand and properly respond, particularly in areas that had previously been regarded as primarily the domain of human rights lawyers. It became apparent that there was a need to develop guiding documents on how to apply the CRC throughout the phases of the UNICEF-assisted country programme, as well as a large demand for staff training at all levels.

**Source:** UNICEF GRU.

At the 1995 United Nations Conference in Beijing, governments committed themselves to work for gender equality and women’s empowerment. In 1996, governments, non-governmental organizations (NGOs) and others groups came together for the first time in Stockholm to work on a global basis against the commercial sexual exploitation of children. The Conference led to the adoption of an international Action Plan against the Commercial Sexual Exploitation of Children, which was endorsed by United Nations agencies, NGOs and many governments.

The most abusive forms of child labour were unanimously condemned by delegates to the 1997 Amsterdam Child Labour Conference. The Conference itself ended with a call for global solidarity on making "eradicating child exploitation ... a matter of paramount urgency." The 1997 Amsterdam Conference and the 1997 Oslo International Conference on Child Labour also both drew attention to the urgent need for concerted global action to end child labour, and called for an expansion of information gathering, statistics and empirical research to help inform this action. The inter-agency programme Understanding Children’s Work was initiated by the International Labour Organization (ILO), UNICEF and the World Bank as one of the responses to the recommendations of the Amsterdam and Oslo conferences.

**UNICEF mission statement and Executive Directive 98-04**

In 1996, the Executive Board of UNICEF declared that the CRC was the frame of reference for UNICEF. It also made clear that CEDAW underpinned the mandate and mission of the organization. Since the CRC is the single-most ratified human rights instrument in the world, these steps opened the organization up to a rapid integration of children’s and women’s rights in its development activities.

As noted in article 45 of the CRC, UNICEF is tasked with specific responsibilities with regard to the CRC:

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on
the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children’s Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee’s observations and suggestions, if any, on these requests or indications;

UNICEF’s mission statement, approved by its Executive Board in 1996, declares that: “UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children’s rights, to help meet their basic needs and to expand their opportunities to reach their full potential.”

Upon taking office in 1997, United Nations Secretary-General Kofi Annan outlined his vision and proposals for United Nations reform. One key aspect was a call for an emphasis on human rights and the need to integrate human rights into all principal United Nations activities and programmes. This was an outgrowth of his concern with “sustained and sustainable” development and his insistence on the United Nation’s key role in promoting development, which was understood conventionally and related to peace, democracy, good governance and human rights. His proposals led to organizational changes at the United Nations, and legitimized and supported the move towards a human rights-based approach to development by the United Nations.

In response to the call by the then Secretary-General, UNICEF issued a directive on the use of human rights principles in guiding its programme processes and on applying them in its programme sectors. It emphasized the principles of universality, indivisibility, accountability and participation, as well as the principles of the CRC. The directive also acknowledged that outcomes would take longer to achieve given the new human rights focus, and that greater advocacy efforts and increased participation by stakeholders would be needed.

This set the stage for Executive Directive 98-04, “A Human Rights Approach to UNICEF Programming for Children and Women: What it is, and some changes it will bring”, which provides conceptual direction for HRBAP. As set out in Executive Directive 98-04, under a HRBAP, UNICEF’s assistance is primarily for strengthening national and local capacities to actualize the rights of children and women, with programmes and projects requested by, designed and monitored with national partners. In contrast, more traditional needs-based UNICEF assistance provides support for the provision of services at national, local and community levels.

Executive Directive 98-04 points out the pertinent characteristics of the CRC and CEDAW, with a particular focus on universality and indivisibility and the interdependence of rights. It also recalls the four General Principles of the CRC, which UNICEF should observe in designing programmes: a) Non-discrimination (article 2); b) Best Interests of the Child (article 3); c) Right to Life, Survival and Development (article 6); and d) Views of the Child (article 12).

In terms of offering guidance on programming, Executive Directive 98-04 notes that HRBAP is a continuation of UNICEF’s past programming, although with a greater focus on rights. It draws attention to an issue that is central to the understanding of HRBAP, namely, the balance in UNICEF programming between needs and rights-based approaches, and what a rights-based approach means in particular sectors and contexts. According to Executive Directive 98-04:

A rights approach will not fundamentally change all UNICEF's current programme activity. The social and economic rights of children and women must be met through the provision of essential services such as health, education, access to adequate food and to care. However, a rights perspective requires that attention be paid also to the civil and political dimensions of meeting basic needs. Inequity and discrimination which are both direct and underlying causes of children’s and women’s deprivation must be addressed as well.

This suggests that UNICEF should undertake a mix of programming focusing on both needs, through provision of essential services, and rights, by addressing the underlying causes of children’s and women’s deprivation. This is reinforced in Executive Directive 98-04 as follows:

A rights approach also means that we work in ways that situate short-term programme objectives in the context of longer term goals that seek to fundamentally change deeply rooted conditions that perpetually undermine the full implementation of CRC and CEDAW. Put another way, UNICEF programmes need to find the right balance between activities that respond to the urgent survival and protection needs of children, while contributing to the social, economic and legal transformation that will guarantee sustained protection and fulfilment of children's rights. UNICEF programmes will increasingly have to show what mix of the three fundamental programme strategies – advocacy, capacity-building and service delivery – is being pursued to address the immediate underlying and basic causes of problems. Obviously, the actions aimed at addressing basic or structural causes of problems will often require longer term strategies.

In terms of prioritizing programme interventions, Executive Directive 98-04 points out a number of occasions that these will need to be determined based on country and regional context; for example, “Without question, each country situation will continue to require a country-specific strategy.” Executive Directive 98-04 sets out broad parameters for UNICEF programming, including advocacy, policy-related work, capacity development for rights holders and duty bearers, and service delivery, and moreover accepts that UNICEF needs a plurality of programming. Yet in attempting to promote a variety of programming and acknowledge UNICEF approaches before HRBAP, Executive Directive 98-04 may have confused staff as to what HRBAP means. Moser and Moser noted: “A particular challenge relates to the fact that ‘operationalization’ has different meanings for Country Offices across the world. Within the broad EXDIR guidelines, COs have considerable autonomy in the overall strategies adopted, the language used and the programming priorities. While the resulting diversity in implementing a HRBAP enriches and strengthens UNICEF as an organization, it means that the framework and associated results are modest in scale, and cannot address all aspects of UNICEF’s broad mandate.”

Jonsson (2004) was of the view that:

...six years later, it is clear that many Heads of Office did not take the EXD very seriously....EXD was a ‘negotiated’ document that attempted to include several ideas – some of which were contradictory. The document is sometimes confusing, giving different options and directions, and is sometimes wrong. For example, the Introduction states: ‘Adopting a human rights-based approach simply means that we look at the value added that the general principles and specific standards in the Convention (i.e. CRC) can provide.’ Some Country Representatives have ignored EXD. The statements that ‘These Guidelines should not supersede country-level

---

programming, analysis and implementation’ has unfortunately been interpreted by some as meaning that a HRBAP is optional.

Millennium Declaration and global consultations

The Millennium Declaration of September 2000 committed governments to take action on a variety of fronts; with respect to human rights, it enjoined them to “strive for the full protection and promotion … of civil, political, economic, social and cultural rights.” In order to translate the Declaration into action, eight ambitious MDGs revolved around reducing poverty and improving lives were formulated. The goals include halving the proportion of people living on less than US$1 a day and greatly reducing the proportion without access to water and basic sanitation by 2015; eliminating gender disparity in primary and secondary education, preferably by 2005, and at all levels by 2015; ensuring that children everywhere are able to complete primary schooling by 2015; and ensuring a significant improvement in the lives of at least 100 million slum dwellers. Governments committed to report regularly on their progress towards achieving the goals. With six of the eight goals relating to children, UNICEF has played a key role in informing discussion around the goals and in helping to articulate them.

The UNDP’s 2000 Human Development Report highlighted the need for innovative thinking and strategic planning, and for cultivating new human-rights partnerships in programme formulation and implementation. It featured a conceptual framework by prize-winning economist Amartya Sen, as well as a chapter by Sen that has greatly influenced subsequent debates about the human rights approach to development. The preface by UNDP Administrator Mark Malloch Brown set the direction for the future of the organization and of the United Nations system in general by insisting that the report was “intended to help promote practical action that puts a human rights-based approach to human development and poverty eradication firmly on the global agenda.”

The 2000 Human Development Report showed how human rights and development share a common vision and a common purpose: to secure, for every human being, freedom, well-being and dignity. The report looked at human rights as an intrinsic part of development, and at development as a means to realizing human rights. It showed how human rights bring principles of accountability and social justice to the process of human development.

In 2001, UNICEF, UNDP and OHCHR, as well as several other United Nations agencies, organized an inter-agency workshop on the implementation of a human rights approach in the context of United Nations reform. The workshop also reviewed what various United Nations agencies were doing to implement the human rights approach, with a view to reaching agreement on the key elements of the approach. The process of human rights mainstreaming received further impetus with the 2002 report of the Secretary-General, entitled Strengthening of the United Nations: An agenda for further change. The report – which emphasized the promotion and protection of human rights as “a bedrock requirement for the realization of the Charter’s vision of a just and peaceful world” – was followed by the Action 2 Plan of Action, designed to further integrate human rights throughout all United Nations humanitarian, development and peacekeeping operations.

In his second round of United Nations reform proposals, launched in 2002, the Secretary-General emphasized that “the promotion and protection of human rights is a bedrock requirement for the realization of the vision of the Charter, and therefore a principal objective of the United Nations system as a whole.”

During this period, governments and development partners were encouraged to apply human rights principles and standards not only in programming but also in the formulation of national laws and policies, so as to achieve the desired results for children and to ensure implementation of national and international commitments. This initiative required a new set of staff capacities, strategies and good programming experience to broaden interventions on concerns related to legislative, governance institution-building, policy and economic reforms. It was further noted that UNICEF was a major leader in the promotion of the HRBAP, and that the approach was to be applied in the development of country programmes, bilateral cooperation, CCA/UNDAF processes, and in all the PRSPs.

Source: UNICEF GRU.
work, including through a human rights-based approach to programming.

Another important milestone was the 2002 United Nations Special Session on Children. Kofi Annan in his report to the Summit observed that: “The idea of children’s rights, then, may be a beacon guiding the way to the future – but it is also illuminating how many adults neglect their responsibilities towards children and how children are too often the victims of the ugliest and most shameful human activities.” The following year saw the convening of the first of the UNICEF Informal Global Consultations on HRBAP.

The purpose of the consultations in the United Republic of Tanzania (2002) and Quito (2003) was to identify key components and aspects for an updated Executive Directive and PPP Manual, and to develop programme guidance and organizational learning materials. Updates were needed for several reasons: documentation of dozens of operational case studies; support for inter-agency initiatives; ongoing exchanges with bilateral donors, international NGOs and others; and two global consultations bringing together UNICEF staff from around the world to discuss further organizational learning and take steps towards a consensus regarding the components and aspects of a successful human rights approach based on UNICEF’s experience in the field. Additional insight into operationalization came from papers and sector studies, as well as discussions at Regional Management Team meetings and other internal meetings.

The global consultation recognized that a number of internal developments had influenced the development of HRBAP. These included UNICEF’s 2000 adoption of the Core Corporate Commitment in situations of humanitarian crisis. Accumulated experiences following that led to an understanding that programming in such situations also demanded a more consistent response based on a human rights-based approach. The importance of gender equality in operationalizing the HRBAP was recognized, and ultimately there was a growing understanding that the HRBAP was both about outcome and process and, consequently, that the approach made results-based management essential.

There have also been a number of external developments that shaped the approach, including the MDGs, the Special Session on Children, A World Fit for Children, and a Statement of Common Understanding of the HRBAP among the UNDG member agencies (described below).

**Stamford Consensus and Common Understanding**

The Stamford Inter-Agency Meetings of 2003 sought to gauge the mainstreaming of human rights in the work of United Nations agencies, and to determine how to harmonize the work of UNCTs in implementing the human rights-based approach. It found that the capacity of UNCTs to use a human rights-based approach needed to be strengthened. The meeting produced the UN Statement of Common Understanding on Human Rights Based Approaches to Development Cooperation and Programming, and suggested improvements to the guidelines of CCA/UNDAFs. The workshop underlined the need for a human rights-based approach to training for UNCTs and senior staff, as well as for government officials and NGOs. With the goal of strengthening human rights in United Nations activities at the country level, it recommended that the Organization’s staff be held accountable for the implementation of HRBAP. Finally, it recommended that each agency assess its strengths, weaknesses and constraints in implementing the approach, and seek help in building staff capacity to apply it.

The statement set out three areas of common understanding:

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

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

The Common Understanding was subsequently supported by a roll-out package that included provision for training.

Following from the Common Understanding, the 2005 World Summit saw world leaders reaffirm that human rights, development and peace, and security were three interlinked pillars of the United Nations; give explicit support to the integration of human rights within the United Nations system; and resolve to integrate human rights into their national policies.

To promote and facilitate a rights-based approach to disaster relief, the IASC adopted Operational Guidelines on Human Rights and Natural Disasters in 2006. The Guidelines are a major contribution to the promotion of a rights-based approach in situations of natural disasters. After the receipt of feedback from field-testing of the guidelines, lessons learned from the field were included in a revised version of the Guidelines. This revised version also expands the rights-based approach to include preparedness measures.

The 2007 General Assembly resolution on the TCPR provided the context for United Nations operational activities for development, by also recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing. The resolution also reaffirmed that development is a central goal in itself, and that it constitutes a key element of the overarching framework for United Nations operational activities for development.

In the same period, UNICEF’s MTSP 2006–2009 emphasized the centrality of HRBAP to UNICEF:

Applying a human rights-based approach and promoting gender equality, as ‘foundation strategies’ for UNICEF work will improve and help to sustain the results of development efforts to reduce poverty and reach the Millennium Development Goals by directing attention, long-term commitment, resources and assistance from all sources to the poorest, most vulnerable, excluded, discriminated and marginalized groups. It will ensure a focus on supporting parents, caregivers and families to meet their responsibilities for the upbringing, care and development of their children, as well as on such highly vulnerable groups as orphaned and disabled children. It will also contribute to empowering parents, caregivers, women, families and civil society to hold States accountable for the quality of services and availability of resources for children.

UNICEF will further use these strategies to promote a fuller understanding of the situation of children as a basis for devising interventions to tackle underlying causes....

The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, which came into force on 3 May 2008, was the first international human rights treaty of the 21st century. The Convention aims to promote, protect and ensure the equal rights and fundamental freedoms of all persons with disabilities. It pays special attention to the particular vulnerabilities of children with disabilities, including the right to participation, protection from violence, and access to information and play. It calls upon governments to provide support and services to families of children with disabilities, to reduce the likelihood of abandonment, segregation and concealment. “Now we must take concrete steps to transform the vision of the Convention into real victories on the ground,” said United Nations Secretary-General Ban Ki-
moon. “We must address the glaring inequalities experienced by persons with disabilities. We must counter discrimination and prejudice.”

The Third Inter-Agency Meeting on Implementing HRBAP, which took place in 2008, provided an opportunity for substantive review of HRBAP and future guidance on the approach. It sought to assess mainstreaming experiences, to explore options for advancing cooperation within the common UNCT programming framework, and to develop proposals for coordination arrangements on human rights mainstreaming.

Part of the Aid Effectiveness Agenda that began with the 2005 Paris Declaration, the 2008 Accra Agenda for Action (AAA) explicitly included human rights language in its final statement:

We need to achieve much more if all countries are to meet the Millennium Development Goals. Aid is only one part of the development picture. Democracy, economic growth, social progress, and care for the environment are the prime engines of development in all countries. Addressing inequalities of income and opportunity within countries and between states is essential to global progress. Gender equality, respect for human rights, and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men, and children. It is vital that all our policies address these issues in a more systematic and coherent way.

The final statement also declared that:

Developing countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability.

The explicit recognition of human rights as the objective of development assistance in article 13(c) of the AAA represented a reaffirmation by the development community of the centrality of the human rights agenda.

The UNDG Human Rights Mainstreaming Mechanism was established in 2009 to further institutionalize the mainstreaming of human rights into United Nations operational activities for development. It aims to do so by further strengthening system-wide coherence, collaboration and support for United Nations Resident Coordinators and UNCTs on human rights mainstreaming, as well as by strengthening the coherence of United Nations responses to national priorities, thus ensuring strong national ownership and capacity to fulfil human rights obligations. The UNDG-Human Rights Mainstreaming (HRM) will support strategic activities at global, regional and country levels that ultimately contribute to engendering transformational change and/or impact at the country level.

The UNDG-HRM directly responds to the increasing demand from Member States for more technical support on human rights mainstreaming, for example, in UPR follow-up; strengthening national institutions and capacities; and applying rights-based approaches to national development strategies. It was established to provide UNCTs with more effective and coordinated support to better enable them to assist Member States in building strong national capacity upon their being requested for such support. UNDG-HRM is made up of 19 United Nations agencies, funds and programmes. It is chaired by OHCHR with a rotating Co-Chair, which is currently UNICEF.
4. Evaluation findings: HRBAP conceptual understanding

4.1 Coherence across UNICEF rights documents, strategies and policies

Finding 1: There is coherence across key UNICEF and United Nations policies and strategies with regard to HRBAP. Key UNICEF documents also demonstrate that the organization has responded to a changing external environment for HRBAP.

The core elements of the 1998 Executive Directive have been consistently and coherently interpreted in the major UNICEF documents and strategies. These documents include the Programme Policy and Procedures manual, the PPP training materials and the Medium Term Strategic Plan 2006-2009, all of which make HRBAP foundational. HRBAP is explicitly covered within the first chapters of each of the most recent updates of the PPP Manual, and is covered as a key element of the PPP training modules, usually within the first few modules. This is also the case for UNICEF’s Humanitarian strategies – here again, UNICEF’s rights-based language is consistently applied. In all of UNICEF’s sectoral policies, the core elements of HRBAP outlined in the evaluation’s conceptual framework are explicitly covered, including the normative framework, participation, non-discrimination, accountability and transparency (the full table is shown in Exhibit 6.13). The manner in which UNICEF has prioritized HRBAP – as evidenced in the various guiding documents reviewed – underlines how the organization has responded positively to the increased support for, and commitment to, the approach in the wider external environment, support that it has simultaneously played a key role in helping to foster.

HRBAP is also implicitly coherent with United Nations-wide policies such as the UN Common Understanding, as well as subsequent United Nations-wide training manuals, including guidelines for the CCA and UNDAF and the HRBAP Common Learning Package for the United Nations used in training at the Staff College in Turin, Italy.

As outlined in the institutional history of HRBAP in Appendix III, the rights-based approach has evolved significantly since the 1998 Executive Directive. Changes have been brought about through the Millennium Declaration, the UN Common Understanding, progress on international humanitarian law through the IASC, United Nations harmonization, and the more recent equity refocus. All of these have rendered elements of the Executive Directive developed in the late 1990s obsolete. This was noted during the UNICEF consultation in Quito in 2003, at which time experiences were shared on HRBAP in order to develop an updated HRBAP policy. However, while the Executive Directive has not yet been updated, many of the requisite changes have been integrated into the PPP Manual, and subsequently into PPP training. The PPP Manual has integrated the Millennium Summit Declaration, international humanitarian law and the UNICEF CCCs, the 2004 Triennial Comprehensive Policy Review and Action 2, and the Stamford Consensus. As such, UNICEF staff cite the PPP Manual and PPP training as the key reference for HRBAP in the organization.

This evolution of HRBAP has been mirrored by a changing external environment for the approach. Based on key UNICEF documents, the organization has responded to that changing external environment, as can be seen in the revisiting of its role within MICs. More particularly, ‘UNICEF’s Approach in Middle Income Countries’, which is a discussion note prepared by the

---

49 Resolution adopted by the General Assembly [without reference to a Main Committee (A/55/L.2)] 55/2; United Nations Millennium Declaration.
Division of Policy and Practice (DPP), has continued to closely reflect issues of human rights.\(^{50}\)

Taking inspiration from Focus Area 5, the following upstream HRBAP programming is evident and reflective of the continued importance of HRBAP across MICs:

- UNICEF’s priority should be to leverage and further build national capacities for the progressive and sustained realization of children’s rights;
- Promote and enhance partnerships for and with children, including with national and local government, the private sector and civil society/young people’s organizations, to facilitate and strengthen social dialogue with the participation of rights holders; to leverage resources for investments in children’s rights; and to address critical challenges and disparities;
- Promote and support attention to major issues of disparities, exclusion and discrimination at national and sub-national levels, including failures to protect children; and on the basis of SitAn evidence and CRC principles, advocate for national strategies and measures to eradicate disparities and sources of exclusion and discrimination;
- Enhance knowledge generation and inter-country knowledge exchange on children and women, including documenting evidence and lessons learned in each of the core roles;
- Enhance accountability at all levels through more systematic assessment of performance.

**Finding 2:** There is a clear linkage across key UNICEF strategies and policies regarding HRBAP, as defined in the MTSP and gender policies and articulated in the PPP Manual and in manuals focused on equity. This is highlighted by an increased focus on disparities, the marginalized and excluded groups within UNICEF’s rights language and equity discourse. Yet the equity aspect of HRBAP omits the language of duty bearers and rights holders as a basis for analysing capacities.

Core thinking on the rights-based approach has also evolved within UNICEF policies, particularly those linked to the gender policy, updated in 2010, and the refocus on equity.\(^{51}\)

The nexus of HRBAP, gender equality and equity appears to be well illustrated within paragraph 104 of the MTSP:

Applying a human rights-based approach and promoting gender equality, as “foundation strategies” for UNICEF work will improve and help to sustain the results of development efforts to reduce poverty and reach the Millennium Development Goals by directing attention, long-term commitment, resources and assistance from all sources to the poorest, most vulnerable, excluded, discriminated and marginalized groups. It will ensure a focus on supporting parents, caregivers and families to meet their responsibilities for the upbringing, care and development of their children, as well as on such highly vulnerable groups as orphaned and disabled children. It will also contribute to empowering parents, caregivers, women, families and civil society to hold States accountable for the quality of services and availability of resources for children.

Furthermore, in paragraph 107:


\(^{51}\)Refocus on equity is not a policy but a strategy. The core reference document reviewed was the 2011 ‘Training Manual on the Equity Focus in Programmes’. 

June 2012
Marginalized children are those not able to enjoy their rights due to poverty, discrimination or exclusion. Extraordinary measures are required to reach them. A human rights approach calls upon partners to develop tailored strategies and allocate resources to ensure that these children and their families gain effective access to basic social services and protection.

As noted above, the language used in these paragraphs of the UNICEF MTSP brings together the Gender Policy and the rights-based approach. It also speaks specifically and in some detail to the non-discrimination element of the rights-based approach, which is also covered in the PPP Manual, with language calling for the need to “…identify the most marginalized whose rights remain unfulfilled.”

The 2010 Gender Policy’s own language further highlights its link with HRBAP, stating that: “The commitment to achieve gender equality on the basis of human rights shapes our programming activities. We cannot meet our obligations to follow a human rights based approach without placing gender equality at the heart of our work.” The basis of a greater focus on issues of disparities and marginalization within UNICEF programming is also highlighted in the Gender Policy: “UNICEF recognizes the human rights principle of equality and non-discrimination as central to the consideration of gender equality and that gender-based discrimination is one of the most ubiquitous forms of discrimination that children face.”

Similarly, there is good coherence between UNICEF’s focus on equity and HRBAP. For example, the Equity Training Manual devotes one session in module II to the links with HRBAP and the Gender Policy. It states the following with respects to the linkage between equity and HRBAP:

UNICEF’s foundation strategy for a human rights-based approach (HRBA) underpins the equity agenda. Equity cannot be effectively pursued outside of a human rights framework, just as human rights cannot be realized so long as inequity persists. The human rights principles of non-discrimination, universality, participation and accountability are very clearly aimed at equitable opportunities and equitable results for all children. As a result, achieving sustainable progress and results in relation to equity demands a human rights based approach. In this respect, the concepts of horizontal equity and vertical equity demonstrate how human rights and equity are mutually reinforcing. Horizontal equity relates to universal rights and to equality of opportunity and nondiscrimination, and aims at ensuring that all children are treated equally. Vertical equity, on the other hand, relates to doing more for those whose needs are greatest by targeting disadvantaged populations and communities, and aims at ensuring equalization of conditions for the realization of the rights of all children. The HRBA is further strengthened when both universal and targeted approaches are used to address patterns of inequity and exclusion in different contexts.

A full review of each of the policies across all HRBAP principles shows that each is consistently using the same language. There is one notable exception in the use of consistent language: While HRBAP and the Gender Policy use the language of rights holders, duty bearers and their ‘obligations’ as a basis for analysis of capacities, the equity focus omits the language of duty bearers and rights holders when discussing capacities and participation. It does, however, recognize the importance of assessment and analysis through, for example, the development of the SitAn.

---

52 PPP Manual, section 2.8.
54 Please see analyses in chapter 6 and Appendix IV.
4.2 Coherence and common understanding of UNICEF staff

Overall, a good level of coherence across key UNICEF documents has facilitated a generally good comprehension of the standards and principles of HRBAP, as well as of the concept of duties and responsibilities of duty bearers vis-à-vis rights holders. There is very little dispute about the key concepts or principles of a rights-based approach. However, there is less clarity on some of the more challenging aspects of the approach, such as those faced by UNICEF staff during programming. In particular, these include seeking to make better programming choices, understanding the role that HRBAP plays in challenging power relationships in society, and reducing inequalities. The evaluation also found that the understanding of HRBAP by UNICEF staff is highly contextualized, and that staff are required to be pragmatic in their application of HRBAP.

Finding 3: While a majority of UNICEF staff members perceive human rights as the foundation of their development work, there is considerable variation in their familiarity with, and understanding of, HRBAP.

A strong foundational connection to human rights has been fostered by staff within the organization. This finding is based largely on interviews with programme staff at COs, ROs and the headquarters (HQ) office, as well as on previous assessments.

By and large, UNICEF staff members see human rights, particularly child rights and the CRC, as a foundation of their work. The Harding Survey’s assessment of UNICEF staff capacity in HRBAP confirmed “…an undeniable and lasting commitment to rights-based approaches by staff from across the organization in all regions and at all levels.” Interviews with staff members across the organization are consistent with the 2010 Assessment. The foundational nature of human rights within UNICEF can be traced to the key documents already mentioned, including UNICEF’s Executive Directive, which begins with the sentence, “Human rights are fundamental to UNICEF’s work,” and to UNICEF’s mission statement, which states that “the Convention on the Rights of the Child (CRC) is the organization’s guiding frame of reference.” Both the PPP Manual and the Executive Directive further note the foundational nature of the articles of the CRC. These are the principles of non-discrimination, the best interests of the child, the right of the child to participate and to have his/her views considered, and the right to survival and development.

However, moving from a basic understanding of human rights or child rights towards a full-fledged, human rights-based approach to programming is more complex, and among staff, there appears to be some conceptual confusion in bridging the divide. Indeed, some staff members feel that an understanding of human rights (or child rights) is equivalent to an understanding of the human rights-based approach. In some interviews with staff, it was possible to differentiate between their different levels of conceptual clarity with regard to HRBAP, more particularly between those who have been trained in or who have been consciously engaged in learning about the approach and those who have not. UNICEF staff without training in the rights-based approach may still have a basic understanding of some of its core principles, such as an ability to be able to cite the CRC and to speak about capacity gaps of duty bearers and rights holders. This is due in part to the ubiquitous nature of the rights-based language within UNICEF programming. However, they are less comfortable when joining theory with practice. As the Harding Survey points out, the understanding of HRBA is non-systematic, linking to both confidence and competence issues experienced at all levels of UNICEF.

Results from the Harding Survey related to knowledge of HRBAP demonstrate a wide range in the level of understanding across UNICEF. As expected, staff members’ overall familiarity with the concepts and tools for carrying out HRBAP varies according to seniority: senior staff are most
comfortable and implementation staff are second, with support staff having somewhat lower levels of understanding. However, importantly, the survey highlights that few staff members at the implementation level feel competent enough to lead on HRBAP, to apply the approach and to bring their experience to bear on it. Indeed, the majority of UNICEF staff at the implementation level are competent only if supported (Exhibit 4.1). Given that it is with them that most partners are directly engaged, this has a direct effect on partners’ understanding of HRBAP.

Exhibit 4.1 Level of understanding of human rights-based approaches

<table>
<thead>
<tr>
<th>HRBA as Understood by Staff Groups</th>
<th>Support Staff</th>
<th>Implementation Staff</th>
<th>Senior Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know Very Little</td>
<td>28%</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>Superficial</td>
<td>39%</td>
<td>22%</td>
<td>18%</td>
</tr>
<tr>
<td>Competent in applying HRBA if supported</td>
<td>31%</td>
<td>53%</td>
<td>36%</td>
</tr>
<tr>
<td>Competent enough to lead</td>
<td>17%</td>
<td>17%</td>
<td>26%</td>
</tr>
<tr>
<td>Competent enough to apply and bring experience to bear</td>
<td>17%</td>
<td>4%</td>
<td>17%</td>
</tr>
</tbody>
</table>


It should be underlined that staff understanding comes not only from PPP/HRBAP training and from review of the PPP Manual and other materials; it also comes from active discussions about HRBAP with colleagues. As noted earlier, this evaluation did not find that the Executive Directive was frequently cited as a source of information on the rights-based approach.

Some staff, while not formally trained by UNICEF, learned about the approach through work in relevant areas such as child labour or gender, from previous educational experiences while working with government agencies, NGOs and other United Nations agencies, or as social workers or human rights activists. Still other staff learned about the approach from their formal training in related areas such as human rights law. Of particular note is that many staff members with a legal background tend to quickly grasp the implications of a rights-based approach.

55 Recently, UNICEF has produced an HRBAP competency framework to evaluate minimum levels of knowledge and understanding across different levels of staff within the organization. This competency framework, however, has not yet been implemented.
A paper\textsuperscript{56} prepared by the Overseas Development Institute as the key background paper for the Organisation for Economic Co-operation and Development (OECD)/Development Assistant Committee (DAC) Action Oriented Policy Plan provides a framework for the integration of human rights. For UNICEF to consider HRBAP foundational to the organization (which is directly stated in the Equity Training Manual, as noted in the previous finding), a level of mastery is required such that staff can be confident regarding the more substantive aspects of the methodology and the implications of rights-based programming. Importantly, the objectives of a knowledge competency framework commissioned by the GRU would be to make HRBAP even more foundational, including for the preparation of job descriptions, standards for recruitment or promotion, and in training and staff development. The Knowledge Competency Framework for Human Rights and HRBA for UNICEF Staff\textsuperscript{57} introduces the five OECD/DAC categories as a starting point to build and develop the integration of HRBAP.

<table>
<thead>
<tr>
<th>Implicit human rights work</th>
<th>Human rights projects</th>
<th>Human rights dialogue</th>
<th>Human rights mainstreaming</th>
<th>Human rights-based approaches</th>
</tr>
</thead>
</table>

Finding 4: HRBAP does not appear to be applied according to particular regional models during the period examined. Instead, UNICEF COs are adaptable and pragmatic in applying the principles of HRBAP in different country and regional contexts.

Good programming depends upon two factors: 1) a clear articulation of a desired outcome; and, 2) the establishment of adequate processes for achieving that outcome. HRBAP as identified in the conceptual framework helps to specify the criteria for adequate programming processes.

Across UNICEF COs, the best way to characterize the application of HRBAP is with the terms ‘adaptable’ and ‘pragmatic’. While in the past the application of HRBAP by UNICEF seemed to be carried out according to distinct regional models,\textsuperscript{58} this evaluation found that the circumstances and contexts\textsuperscript{59} within countries and affecting countries have been somewhat more determinative in the nature of the engagement in HRBAP, with COs adapting the principles of HRBAP to a country’s particular context. Such adaptation has led to stronger engagement with government institutions as primary duty bearers in some countries, while in other countries it has led to a relatively greater engagement with local community partners. But there are few cases in which a specific ‘model’ for HRBAP has emerged. Instead, CO Representatives take a pragmatic


\textsuperscript{58} Eastern and Southern Africa and Latin America and the Caribbean are two oft-cited adaptations of the rights-based approach in the late 1990s and early 2000s. Community Capacity Development – ESARO/ESAR pioneered this approach, which explicitly placed community-level capacities at the heart of programming, starting with the SitAn. Community Capacity Development is well described and documented in Urban Jonsson’s book, Human Rights Approach to Development Programming, 2003. A number of country programmes continue to apply such strategies and methodologies. Linked to Community Capacity Development are a range of geographic area-based programmes, a number of which are in ESAR. TACRO/LAC took the lead in this regard, with strategies focused on putting in place policies, laws, institutions and structures, and creating an informed media and engaged civil society.

\textsuperscript{59} These include: level of economic development; degree of institutionalization of the state; capacity of human resources in-country/levels of education; demographics (homogenous vs. heterogeneous ethnic makeup; young vs. old populations); cultural considerations; and regime type (democratic vs. authoritarian).
approach based upon the conditions on the ground, and seek multiple entry points to engage on the rights of children.

This is not to say that there are no regional similarities in how HRBAP is applied, but simply that these have as much to do with the similarities between countries or country typologies as they do with any strong normative regional models. The application of HRBAP as described in the 2010 Annual Reports for the countries reviewed suggests that low-income countries in East and West Africa refer to the process of decentralization and extending HRBAP to regional and subregional levels. Yet, at the same time, decentralization has been an entry point to engage governments on HRBAP through Focus Area 5 in many Latin American countries. Similarly, COs in MICs such as Bosnia and Herzegovina, Chile, India and Serbia refer to issues such as social exclusion and social protection as entry points to initiate a discourse with governments on HRBAP at the upstream level. This evaluation suggests that a number of internal and external factors are at play across UNICEF regions that act as pragmatic entry points for UNICEF rights-based programming:

- **Decentralization** efforts are being carried out by governments across all UNICEF regions, which is causing UNICEF COs to engage more directly with local institutions in providing services and systems using a rights-based approach. UNICEF’s level of engagement differs greatly, depending on the degree of and progress in the national decentralization process, as well as the capacities for accountability through monitoring and reporting at local levels.  

- **Social protection**: UNICEF’s work in social protection has now spanned the globe, in response to greater demand for these services. According to the mid-term review of the MTSP, UNICEF is supporting 124 social protection programmes in 65 countries, as well as national partners to ensure that stable social protection schemes replace temporary responses to economic shocks. This has important implications in terms of the differing national contexts to which COs are adapting HRBAP in the course of their work.

- **Upstream policy engagement**: In line with Focus Area 5 and the aid effectiveness agenda, UNICEF’s upstream policy engagement belies any regional or contextual model for HRBAP. Across countries, UNICEF increasingly seeks entry points to place ownership of and accountability for development results on government partners, which necessitates engaging with government partners at the upstream level. Therefore, even in countries or regions with significant disparities or gaps in capacity, engagement with the capacities of duty bearers at the government level persists. This can take many forms, including public expenditure reviews, analysis and budget formulation. The mid-term review of the MTSP noted that this type of engagement was taking place in more than 90 countries. Meanwhile, nearly 60 countries have now established a government/civil society joint mechanism that monitors and analyses the national budget as a way of promoting improved resource allocations for children and women.

---

60 For example, as per General Comment No. 5, ‘General measures of implementation of the Convention on the Rights of the Child’ (articles 4, 42 and 44, para. 6), 2003: “In any process of devolution, States parties have to make sure that the devolved authorities do have the necessary financial, human and other resources to effectively discharge responsibilities for the implementation of the Convention. The Governments of States parties must retain powers to require full compliance with the Convention by devolved administrations or local authorities and must establish permanent monitoring mechanisms to ensure that the Convention is respected and applied for all children within its jurisdiction without discrimination. Further, there must be safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions.”
Several examples illustrate how specific country contexts have shaped UNICEF’s understanding of how to translate HRBAP principles into practice. For example, as noted above, UNICEF’s work on decentralization has been a focus for HRBAP programming in a significant number of countries; and engaging in decentralization has implications for the application of HRBAP, since it brings decision-making to the local level and thus strengthens partners’ accountability and transparency structures. As a particular example of this, in Cambodia, a programme of local governance for child rights was seen as the model of rights-based programming due to the principles being applied so strongly at decentralized levels (see sidebar).

Another example of how specific country contexts have shaped understandings of how to translate HRBAP principles into practice is in Haiti, where following the earthquake, UNICEF staff found that applying the principles of participation, accountability and transparency was particularly challenging as the state and its institutions had very little capacity (see sidebar). In this context, UNICEF targeted different entry points, including civil society engagement and greater use of local partners. Such strategies, which are developed through a SitAn, often drive UNICEF’s investment and engagement with partners in the country.

Conditions on the ground in a number of countries have led UNICEF to adopt pragmatic approaches in applying HRBAP, by shifting towards upstream policy and advocacy work. This is in line with the effort to build the capacity of government duty bearers in areas of policy and legislation, as well as to support the monitoring of progress on children’s rights. While in many cases the emphasis was on building accountability and transparency through long-term policy and legislation outcomes, this did not preclude UNICEF’s downstream engagement, which had more immediate effects on the most vulnerable populations in society through a focus on the principle of non-discrimination. For example, the application of policies to decrease the number of Senegalese villages in which female genital mutilation was being practiced remained very much a
downstream engagement in community capacity development. At the same time, however, UNICEF worked with government partners to pass laws against female genital mutilation. These examples show how HRBAP has permeated UNICEF’s programming. Many of the examples are about capacity building of duty bearers and strengthening governance structures. This pragmatic approach was observed across COs, which all use their operational skills and expertise at various entry points to drive results for children.

Finding 5: United Nations coherence and supporting systems and mechanisms present both opportunities and challenges for UNICEF’s effective engagement in HRBAP on the ground.

In this finding, we will examine how the emergence of the aid effectiveness agenda and United Nations coherence has given rise to new realities for UNICEF’s implementation of HRBAP.

Aid effectiveness

In recent years, the aid effectiveness agenda has come to be identified with the Paris Declaration and the AAA. The agenda places an emphasis on government ownership; mutual accountability between government and citizens as well as between donors and country partner governments; harmonization and alignment between donors and government; and managing for results. The explicit recognition of human rights as the objective of development assistance in article 13(c) of the AAA represented a reaffirmation by the development community of the centrality of the human rights agenda. Whether the agenda is fully consistent with the application of HRBAP has been much discussed in forums such as the Human Rights Task Team of the OECD-DAC Network on Governance (GOVNET61). The OECD-DAC Action Oriented Policy Paper on Human Rights and Development suggests that the two should inform each other rather than progress on separate tracks.

Empowerment, inclusion and participation strengthen the application of aid effectiveness. Principles of accountability and transparency are also acknowledged as foundational to effective development in the Paris Declaration and the more recent Busan Partnership for Effective Development Cooperation, which also acknowledges the role of civil society organizations in promoting rights-based approaches. International human rights standards are central to the objectives and outcomes of development, since they help to facilitate more rigorous domestic and mutual accountability mechanisms. Moreover the application of human rights principles and standards helps to build more effective and inclusive partnerships for development at international, national and local levels. In general, when human rights principles are applied to all stages of the development process, they reinforce and give meaning to country ownership of the process and promote successful development results, particularly for the poor and excluded.

United Nations coherence

As noted in chapter 3, the UN Statement of Common Understanding is firmly entrenched within UNICEF’s policy on and orientation towards HRBAP. The United Nations system has taken major strides towards placing human rights at the centre of its operations, giving it significant visibility following the 1997 United Nations reform programme and the creation of Action 2, which aimed to strengthen the capacity of UNCTs to support the efforts of Member States, at their request, in enhancing the effectiveness of their national human-rights promotion and protection systems.

UNICEF has been actively involved in Action 2, as well as with the UNDG-HRM, established in 2009 at the request of the United Nations Secretary-General to institutionalize the mainstreaming of human rights within the work of the United Nations system. The HRM provides a major opportunity to facilitate coherence in policies and strategies around HRBAP within the United Nations system, and has been used in a number of activities, such as strengthening support of UNCTs in the use of HRBAP when designing UNDAFs. UNICEF has co-chaired the mechanism since January 2012, and has supported a number of initiatives, such as the revision of the United Nations HRBAP Common Learning Package; it presently leads on the design of a range of HRBAP tools for use by UNCTs.

United Nations system-wide support through the HRM provides a unique opportunity for UNICEF to gain experience and learning in HRBAP through a collective system that is supported by rights-based CCA/UNDAF Guidelines and the UN Common Learning Package. In 2011, the United Nations Development Operations Coordination Office (DOCO) undertook a survey to assess: (a) the main opportunities and challenges that UNCTs face in promoting human rights and applying a HRBAP in their work; (b) what existing human rights initiatives, resources and tools, as well as partnerships outside the United Nations, have been found to be useful in promoting human rights and applying the HRBAP; and, (c) the main gaps in human rights/HRBA support. The survey findings point to some of the challenges and opportunities that agencies face, not only on a collective basis, but also potentially at the individual level. The findings demonstrate, among other things, the following:

1) UNCTs are generally confident about their success in integrating human rights into United Nations programming, but face challenges in implementing rights-based programmes and in measuring and evaluating their impact. Moreover, lack of understanding on human rights-based approaches among government counterparts, coupled with lack of understanding among United Nations staff on how to translate human rights-based approaches into practice and integrate them into programmes are the two biggest challenges that UNCTs face in mainstreaming human rights.

2) Existing support tools and mechanisms available to the agencies, e.g., human rights advisers, human rights-based training, human rights working groups, agency-specific human rights-based training materials and support from OHCHR regional offices, were all documented as being supportive of their work.

3) Technical support in applying a human rights-based approach to operational work, and guidance on how to respond to sensitive issues, were cited among the support needed to enhance the application of HRBAP.

There are also indications of the challenge of drawing linkages with the other UNDG programming principles. One report prepared for the third Interagency Workshop on Implementing a Human Rights-Based Approach suggests that there is “...demand from UNCTs for greater integration of the principles.”

A number of opportunities present themselves for continued United Nations coherence in the integration of human rights standards and principles into programming. Among them are joint reporting by UNCTs to United Nations treaty bodies and the UPR. This has been evident in particular with the joint UNCT reports to the Committee on the Elimination of All Forms of Discrimination against Women and the improved coordination in supporting its Concluding

---

Observations and recommendations under the UNDAF. Again, the UPR process\textsuperscript{63} provides an opportunity for all states to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. This provides a unique outlet for UNCTs to have a common voice and position on rights violations in the countries in which they operate. According to UNICEF interviewees, the challenge of mobilizing consensus around such issues would depend on the dynamics of UNCT and the willingness of the Resident Coordinator. This therefore occasionally presents as a barrier for UNICEF to effectively respond to violations of rights affecting women and children.

**Finding 6:** HRBAP and equity are potentially mutually reinforcing, interdependent and reconcilable. However, this evolving understanding remains to be fully realized among staff.

As noted in Finding 2, a clear meeting point of the rights-based approach with the equity focus is the attention paid to the most vulnerable and marginalized of beneficiaries. Many UNICEF staff noted the close conceptual relationship between equity and the rights-based approach, especially within the context of the principle of non-discrimination. Some also pointed out that the concept of equity is more easily grasped than that of HRBAP.

However, while equity can be compatible with the rights-based approach, it has also been noted that the term ‘equity’ is often avoided in human rights discourse due to concerns that it could be interpreted as a substitute for equality (see, for example, the position of the Committee on the Elimination of All Forms of Discrimination against Women on this issue\textsuperscript{64}). Some proponents of HRBAP are of the view that the equity focus is not well tempered to tackle the systemic underlying causes of marginalization (e.g., high-level corruption, discrimination and criminality). Other challenges with regard to the focus on equity were raised during interviews at the CO and RO levels:

- A focus on equity may mean a geographic focus on a particular region in countries where there are inequalities. However, in countries where vulnerability and poverty are widespread and based on access (or lack thereof) to land and resources, there is no geographic targeting strategy that can be pursued. Geographic targeting may also expose several challenges, including: working outside government core priorities, models and results not being sustainable nor replicable, exclusion of the extremely poor in non-targeted regions, a perpetration of dependency on aid, inadequate strategy convergence, the concept of assigned districts within the United Nations family (with agencies tending to operate deeply downstream in their respective intervention zones), and a neglect of the urban poor.

- A focus on the bottom half and the marginalized implies a continued focus of resources on sub-Saharan Africa and South Asia, while still encompassing all regions and countries. In practical terms, in addition to a conceptual framework that brings in Latin America, Eastern Europe and parts of Southeast Asia, it raises the question as to whether OECD countries could become programme countries since they also struggle with issues of equity and exclusion.

- Some governments do not believe that they have a mandate to spend significant monies on anti-poverty/equity programming, and when this is the case, UNICEF must help them

\textsuperscript{63} The UPR is a peer-review monitoring tool of the United Nations Human Rights Council.  
\textsuperscript{64} See ‘Equity or Equality for Women? Understanding CEDAW’s equality principles’, available at <www.iwraw-ap.org/publications/doc/OPS14_Web.pdf>. The term ‘equity’ is the focus of much discussion within the UNICEF training manual section on equity in programming.
to identify a sellable rationale as well as try to help shift the popular culture or whatever other factors are helping to propagate this view. Otherwise, as UNICEF focuses on the bottom quintile while fulfilling a human rights obligation, it might run the risk of working without an effective and committed government partner.

- Governments and development partners who need to show quick results often prefer to focus on the ‘marginally poor’ who can be lifted above the poverty line, on the health sector, or on the unreach (for instance those requiring childhood vaccines, since there can be an immediate impact with relatively less resources compared with the more challenging bottom quintile). If UNICEF decides to focus on the bottom quintile, it may then have to convince partners that there are no ‘quick gains’ and that achieving sustainable results will be slow and expensive.

Ultimately, interviews suggest that HRBAP and equity may be mutually reinforcing, and that a more sustained reflection on their relationship is needed in theory and practice. This would require a greater exchange of views. While some guidance has now been developed at HQ, including a Question and Answer reference paper as well as Executive Board materials, both ROs and COs have struggled to define what it means in relation to HRBAP. More precisely, does it mean business as usual, or does it imply a new way of doing business? And if the latter, what exactly is that new way of doing business?

Finding 7: While HRBAP and Results-Based Management (RBM)\(^65\) are compatible frameworks for programming and fully consistent with discussions about sustainability of results, UNICEF staff note practical obstacles to their mutual application.

HRBAP and RBM are both viewed within UNICEF as core principles that guide the way that UNICEF staff carry out programming with partners. As noted by one senior manager, “…there can be no realization of rights without results…There has to be progress in society. Children have to be less malnourished, have to die less often, and have to go to school…Those are results which can be planned and monitored through RBM.” In fact, HRBAP and RBM are among the five United Nations programming principles that emerged from inter-agency discussions. The remaining three are Gender Equality, Capacity Development and Environmental Sustainability. All five are necessary for effective United Nations-supported country programming that must balance the pursuit of international norms and standards with the achievement of national development priorities.\(^66\) There is also recognition among UNICEF staff, as well as donors and partners, that in order to support sustainable change in the realization of rights, process is as important as the results that are achieved.\(^67\) Reflective of the interaction between rights and results, training in RBM and HRBAP is often carried out jointly within the organization, as well as with partners.

\(^{65}\) A management strategy by which an organization ensures that its processes, products and services contribute to the achievement of desired results (outputs, outcomes and impacts). RBM rests on clearly defined accountability for results and requires monitoring and self-assessment of progress towards results, as well as reporting on performance.


\(^{67}\) This is often highlighted by a 2X2 matrix with X and Y axes marked by results and process, respectively, and each box marked with ‘good’ or ‘bad’. Good process with bad results is insufficient; good results without adequate process is unsustainable. Good programming must therefore combine process and results to ensure a sustainable achievement of results.
Nevertheless, UNICEF staff noted that there are several constraints that impede the effective application of HRBAP:

- **Time constraints**, as reflected by the funding window for programming, which may or may not be defined by donor funding conditionalities. In many instances there is pressure to deliver results quickly, which limits the time available for the breadth of analysis, data collection and assessment that is felt to be necessary under HRBAP.

- **Financial pressure**, which suggests an absence of funds needed to carry out the breadth of analysis, assessment and participation that may be warranted for a fully rights-based programme. Where these funds were limited, staff felt constrained in their ability to fully programme with a rights-based approach. In some instances, staff noted strict earmarking on how funds can be used, such as on micronutrients or vaccines, with little funds for other aspects of the programming.

- **Donor priority on aid effectiveness**, since as one respondent noted, most donors are more interested in how the money is being spent rather than in how human rights standards and principles are being applied in the programming that it is funding.

These perspectives reflect an understanding of RBM that is more oriented towards a drive for results rather than a system for managing results, including recognition that processes contribute to the achievement of desired results and therefore underestimate the mutually reinforcing relationship that should exist between them.

Moreover, the perspectives are not fully shared by the donors themselves. Interviews with donors suggested a varied understanding of a rights-based approach. While some donor agencies interviewed had clear policies for HRBA, others were only somewhat familiar with a rights-based approach or had no familiarity at all. Donors with less familiarity with rights-based programming revert to language such as ‘sustainable’ results when making the link between HRBAP and RBM. Those donors familiar with RBM highlighted that such programming is one of the reasons why UNICEF programming is well regarded. These donors confirmed the importance of process, such as an adequate SitAn, identification of marginalized groups, assessment of capacities and participation of stakeholders.

Excerpt from an interview with a UNICEF HQ senior staff member

“RBM is a planning and effective management strategy. I don’t like the idea that value for money is a pejorative term. That just shows me that UNICEF may be weak about thinking about programme economics and efficiency and the ability to sell to banks and donors that these programmes are worth investing in because they are cost-effective. We tend to exempt ourselves from that level of scrutiny. And that’s one of the things that HRBAP can help nourish.

…These tensions [between RBM and HRBAP] I think are real…. they may be mutually supportive. But if people feel that they aren’t, then there’s a problem that the organisation has to manage.”
5. Application of HRBAP

Overview
This chapter provides the evaluation findings on UNICEF’s application of HRBAP, both in regard to its global commitments in support of the CRC, its Optional Protocols and related Conventions, and global humanitarian structures, as well as the organization’s application of HRBAP at the country level, which forms the bulk of UNICEF’s engagement and which emerges from the CO Assessment.

5.1 UNICEF’s role in the promotion of HRBAP at the global level

The evaluation examined the extent to which UNICEF, as a member of the United Nations family, contributes to the integration of human rights and HRBAP into the global development and aid agendas. The analysis is based on independent expert interviews and a review of documents. These findings cover the full extent of UNICEF’s relevant commitments, including the CRC, CEDAW, United Nations human rights system and advocacy in favour of human rights, as well as the treaty commitments and operational strategies that are directly relevant to global humanitarian structures.

5.1.1 Global human rights mechanisms

At the global level, UNICEF is regarded as a convener, advocate and thinker on HRBAP and human rights. UNICEF has been a leader in the global HRBAP agenda and has encouraged both United Nations partners and governments in supporting HRBAP, particularly in relation to child rights. It achieves a great deal with few resources due to having well-developed coordination systems and well-established reporting systems. What UNICEF must continue to reflect upon is how it can coordinate external demands and pressures on human rights and HRBAP with its internal commitments in these issue areas. In particular, UNICEF’s role with regard to these human rights bodies is coherent with the conceptual framework outlined at the outset. This is due to a direct linkage between what transpires at the country level and its reporting at the global level. Global human-rights reporting is a link in the chain for the normative principles and helps to ensure accountability and transparency for governments on progress made with regard to human rights in their countries, particularly for the most vulnerable and marginalized populations within their jurisdictions. Such reporting also implies a certain degree of participation of both duty bearers and rights holders, which UNICEF and the larger United Nations system helps to facilitate.

Finding 8: UNICEF has played and continues to play a leadership role with regard to HRBAP at the global level, particularly through its core role in promoting the understanding and supporting the implementation of the CRC and its two Optional Protocols.

UNICEF is the principal United Nations agency supporting the rights of the child, and is notable among United Nations agencies in that it is singled out explicitly in article 45 of the CRC. This provision states that the Committee on the Rights of the Child:

may invite the specialized agencies, the United Nations Children’s Fund and other competent bodies … to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.”
The CRC is the pillar of UNICEF programming and its global engagement. Its Mission Statement establishes UNICEF as an organization:

“…guided by the Convention on the Rights of the Child and strives to establish children’s rights as enduring ethical principles and international standards of behaviour towards children…

At various levels (including COs, ROs, GRU and the Innocenti Research Centre), UNICEF supports and facilitates the engagement of states with the CRC and its two Optional Protocols. Below are some significant results that UNICEF has contributed to through this engagement with the CRC:

- The importance of birth registration (article 7) has become understood as playing a critical role in ensuring that the very existence and identity of the child would be recognized and that through this, children would have access to health and education, among other things. The high number of children in many countries that were not registered made them invisible or non-existent to policymakers, which was also reflected in policies and budget allocation.

- Child participation became increasingly important, particularly since UNICEF began to realize that most of the needs of children were in fact human rights to be claimed. Thus, ensuring that children have a voice became a corporate priority (article 12).

- The views of the child to be given due weight when decisions are being made that concern him/her became important, as did the “evolving capacities of the child” (articles 5 and 12).

- The age range of children focused on was increased as a result of the broadening of UNICEF’s scope to include adolescents, a group that had essentially been missing from the UNICEF-assisted programme but was increasingly in need of attention in virtually all countries.

- UNICEF began to participate and influence critical dialogues regarding children in areas such as children affected by armed conflict, child abuse, sexual exploitation, commercial sexual exploitation, etc.

- There was increased attention to gender equality as a human right, which would strengthen efforts to mainstream gender and enhance the visibility of the rights of women and girls (article 2).

- There was a change in the organizational culture at UNICEF as staff began to acknowledge that the principle of accountability also applied to the organization and its staff, including in regard to hiring practices, purchasing of supplies and selecting partners, as well as how staff conduct themselves in the private sphere.68

- The CRC’s adoption encouraged the organization to view the child holistically, through a life-cycle perspective. Consequently, the scope of UNICEF’s response would broaden considerably in order to address children up to the age of 18, as defined by the CRC.

Many of these engagements have been formalized by accompanying strategies and policies in recent years. For example, UNICEF has developed an advocacy strategy, an updated gender policy and has recently evaluated its adolescent strategy.

---

68 While discussed during the Inception Mission, the question of how UNICEF staff members carry out a rights-based approach in their day-to-day lives was not included in this evaluation.
The almost universal ratification of the CRC among United Nations Member States also led external partners and donors to encourage UNICEF to engage in other issues linked to children’s rights. These have included child labour, juvenile justice, child marriage, children with disabilities, as well as child protection issues (e.g., corporal punishment and other harmful practices) that had previously been marginalized and sometimes ignored within the organization.

Finding 9: UNICEF global advocacy work for the CRC and its Optional Protocols shows the extent to which it supports these treaty body procedures as well as generates knowledge of and views on children’s rights across various platforms.

UNICEF’s engagement with CRC reporting is a key way in which it supports accountability for children’s rights at the country level. The generation of information on the status of children’s rights at country and regional levels is a key role shared across the organization and with government partners through its engagement with the CRC.

Supporting CRC reporting: In almost all countries where there is a UNICEF-assisted country programme, UNICEF provides technical support to states in preparing the report for the Committee on the Rights of the Child’s review process. Likewise, it frequently facilitates the civil society alternative or ‘shadow reports’ that are also submitted to the Committee, which is the recognized body designated under the CRC to monitor implementation of the Convention among States Parties. These reports are required of the States Parties to the CRC two years after ratification and thereafter every five years. During country visits, government partners noted their appreciation of UNICEF’s active engagement in and support to this reporting process. The CRC reporting process also lends itself to soliciting the voices of a range of rights holders and civil society organizations within the country, as the reports are expected to be based on broad consultations at both national and local levels, and on participation that includes children and adolescents.

It is usual for UNICEF (represented at high level) to submit a confidential report on the state of implementation of the CRC to the Committee in a ‘pre-session’ meeting. This takes place prior to the Committee’s session with States Parties to which UNICEF is also invited. A small but essential UNICEF team in Geneva coordinates these sessions with OHCHR, the secretariat body for all human-rights treaty bodies. Since as early as 1995, UNICEF’s engagement in this process has been notable:

- In addition to its support to CRC State Party and NGO reporting, UNICEF has written confidential reports for 43 of the 44 countries reviewed in which it has a field presence.  
- UNICEF provided confidential reports to the Committee on the Rights of the Child on 86 per cent of countries that adopted the Optional Protocol for Children in Armed Conflict, and 78 per cent of countries that adopted the Optional Protocol for the Sale of Children, Child Prostitution and Child Pornography. 
- UNICEF participated in 83 per cent of pre-sessional working groups, which is when the Committee on the Rights of the Child consults United Nations agencies and NGOs to prepare for its constructive dialogue with government delegations regarding the content of the State Party reports. It also was present during 73 per cent of dialogues between the Committee and government delegations.  

---

69 OHCHR data collection.  
70 OHCHR data collection.
Key respondents suggested that UNICEF’s role in assisting the Committee by ensuring that its Concluding Observations are actionable and practically implementable at the country level is underappreciated. The Committee on the Rights of the Child has indicated that it values and encourages UNICEF assistance in this regard.

Country-level follow-up on the CRC: Once the CRC has issued its Concluding Observations, UNICEF integrates these into its own planning at the country level and promotes and advocates for their implementation with governments. This can be a very sensitive issue in many countries, while in others UNICEF technical support is welcomed. Across most countries reviewed during field missions, UNICEF also ensures that Concluding Observations are disseminated in a transparent manner to stakeholders. Most UNICEF COs cite CRC observations in programming documents, a measure that is regularly tracked and reviewed by programme document reviews, which are carried out at the RO level.

Research on children’s rights: Knowledge management in children’s rights is paramount. The MTSP highlights research as a critical tool in fulfilling the knowledge mandate of UNICEF, recognizing that it is carried out across the breadth of the organization, including at the Innocenti Research Centre. UNICEF’s knowledge and research on child rights has been led by the Centre, and has focused on two key areas: socio-economic analysis of the well-being of children and children’s rights, and children in industrialized, middle-income and developing countries. For example, in 2009, the Centre produced major publications on children’s well-being, early childhood education, implementation of the CRC, violence against girls, and child trafficking. While the Centre’s mandate encompasses practical research that can lead, support and guide UNICEF in generating, capturing, analysing and disseminating knowledge in support of its programmes and policies, the evaluation team noted few direct references on how its research and thinking has informed programming within UNICEF.

According to the 2010 mid-term review of the MTSP, UNICEF sponsored 96 major thematic studies related to children and women in 2009, compared with 76 in 2008. SitAns, which were reviewed as part of the CO Assessment throughout the course of this evaluation, comprised many of these thematic studies. As noted in a later finding, the explicit frameworks developed for the SitAn are consistently applied. The mid-term review states that roughly two thirds of these studies explicitly used a human rights framework, and almost half used a gender analysis framework. UNICEF’s major studies, therefore, are consistently couched within frameworks that address issues of rights, either gender mainstreaming or human rights more generally. This implies a strong commitment on the part of UNICEF to guide and lead research at all levels on such things as rights, disparities and commitments under the CRC.

UNICEF’s flagship annual publication, *The State of the World’s Children*, as well as the report on the 20th anniversary of the CRC launched in 2010, is an example of leadership in research and advocacy carried out for a global audience by the UNICEF Communications Division at HQ.

Finding 10: UNICEF has demonstrated effective leadership on HRBAP within the United Nations system

UNICEF should be proud of its many contributions to initiatives that have advanced HRBAP within the United Nations. It played a leadership role during the inter-agency discussions in 2003 that led to the adoption of a UN Common Understanding on HRBAP. The GRU, which oversees the bulk of UNICEF’s United Nations engagement on HRBAP, is seen by UNICEF staff and other United Nations staff as efficient and effective despite having limited human and financial resources. UNICEF’s contributions to HRBAP within the United Nations include:

- Engaging with human rights bodies and committees through its presence in both New York and Geneva.
UNICEF HRBAP – Final Report – Volume I

- Providing leadership in staff training for HRBAP across United Nations system countries. In 2007, it provided HRBAP orientation in 55 countries. Participating offices reported increased capacities among counterparts for assessment and programme design from a rights-based perspective. UNICEF is one of three agencies (ILO and UNHCR are the two others) that include human rights training as part of its induction training.

- Participating in the 2011 Mapping of UN Agency Human Rights Mainstreaming Policies and Tools process. In doing so, UNICEF contributed to the collective efforts of the 18 members of the UNDG-HRM to identify tools and policies that support the strengthening of human rights-related country-level actions, and to identifying opportunities and challenges in attempting to integrate the human rights-based approach into programming at the country level.

- Providing leadership on HRBAP, and thus is seen by other agencies as a leader in incorporating human rights in the United Nations country framework. The CO Assessment and CO visits indicate that UNICEF has incorporated human rights into the analysis and planning frameworks of its country-level work and is regarded by other agencies as a strong advocate for the inclusion of human rights in the United Nations country framework.

- Chairing the OECD-DAC Governance Network’s Human Rights Task Team since 2009.

- Developing understanding of HRBAP within initiatives of the Inter-Agency Support Group on Indigenous Issues (IASG).

- Promoting an understanding of rights-based humanitarian action – for example, by bringing the HRBAP framework into the Consolidated Action Plan and the Common Humanitarian Action Plan, and commissioning ‘Growing the Sheltering Tree: Protecting rights through humanitarian action’ (2002).

- Working with OHCHR and the University of Oslo to explore the relationship between the MDGs and human rights (2009).

Finding 11: While UNICEF’s engagement with human rights mechanisms has been appreciable, it could benefit from more structured engagement with certain United Nations human rights actors.

The 2007 annual report of the Executive Director stated that “UNICEF could further improve its approach through more systematic collaboration with human rights mechanisms of the United Nations and regional institutions; through the provision of further support, where needed, to the national reporting process for the Committee on the Elimination of Discrimination against Women; and through advocacy for greater participation of children and young people in national reporting processes.”

Since the time of that observation, staff of the GRU housed in the Geneva office, as well as those based in New York, have played a pivotal role in channelling and expanding UNICEF’s

engagement with OHCHR, human rights treaty bodies, the African Union and Economic Commission for Africa, and the United Nations Human Rights Council. The extent of UNICEF’s engagement with the human rights system (especially with treaty monitoring bodies) is seen by many independent observers as remarkable and exceeds that of any other United Nations entity other than the OHCHR. Given the small teams in New York and Geneva, UNICEF’s record in this regard should be noted as an extremely important contribution to the entrenchment of the rights-based approach, particularly its normative dimension.

At the same time, UNICEF’s engagement with a number of human rights mechanisms is still evolving, and requires increased dialogue and resource allocation to guide future programming. Below is an overview of UNICEF’s engagements with the committees related to CEDAW and the Convention on the Rights of Persons with Disabilities (CRPD); the UN Permanent Forum on Indigenous Issues, the Universal Periodic Review and the African Committee of Experts on the Rights and Welfare of the Child.

CEDAW Committee

As noted above, the human rights principle of gender equality underpins UNICEF’s 2010 Policy on Gender Equality and the Empowerment of Women and Girls. The policy states that “the goal of UNICEF’s work with partners in pursuit of gender equality and the equal rights of girls and boys is to contribute to poverty reduction and the achievement of the Millennium Development Goals through results-oriented, effective and coordinated action that achieves the protection, survival and development of girls and boys on an equal basis.”

The 2009 Gender Evaluation suggested that United Nations support from different agencies, including UNICEF, in helping countries develop their CEDAW reports has been invaluable and has represented a significant contribution to these countries, particularly for the new signatories. Interview data from the UNICEF Head Office and COs suggests that UNICEF supports the work of the CEDAW Committee, albeit less comprehensively than in it does with the CRC Committee. This is mostly due to the fact that the commitment to CEDAW is often viewed as a shared one within the United Nations at the CO level. In 2009, the GRU produced a guide for UNICEF field staff entitled ‘CEDAW and the Reporting Process to the Committee on the Elimination of Discrimination Against Women’. In it, the role of UNCT’s joint support to the Reporting Process receives a good deal of attention, thereby implying a collaborative United Nations approach to CEDAW. The report states that “…UNFPA, WHO, UNICEF, UNDP and UNIFEM have been working to improve information to the CEDAW Committee through inter-agency collaboration.” For example, COs noted where UNICEF has worked in concert with UNFPA in support of CEDAW hearings in Geneva, or where it worked in concert with other United Nations agencies in global forums. Similarly, in 2008, UNICEF led the UNDG subgroup on inclusion of gender and human rights in the aid-effectiveness discussion for the Accra High Level Forum.

CRPD Committee

Since the CRPD in 2006, UNICEF has acknowledged the importance of engaging with the CRPD Committee and is undertaking a number of initiatives in support of this convention. As engagement with the CRPD Committee has only begun fairly recently, additional time will be required to determine the extent of its effectiveness.

---

72 OHCHR serves as secretariat to most of the United Nations human rights bodies.
United Nations Permanent Forum on Indigenous Issues

UNICEF has worked with the United Nations Permanent Forum on Indigenous Issues (UNPFII), has helped to articulate guidelines, and has been a key actor in United Nations processes related to indigenous issues. At the global level, UNICEF has made significant contributions towards ensuring that UNPFII addresses the rights of indigenous children and women. UNICEF is also a member and contributes to the work of the IASG. In 2005, it hosted the IASG annual meeting in its RO for Latin America and the Caribbean based in Panama, the first-ever meeting of the IASG outside of HQ. This was done with the aim of promoting coordination among United Nations agencies at regional and country levels, thus raising awareness of the gap between efforts at the global level and in the field, and generating momentum on this issue. One of the recommendations of the meeting was the development of UNDG Guidelines on Indigenous Peoples’ Issues; importantly, UNICEF co-chaired the inter-agency team tasked with drafting the Guidelines. In May 2011, UNPFII undertook a comprehensive dialogue with UNICEF, which has led to a set of recommendations and follow-up.

UPR

The UPR is a mechanism of the United Nations Human Rights Council. The UPR emerged out of the 2005 United Nations reform process that, among other things, replaced the Geneva-based UN Commission on Human Rights with the Human Rights Council. Established by a General Assembly resolution in 2006, the UPR periodically examines the human rights performance of all 193 United Nations Member States. It is intended to complement, not duplicate, the work of other human rights mechanisms, including the United Nations human rights treaty bodies. UNICEF has recognized the significance of the Human Rights Council’s UPR Procedure, including the interface of the CRC reporting and UPR reporting processes. At the CO level, this provides UNICEF with another platform to engage on children’s rights and has brought United Nations agencies and the UNCT together to discuss rights issues collaboratively with government partners.

In preparation for UPR review sessions, UNICEF works both independently and as part of the UNCT to submit inputs for the UPR process. As shown in Exhibit 5.1, alongside UNHCR, UNICEF is one of the most strongly engaged United Nations agencies in supporting the UPR process through its contribution of information to the review process. What is notable is that UNICEF was one of the most frequent contributors in making submissions in 2008, when UNCTs did not participate in the UPR process. In 2009 and 2010, however, while UNICEF remained one of the most frequent contributors among United Nations agencies, it also contributed extensively to the UNCT submissions. Work carried out in making submissions was not generally duplicative in nature – indeed, in 25 cases where UNCT made a submission, UNICEF made a separate submission in only 5. In most cases, UNICEF collaborated with the UNCT for a joint United Nations submission.

“There is a need for targeting indigenous peoples since they are usually among the poorest of the poor. This highlights the debate between prioritization and universality that exists amongst UNICEF staff.”

UNICEF RO Staff Interview
African Committee of Experts on the Rights and Welfare of the Child

Although a number of region-specific child rights instrument exists, Africa is the only region with a specific treaty that mirrors that of the CRC. Highlighting issues of special importance in the African context, the African Charter on the Rights and Welfare of the Child is an important tool for advancing children’s rights in that region.

In January 2009, the UNICEF Liaison Office to the African Union and the United Nations Economic Commission for Africa (UNECA) was officially commissioned to function as an independent and autonomous office working in partnership with the African Union and UNECA in areas affecting the survival, development, protection and participation of African children and youth at the continental level. The Liaison Office, with only one full-time staff member, works to strengthen the capacity of the secretariat of the African Committee of Experts on the Rights and Welfare of the Child. The work of the secretariat enshrines some of the same principles that emerge as noteworthy at the United Nations level, bringing an African perspective to HRBAP through such innovations as the African Youth Charter, which reaffirms the African Charter on the Rights and Welfare of the Child and contains articles outlining non-discrimination (article 1), youth participation (article 11) and corresponding duties of the African Union Commission. The UNICEF Liaison Office has also supported advocacy activities for the ratification of the African Youth Charter, and also develops networks with African child-focused civil society organizations and provides technical assistance. In 2009, it noted a number of challenges to the implementation of its joint programme of partnership, including funding and staff constraints, as well as heavy reliance on the RO focal points in Africa.
5.1.2 Global humanitarian structures

IASC cluster approach

In September 2005, the IASC agreed to designate global ‘cluster leads’ specifically for humanitarian emergencies in nine sectors or areas of activity. The IASC also agreed that the cluster approach should be applied, with some flexibility, at the country level. The aim at the country level is to strengthen humanitarian response by demanding high standards of predictability, accountability and partnership in all sectors or areas of activity. UNICEF acts as the global cluster lead for nutrition and for water/sanitation, and is co-lead for the education and protection clusters.

One of the specific responsibilities of the cluster lead is to pay attention to cross-cutting issues and foundational strategies, including environment, gender and human rights. Significantly, HRBAP is not explicitly mentioned within these areas, and the evaluation found little evidence that HRBAP is fundamental to the work of the clusters. A 2010 Evaluation on the IASC Cluster Approach\(^{73}\) found the following with regard to cross-cutting issues:

- Hardly any documents at the country level, including needs assessments and monitoring reports, contain sex and age-disaggregated data.
- Observations of humanitarian practices in the case study countries revealed that the neglect of cross-cutting issues has created significant problems, which were only addressed reactively by the clusters. This includes, for example, food distribution practices creating acute security risks for women in Haiti despite preparations by the World Food Programme; a lack of gender-segregated sanitation facilities in camps in Haiti and the Democratic Republic of the Congo; a lack of prevention and planning for increased sexual abuse and care for persons with disabilities during camp closure in Uganda; and a lack of consideration for environmental issues in response operations in Haiti and the Democratic Republic of the Congo.
- The limited use of participatory approaches by IASC cluster groups can lead to a neglect of issues, such as gender and disability.

One of the reasons given for this lack of focus is that cluster coordinators often do not have the necessary expertise or time to focus on these issues, and relevant guidance is often missing. The evaluation also highlighted that “…The Consolidated Appeals Process (CAP) is a tool developed by aid organisations in a country or region to raise funds for humanitarian action as well as to plan, implement and monitor their activities together.” Consequently, the CAP is much more than an appeal for money. In review of the field mission in Haiti, government authorities and humanitarian actors agreed on the following set of criteria, with strong HRBAP language, for selecting projects for the CAP:

- The project must demonstrate that it is based on sound assessment of needs and must target the most vulnerable beneficiaries.
- The project should be the result of consultation with local communities, government officials and/or United Nations/NGO partners.
- The project should take into account gender-specific needs and measures preventing or reducing the impact of gender-based violence (GBV).

The project aims to enable beneficiaries, including vulnerable people such as children, women and displaced people, to exercise their fundamental human rights that are embedded in international and national tools.

In addition, in line with global IASC agreement, the gender marker was introduced in the development of the 2011 CAP. The marker is a tool that codes, on a 0–2 scale, whether a humanitarian project is designed well enough to ensure that women/girls and men/boys will benefit equally from it, or whether it will advance gender equality in another way.

**UNICEF post-crisis transition strategy**

Most countries in post-crisis transition are those that are of high priority for UNICEF LDCs or low-income countries with high rates of mortality, malnutrition, illiteracy or illnesses affecting women and children. UNICEF regular programmes of cooperation in support of the MDGs and the World Fit for Children goals remain highly relevant in these countries, in normal times as well as in post-crisis transition situations. UNICEF focuses on two categories of transition situations: post-conflict and post-natural disaster.

UNICEF’s transition strategy\(^74\) includes many aspects of the HRBAP principles. In fact, strongly embedded within the CRC, the transition strategy identifies:

- The principle of non-discrimination;
- The best interests of the child; and
- Participation and taking account of the views of the child.

In addition, the transition strategy outlines priorities that are strongly linked to HRBAP, such as gender sensitivity, setting up partnerships, developing national capacities, direct consultation with affected communities and the participation of young people, which will allow UNICEF to ‘build back better’\(^75\).

**Finding 12: UNICEF has played a notable role in integrating HRBAP in key humanitarian and emergency frameworks.**

UNICEF humanitarian teams were in the vanguard of United Nations rights-based work in emergencies. They played a significant role in the development of the IASC and in developing rights-based approaches for CAPs and Common Humanitarian Action Plans put forth through the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). They have also worked to develop the Monitoring and Reporting Mechanism (MRM) for children in armed conflict and emergency clusters.

UNICEF has stood out among United Nations agencies for its contributions to humanitarian reform in terms of: staffing inputs, including staff secondments to critical inter-agency posts such as humanitarian coordinators and the IASC secretariat; financial support for the administrative, management and dissemination costs of inter-agency bodies; and individual leadership and promotion of coordination at the most senior levels that contributed to a more cooperative and constructive inter-agency environment.\(^76\)

---


\(^75\) Ibid.

Finding 13: UNICEF has fulfilled its role in relation to a number of Security Council resolutions, thus fulfilling key accountability roles to the wider United Nations.

Security Council Resolutions 1325 and 1889 – Women, peace and security

UNICEF has been engaged on issues related to women, peace and security in response to Security Council Resolution 1325, and more recently to Resolution 1889. It has done so primarily through the framework of the Inter-Agency Task Force on Women, Peace and Security. Traditionally, activities under the auspices of the Task Force have centred around annual reporting to the Secretary-General on implementation of Security Council Resolution 1325. The adoption of Security Council Resolution 1889 (2009) on women, peace and security, the 10th anniversary of Security Council Resolution 1325 in 2010, and the increased focus by the Security Council on sexual violence in armed conflict have led to a renewed international focus on the issue of women, peace and security.

UNICEF also plays a leading role in the related Security Council Resolutions 1820, 1888 and 1960 on conflict-related sexual violence. UNICEF is the co-chair of the inter-agency network UN Action, which focuses on combating sexual violence in conflict, and works closely with the office of the Special Representative of the Secretary-General on conflict-related sexual violence. In addition, UNICEF contributed to the development of a Guidance Note on the Monitoring, Analysis and Reporting Arrangement that was called for under Security Council Resolution 1960, and is supporting UNICEF field offices in implementing it.

UNICEF also co-chairs the Global Gender-Based Violence Area of Responsibility under the global protection cluster, and has developed a series of guidance materials for field offices on GBV coordination and response. Globally, UNICEF is co-leading the GBV area of responsibility under the global protection cluster. UNICEF’s recent country-level work on conflict-related GBV includes:

- Implementing multi-sectoral prevention and response programmes to address GBV, including ensuring service access to health, psychosocial, security and legal aid services.
- Establishing safe and private spaces for women and girls.
- Capacity building for health, psychosocial, security and legal justice service providers on caring for child and adult survivors of GBV.
- Strengthening the capacity of other sectors, including WASH, nutrition and health, on how to integrate key risk-reduction strategies into their work, and to mainstream prevention and response into their activities.
- Disseminating information on how and where to access GBV-related services and ensuring the participation of women and girls in food security, shelter and WASH to minimize sexual exploitation and abuse.
- Providing continuous leadership and support to field-level coordination mechanisms, including in the Central African Republic, the Democratic Republic of the Congo, Pakistan and South Sudan.

Security Council Resolution 1612 – Children affected by armed conflict

Alongside other partners, UNICEF has been involved in developing the guidance for the MRM on grave violations of children’s rights in situations of armed conflict. UNICEF led the drafting process for this manual. Further guidance on attacks on schools and hospitals is being prepared. UNICEF also provides regular country and regional training on the implementation of the MRM.
There are also particular issues that arise from the MRM that are broader than just that mechanism. For example, the MRM requires negotiations with non-state entities, an issue that affects the way in which humanitarian response teams work in humanitarian situations. UNICEF Emergency Operations (EMOPS) has taken the lead in the preparation of guidance on this issue. This is also the case regarding operating in high-risk environments.

5.2 Application of HRBAP at the country level

Using a combination of CO field visits, RO visits and the CO Assessment (review of documentation coupled with interviews), this chapter of the evaluation assesses the application of HRBAP across the four primary programming lenses:

- Through the lens of the key HRBAP principles identified in the conceptual framework;
- Through the lens of the UNICEF programme cycle;
- Through the lens of Focus Area; and,
- Through the lens of the country context, including humanitarian programming.

5.2.1 Application of the principles of HRBAP

There is some variation in the application of each of the five principles. In particular, the ratings for normativity are appreciably better than for the other four principles, with non-discrimination and transparency faring less well.

Finding 14: The CO Assessment found that UNICEF’s adherence to the principle of normativity in terms of the CRC, CEDAW and other human rights instruments is the best-applied principle across the organization.

Normativity refers to UNICEF’s support to governments in delivering on their obligations as States Parties to the CRC, CEDAW and other human rights treaties. The judgment of good adherence to the normativity principle in this evaluation was based on proper references to the key human rights conventions, including CRC recommendations, in-country programming documents, and evidence of engagement with key human rights actors in the country.

Normativity was the strongest principle applied, according to the CO Assessment. Twenty of the 38 COs received a rating of ‘good’, and 15 received a rating of ‘satisfactory’. We found multiple examples of good practices across regions and contexts. Good adherence to normative principles is not happenstance, but is part of a standardization of the language, engagement and commitment to human rights principles in the organization. UNICEF key programming documents have been structured to consistently reflect key human rights principles.

Among the numerous examples of successful application of the normativity principle emerging from the CO Assessment, the evaluation found that in Niger, the CO helped launch the revision of the National Children’s Code to incorporate missing provisions and reinforce measures against child prostitution and pornography (in line with the CRC’s Optional Protocol on the sale of children, child prostitution and child pornography). Similarly, in Bosnia and Herzegovina, UNICEF supports the Ministry of Human Rights and Refugees to report on the CRC and the Optional Protocols. As a result, the ministry receives reports on CRC implementation in 20 municipalities from NGOs trained by UNICEF. And in Burundi, UNICEF is providing support to the Government

77 The sections on each programming lens are quite discrete from one another and can thus be read in whatever order the reader prefers.
during the implementation of various recommendations aimed at bringing the country in line with the CRC.

The CO visits undertaken during this evaluation also highlighted the centrality of the principle of normativity at the CO level. In Chile, for example, the CO’s programming as described in the CPD for 2004–2011 included legislative and institutional reform as one of its core components. On legislative reform, it focused on the alignment of Chile’s legal framework with the CRC and other international human rights instruments, primarily by supporting the country’s parliament. In addition, it sought to support the corresponding alignment of the institutional framework to this legislation, and supported the Government’s work towards the de-institutionalization of children and the construction of local and community social services for protecting children’s rights (see sidebar).

One country in the Middle East and North Africa provides a quite striking negative example of the application of normativity, largely due to the extant socio-political context. More particularly, the Government does not consider itself to be a duty bearer, and has privately admitted that international human rights treaties were often signed without adequate knowledge of what was actually meant by the term ‘human rights’. At the same time, child protection issues are extremely sensitive in the country. This produces a situation in which the CRC Committee’s Concluding Observations were issued but had no effect, leaving the CO feeling powerless.

Finding 15: The CO Assessment found mixed application with regard to participation, with poor standardization and lack of explicit references to how participation of rights holders affects programme strategies.

The principle of participation refers to the level of both UNICEF’s and governments’ identification and engagement with rights holders and duty bearers in all aspects of the programme cycle. Where required, capacity development and the facilitation of formal or informal networks or spaces for participation should be evident in order for participation to be judged as being well applied.

The CO Assessment rated 11 COs as ‘good’, 16 as ‘satisfactory’ and 11 as ‘weak’. Identification of rights holders and duty bearers is consistently applied, however, within UNICEF as with

### Normativity in Chile

UNICEF Chile has contributed strongly to an ongoing process of legal and institutional reform, including the alignment of the adolescent penal code with the CRC, as well as important institutional reforms regarding the conditions in which adolescents are detained/incarcerated. Furthermore, the Chile CO’s work on the deinstitutionalization of children removed from their homes as a result of mistreatment and abuse is based on the same principle of legal and institutional reform through a combination of strengthening the capacity of government and civil society partners, and advocating for the realization of children’s rights.

UNICEF Chile’s programming is centrally and systematically informed by the CRC. To quote one respondent: “The CRC is our North; it guides everything that we do.”

**Source:** Document review and interviews carried out during the field mission.

### Partnership for child rights in Serbia

UNICEF’s two-year partnership with the Serbian Parliament resulted in the institutionalization of a permanent Parliamentary Committee on Child Rights.

Other partnership results included an expert consultation on the draft Law on Children’s Rights organized with the Deputy Ombudsman for Children, and the development of a new National Plan of Action for Children led by the Council for Child Rights.

In order to inform and guide the development of a draft Law on Children’s Rights, UNICEF, in partnership with the Republic Ombudsman’s Office, brought together government, civil society, national and international legal experts. The two-pronged approach encompassed: a) sound analysis of the existing legal framework, carried out in collaboration with the Centre for Child Protection, in an examination of experience and lessons learned (see sidebar); b) the development of a draft Law on Children’s Rights, in close cooperation with the Serbian Parliament. In addition, it supported the country’s work on the alignment of Chile’s legal instruments, primarily by supporting the country’s parliament. In addition, it sought to support the corresponding alignment of the institutional framework to this legislation, and supported the Government’s work towards the de-institutionalization of children and the construction of local and community social services for protecting children’s rights (see sidebar).

**Source:** Document review and interviews carried out during the field mission.
government partners, although consultation with rights holders in aspects of programming is not standardized in the organization. In interviews, UNICEF staff regularly admit as much, conceding that time spent engaged with duty bearers far exceeds engagement with rights holders on issues of importance. UNICEF support of human rights structures in countries is laudable, however, its support in setting up formal or informal spaces for participation is more mixed and sometimes not explicit. What also emerged during interviews is a belief that engaging with rights holders is a burden. This points to a lack of clarity; for example, there are some difficulties in terms of what it may mean in practice, especially regarding the involvement of children. Indeed, while it is difficult to envisage how very young children could be engaged directly, it is not always understood that their interests may be equally well represented by others, be it their parents, advocacy groups or health-care providers. While a Guidance Note on promoting participation of children and young people exists, it is not well cited by staff in the organization. As noted in the 2010 Evaluation of UNICEF’s Programme and Work in Relation to Adolescents and the Participation of Children and Young People, “Staff are unclear on how to include adolescent rights and development and children and young people’s participation within sectoral programmes, particularly in Focus Area 1: Early Child Survival – although there is considerable scope there to work with adolescent mothers. The greatest weaknesses in staff understanding were related to building adolescent capacities and well-being at the different stages of adolescent development and children and young people’s participation.”

Three barriers to better participation are highlighted: reporting procedures and standards, levels of understanding, and external constraints to the application of this principle of HRBAP.

With regard to reporting procedures and standards, the CO Assessment specifically looked for evidence of meaningful participation and process indicators in each CO’s documentation. Meaningful participation was understood to mean that the participation of rights holders (and duty bearers) had a clear impact on the design, implementation and monitoring of UNICEF programming. The evaluation team often could not find concrete evidence that such impact had occurred – to point to just one example, in the documentation provided by the Haiti CO, there is very little evidence of participation by duty bearers, and there is none at all for participation by rights holders. Regarding standardization, the absence of standard process indicators, that is, elements that would systematically enable the CO to monitor the instances of participation and/or describe their form, was often an important element in the assigning of a ‘satisfactory’ or ‘weak’ rating.

In another example, in Uganda, UNICEF documents provide evidence of participation by both duty bearers and rights holders in all phases of programming. However, it is not clear to what extent the views of children consulted in the assessment and design stages informed the content of UNICEF Uganda’s programme. Though the evaluation did not find process indicators on participation for the HIV and AIDS sector, we were told during the interview that such indicators do exist. The examples provided, however, did not appear to relate specifically to the HIV and AIDS sector; moreover, there are no process indicators or outcomes related to participation in the CPD or CO Annual Report for Focus Area 3.

Another example comes from Kenya, where internal documentation (i.e., Rolling Work Plans) differed significantly by sector in terms of how participation was evidenced within activities and in corresponding indicators. One sector (WASH) used activity descriptions that were clearly based on participation (e.g., community groups facilitated and developed quality proposals that were funded by the Water Services Trust Fund Board). Other sectors in the CO described their activities predominantly in service delivery terms and relied on higher-level outcome measures as indicators. When asked about the potential use of indicators related to participation, some interviewees said that their guidance was to avoid ‘process’ measures and focus on higher-level
results. In the words of one Section Chief, “our results orientation forces us to focus on end-results and not the process of getting there.”

As another example, in Cameroon the documents reviewed do not provide clear evidence of good participation by rights holders, nor of their impact on UNICEF programming. No process indicators or participation outcomes for their participation were found either. Thus, despite several structural elements for participation being in place – such as a children’s parliament, youth district councils and youth associations – the lack of information about the concrete results of involvement of rights holders led us to assign a ‘weak’ rating.

Similarly, duty bearers were involved in all phases of UNICEF Tajikistan’s programming. However, very few examples of rights holders’ participation are reported in the documents, and none in the child protection sector. Moreover, the only process indicators found in the sector track duty bearers’ participation and not that of rights holders.

The second programme barrier to greater participation is the lack of a clear common understanding of the principle within UNICEF. The PPP Manual contains a Guidance Note on Promoting Participation of Children and Young People, and highlights a concern that was consistent with findings from interviews and the CO Assessment:

A particular challenge lies in ensuring genuine participation of children from marginalized groups or families who are poor, or children in difficult circumstances… The poorest children are most likely to be denied the right and opportunity to make their views heard…Different strategies may be required to overcome gender specific barriers. Genuine involvement of the disadvantaged will reduce risk that development investments merely benefit the already privileged few, rather than leading to broad-based social change.

Three considerations are outlined in the PPP Manual to support meaningful participation in local and national development:

- The creation of specific opportunities for participation;
- The strengthening of capacities of citizens and children; and
- The creation of wider enabling conditions.

For each of these three, there is insufficient evidence of how they have actually affected programming guidance or led to changes in existing programming. And too often, staff lacked a common understanding of these multifaceted dimensions of participation. Indeed, some had difficulty in describing how meaningful participation took place, or else considered that participation consisted mostly of having children attend government planning meetings, workshop or events.

The third level of programme barriers to participation stem from external constraints, either political or cultural. In some of the countries included in this evaluation, there are legal and/or political restrictions on assembly. In others, governments have discouraged participation to the point that people do not expect to be consulted and are therefore unprepared to do so. This is sometimes the case in newly democratic countries in Europe, as well as in currently authoritarian countries in Africa and Asia.

Taking the views of children into consideration is difficult in cultures where children are not considered to be fully developed, independent beings that are bearers of rights. This is often the case in sub-Saharan Africa and in some areas of Asia. In Sierra Leone, for example, children are discouraged from participating or even being involved as observers; they have little opportunity to express their opinions at the household and community level. Similarly, in Bhutan, there is a strong cultural resistance to the participation of children. This affects UNICEF’s efforts to include
them in consultations. Finally, in Lebanon, children’s participation was seen as weak, in part due to social and cultural barriers to fuller participation, which create additional difficulties in reaching them.

Despite these barriers, UNICEF staff highlighted ways in which they were building participation and working to include the voices of children and women. These are detailed in several documents, including Country Programme Evaluations and Annual Reports, although it should be noted that reporting on participation is currently not a requirement within Annual Reports per se, and often appears in the section dedicated to HRBAP, under Innovations, or in sectoral sections of the Annual Report.

The 2010 Evaluation on Adolescents and Participation recommended that UNICEF develop ways to institutionalize the integration of adolescent rights and development and children and young people’s participation in programming. This includes ensuring that programme design is informed by the input of children and young people for any programme that affects them directly, as well as ensuring that each programme (where relevant) has an adolescent- and/or participation-specific objective (with related indicators to measure progress).

Such recommendations reflect UNICEF’s continued engagement in the area of participation. In spite of these challenges, this evaluation cites numerous innovative examples, from both the CO Assessment and the field visits, of successful application of the principle of participation in UNICEF’s work at the CO level, in a variety of contexts and Focus Areas (see sidebar).

### Children’s Opinion Poll 2008 – Bangladesh

The Bangladesh CO provides an excellent example of good practices in terms of participation. Children are given the opportunity to participate in most phases of programming and the process is becoming standard practice, according to the interviewee. The Children’s Opinion Poll 2008, a follow-up to the one done in 2005, is a good example of BCO’s commitment to HRBAP since it found that most principles were observed.

The Children’s Opinion Poll was commissioned to measure the attitudes of children on corporal punishment. It was also an opportunity to ponder children’s views on other important issues such as children with disabilities, gender issues and disaster. The views of children were collected through “an opinion poll, 20 focus group discussions, 10 case studies and a special survey with children living on the street.” (Children’s Opinion Poll 2008, p.4)

The process observed most HRBAP principles:

**Normativity:** the document refers to the relevant Convention on the Rights of the Child articles on children’s right to be heard and aligns with it. It also refers to the CRC’s definition of, and relevant articles on, corporal punishment.

**Participation:** nearly 4,000 households were surveyed, “evenly divided among slums, urban, rural, char (river islands) and adivasi (ethnic) areas” (Children’s Opinion Poll 2008, p.4), as well as street children. The children were evenly distributed between age groups (9-13 and 14-18) and sex. Right holders’ experiences and opinions are clearly reported and are at the centre of this report. It also highlights the discrepancies in the adults’ understanding of the situation and the everyday experience of the children. The report concludes that:

“Given the chance to describe their experiences and offer suggestions on how young people should be treated, children in the study were articulate and insightful. What they told researchers - if given its due weight - could greatly improve children's lives and contribute to Bangladesh's future development” (Children’s Opinion Poll 2008, p.19).

**Non-discrimination:** the care put into surveying all the relevant children in different contexts allowed BCO to identify factors that correlate with the vulnerability to violence. Indeed, it was found that the children did not perceive sex as a factor, but household poverty was directly related. Children living on the streets were considered the most vulnerable.

Overall, it seems that the principle of participation is very well observed in Bangladesh, as there are many other examples of participatory activities, such as: the Alternative Report on Children’s Rights, opportunities to express themselves through photography, involvement in Child Rights Week, etc.

**Source:** <www.unicef.org/bangladesh/media_5331.htm>.
For instance, since 1997, UNICEF has been providing technical and financial support to the Government of Senegal through Direction de la Famille, and to an important implementing partner, Tostan, to implement the Community Empowerment Programme. This has led to a large-scale movement for the abandonment of female genital cutting. More particularly, in 200 communities, 11,813 participants completed the programme, receiving training in literacy and mathematics and also completing the ‘From Knowledge to Action’ notebooks. Through the Community Empowerment Programme, participants learned the importance of democracy, human rights, problem solving, and personal and community cleanliness and hygiene. They also learned about mother and infant health, healthy physical and mental development, human anatomy, the stages of pregnancy, birth spacing, HIV and AIDS, sexually transmitted diseases, and harmful traditional practices like female genital cutting and child/forced marriage. Short Message Service texting was used as a means of organizing and communicating in some regions.

The country programme in Chile explicitly includes, as a core component, communicating and mobilizing for children’s rights, which contributes to fostering an enabling environment for the participation of children in the social and political life of their country. The flagship programme Voice of Children (La Voz de los Niños) provides a systematic tool for the collection and publication of children’s views on their rights and important issues of the day, which UNICEF Chile disseminates to key duty bearers in government, the media and society at large. The CO uses the findings from the Voice of Children to inform its programme goals and advocacy objectives. Programming in child protection (and other programming areas) is strongly predicated on the right of children to be heard and participate in decisions that affect them, and thus systematically advocates for the creation of spaces for participation by children and their families. This is supported by UNICEF Chile’s partnerships with civil society organizations such as Opción, whose main objectives include the promotion of spaces for participation and dialogue in the context of exercising citizenship.

In Guinea, the CO reinforced children’s participation through 2,817 children’s governments established in schools (750 of these were put in place in 2009–2010 alone). A national mediator for children speaks on behalf of all of the children’s governments to influence decision-making at the national level. Meanwhile, in Tajikistan, the CO participated in a study initiated by the UNICEF RO to learn how young people perceive the quality of education. The results of the study will inform policy discussions and programme responses. And in Togo, the CO established partnerships to fill its own capacity gaps with regard to HRBA. Working with Aide et Action enables UNICEF to use this NGO’s expertise in fostering child participation.

**Finding 16:** The CO Assessment rated non-discrimination as satisfactory to weak, revealing some important constraints in meeting the evaluation standard for the principle. These are due in part to data collection and dissagregation challenges, leading to overly generic descriptions.

The principle of non-discrimination is one of four foundational principles underpinning all of the articles of the CRC (article 2). This reflects, as noted in section 2.1 of this report, the Stamford Statement that:

> All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion,
national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.\textsuperscript{78}

The operationalization of this principle in UNICEF’s work rests to a large extent on the degree to which data disaggregation is sufficiently carried out across all levels of vulnerability so as to help inform the development of targeted or universal programmes. Indeed, according to the PPP Manual:

Issues of exclusion, inequality and injustice are therefore central concerns in the dialogue with national partners, and in the development of programmes of cooperation. The disaggregation of indicators – for instance by age, sex, ethnic group, household composition, geographic area – permits the assessment of discrimination and inequality and is therefore essential for making rights-sensitive programming decisions.

Furthermore, the application of this principle also includes interventions aiming to address law reform to ensure harmonization of national laws with the CRC, since laws are often discriminatory either de jure or de facto. This underlines that non-discrimination should be applied in the SitAn to identify discriminatory practices in laws, policies, programmes, governance mechanisms and social norms. The need for disaggregated data to reveal discrimination and show disparities is key.

The scoring on non-discrimination across the CO Assessment was ‘satisfactory’ to ‘weak’, suggesting that it is applied with mixed results. More specifically, the CO Assessment rated more than one third of COs (15) as ‘weak’ on this principle. The SitAn often reveals who is being excluded in society, who the marginalized groups are, etc. However, SitAnS often use generic descriptions for identifying the most vulnerable, and programming documents and annual reports do not provide sufficiently detailed information about the specific efforts COs make to ensure they reach the most vulnerable/marginalized. Moreover, in many cases, documents did not provide sufficient detail to determine whether the most vulnerable have been reached; and in two countries, both of these factors affected the overall country rating for the principle.

While the CO visits usually yielded some good examples of CO efforts to reach the most marginalized, in many countries, the capacity of the state to collect such information is weak, which further compounds the problem. At the same time, most of the affected COs are acutely aware of the problem and are making conscious efforts to remedy the situation by sponsoring or contributing technical assistance to obtain the relevant information.

The absence of reliable data on marginalized groups is almost axiomatic, and hence it is not surprising that UNICEF COs have difficulties identifying these groups and obtaining relevant data.

The evaluation found a number of examples of very good application of the principle of non-discrimination, where COs have successfully engaged with and developed programming that benefits children affected by HIV or AIDS (Guyana and Ukraine), indigenous children (Honduras), children with disabilities and ethnic minorities (Togo), child refugees and girls (Guinea), people in remote communities and refugees (Tajikistan) and children living in urban slums (Bangladesh).

In Guyana, UNICEF’s Early Childhood Development project particularly targets children who have tested positive for HIV and need treatment, ensuring that they receive adequate support. The project’s focus on this vulnerable and marginalized group is shared by the Adolescent Health and

HIV/AIDS project, which will help 60 per cent of adolescent girls and boys in six regions to put into practice appropriate gender-sensitive skills to reduce vulnerability to HIV and sexually transmitted infections, and will also help to disseminate prevention activities in six of the country’s less accessible regions.

In Ukraine, UNICEF supports NGOs and the Government in projects that focus on the prevention of HIV and AIDS and sexually transmitted infections for sexually active adolescents and street-based adolescents, by providing counselling and rehabilitation centres for drug users, improving the capacities of clinics and training service providers in dealing with this vulnerable population. The CO also promotes awareness regarding the rights of these young people, as well as of pregnant mothers affected by HIV and AIDS.

In Honduras, the UNICEF CO has particularly identified indigenous children and Afro-descendant children as a vulnerable population, and is presently collecting further data on them to inform their planned orientation of programming towards them, as well as their ultimate goal of creating targeted support institutions.

Similarly, in Togo, UNICEF has advocated for inclusive education with regard to vulnerable children such as those living with disabilities and ethnic-minority girls. More generally, the CO has trained 1,260 community members (including religious leaders, health workers and members of women’s associations) to disseminate knowledge on essential care services related to child survival, and has worked to expand the education network (by constructing schools and distributing textbooks).

In Guinea, the CO has identified girls as a particularly vulnerable group, and has focused on their education. Concretely, this has meant that non-formal education centres continue to principally welcome girls, so as to help counteract their very low rates of attendance in the formal education system. It has also reacted to the crisis in Côte d’Ivoire and the resultant influx into Guinea of child refugees and their families by reinforcing the Learning Along the Borders project.

In Tajikistan, UNICEF supported the Ministry of Health in informing vulnerable populations about the polio emergency campaign, and about the various rounds of national immunization. Populations targeted included remote mountainous communities, people living in border areas, shepherds and their families, Romas and Afghan refugees. Furthermore, religious authorities, community leaders and women activists were engaged to ensure that no children were left behind in the national campaigns.

In Bangladesh, UNICEF supports the Government in a project called Basic Education for Hard-to-Reach Urban Working Children, which targets the most vulnerable – that is, children living in urban slums – to give them access to non-formal education that is equivalent to formal primary school.

**Finding 17: The CO Assessment revealed a largely satisfactory score for accountability, with the principle hampered by lack of documentation on accountability mechanisms as well as systems of redress within government or UNICEF programmes.**

Accountability refers to the mechanisms and practices of UNICEF’s own programming, those of human rights institutions, as well as programming carried out by governments. It is a human rights principle with strong programme implications, and integrates participation, monitoring, redress systems and transparency.

The majority of COs (21) were rated as ‘satisfactory’, while 8 were rated ‘good’ and 9 were rated ‘weak’. Key documents provide evidence of systems, policies, laws and structures to elucidate government accountability for respecting, protecting and fulfilling the rights of people within their
jurisdiction. They also show the level of contribution provided by UNICEF in those instances. On the other hand, the extent to which UNICEF acknowledges accountability in its own systems and structures is less clear. UNICEF respondents are not satisfied with their own accountability structures. And in many cases, UNICEF-supported government programmes do not have systems of complaint and redress that can be accessed by the rights holders. Importantly, accountability is not systematized within UNICEF, and documentation on accountability is weak.

The Human Rights-Based Approach Development Toolkit supported by United Nations agencies in the Philippines provides a good starting point for thinking about accountability. It states that:

The human rights principle of accountability is also responsiveness to those most affected by public decisions, actions and performance, especially those most vulnerable or most at risk of exclusion and discrimination. It is fairness in conduct, treatment and actions. It is the achievement of human rights objectives and outcomes. It is responsibility not only for policies, decisions, actions, services, goods and associated performance but also for the consequences of these policies, decisions, actions, services, goods and associated performance. It is inclusiveness, collaborative with defined processes of genuine, voluntary, active, free and full participation and involvement. The human rights principle of accountability is competency, effectiveness, efficiency and professionalism in actions and performance and timely delivery of resources, institutions, goods and services implicit in human rights. Accountability resides in all actors in national development planning.
Authoritarian regimes often curtail advocacy efforts in this area, unwilling as they are to subject their actions to the scrutiny of the citizenry. In such circumstances, the COs may need additional leverage, through the UNCT when possible, and perhaps from UNICEF ROs and the Head Office. The presence or absence of such assistance was not included in our data collection strategy. However, anecdotally, it appears that this type of assistance is sometimes provided, though not systematically.

An important factor to consider in assessing the application of accountability is that UNICEF does not implement the country programme, and therefore cannot entirely control the behaviour of its implementing partners, whether they are government- or civil society-based. This need not impede COs from insisting on the use of HRBAP when negotiating agreements with their implementing partners; moreover, they are often successful in this endeavour.

In addition, the principle of accountability is often applied by assisting rights holders in developing the necessary capacity to advocate for stronger accountability from duty bearers, while also assisting the latter in developing the necessary capacity to be accountable. These efforts typically involve technical assistance and training in data collection, M&E and advocacy to support the right to information.

A strong example of these practices can be found in Latin America and the Caribbean, where the third wave of democratization is unfolding. With a history of closed, authoritarian or semi-authoritarian regimes, access to information and openness about the policy process are still difficult to achieve. Nevertheless, UNICEF has made important strides in this region, as

---

**Accountability in Latin America through influencing political systems**

The Latin America and Caribbean region has implemented various systems through which the principle of government accountability is entrenched in rights-based programming.

**Colombia: Developing rights-based planning skills with governors and mayors**

Since late 2003, UNICEF Colombia has been involved in an initiative to develop rights-based planning skills with the support of the Attorney General’s Office. Taking advantage of local elections for the period 2004–2007, UNICEF Colombia developed a planning tool called Un Árbol Frondoso (A Leafy Tree) for use at departmental and municipal levels. Training workshops were subsequently provided for elected officials in the use of the planning tool. In total, 964 municipal and 31 departmental development plans were reviewed by the respective authorities in order to analyse the extent to which they reflected a rights-based approach. In March 2005, the results were presented at a Meeting of Governors on Children’s Rights, during which the governors signed an agreement to follow up on the results and recommendations of the review. District meetings are being planned in order to provide support to governors and mayors in making the changes required to ensure that development plans can be made more responsive to the fulfilment of rights.

**Brazil: Promoting accountability at the municipal level**

Since 1999, UNICEF Brazil has been implementing the Municipal Seal of Approval initiative, together with the Government of the State of Ceará and other counterparts. Under the initiative, the state’s municipalities compete for a ‘Seal of Approval’, which represents public recognition that the municipality is working to improve the social and economic situation of children and adolescents in their jurisdiction. The municipalities must thoroughly monitor 10 health and education indicators and 40 indicators of both the coverage and quality of public services throughout the life cycle. Some areas of social mobilization are also considered, such as child and adolescent participation, public information campaigns carried out in the municipality, and an assessment of efforts to include a gender perspective in municipal plans. The Municipal Seal has turned out to be a valuable tool for introducing a culture of monitoring public policies and promoting accountability for government actions at a local level, as well as an excellent mechanism for exercising social control over municipal administration.

**Source:** ‘Investing in Children and Adolescents: Arguments and approaches for advocacy’; ‘UNICEF Municipal Seal of Approval: Implementation Elements for Other Latin American Countries’.

---
exemplified by the work it has done with regional and municipal governments in Colombia and Brazil (see sidebar).

Another example comes from Kenya, where UNICEF supports community access to water through Water User Associations and community-generated proposals for support from the Water Services Trust Fund. UNICEF support includes capacity building for district-level water officers who are located closer to communities and programme cooperative agreements with the civil society organizations that implement the programme.

A negative example of the application of the principle of accountability is provided by Bhutan. In that country, complaint and redress mechanisms are not readily available to rights holders, and the CO does not actively and concretely encourage the ability of rights holders to directly hold duty bearers accountable. The situation in Bhutan can largely be attributed to the country’s authoritarian regime – which presumably is unwilling to be criticized by its citizenry – since, as was noted above, UNICEF is to a large degree dependent on its governmental or civil society partners for the application of accountability.

Finding 18: The CO Assessment ranked transparency as satisfactory to weak, with some commendable and often successful efforts to build capacity to support the transparency of government systems, as well as to provide information regarding UNICEF’s own programmes.

While the principle of transparency is not explicitly included in UNICEF’s guidance documents on HRBAP, it is inherent in the principle of accountability. Indeed, as stated in the PPP Manual: “States acknowledge and accept obligations when they ratify human rights treaties. In doing so, they agree to implement these treaties and to be accountable for respecting, protecting and fulfilling the rights of the people within their jurisdiction. States Parties must demonstrate efforts to implement the provisions of the treaties they ratify”. The PPP Manual also indicates that, through UNICEF’s role in helping to clarify “claims, duties and accountability mechanisms relating to children’s rights,” it can also help to identify “monitoring systems, review and reporting schedules.”

In addition, the UN Practitioner’s Portal on Human Rights-Based Approaches to Programming states that:

> for accountability to be effective, it needs to be demanded. Therefore a human rights-based approach also requires an analysis of the capacities needed for rights holders, especially the poorest and most disadvantaged, to claim their rights effectively. Accessible, transparent and effective mechanisms of accountability are called for at central and local levels.

The application of transparency is reflected in two ways in our analysis: UNICEF’s own transparency (internal transparency), as well as its efforts to support capacity development in favour of transparent systems for information sharing (external transparency). The CO Assessment found that, in general, UNICEF COs make important efforts to promote the transparency of duty bearers, with some success. On the other hand, building the capacity of rights holders to access information appears to be a more challenging task, for which the evaluation team found a somewhat lesser focus and a somewhat lesser degree of success. In terms of ensuring their own transparency, overall COs tend to perform better with respect to duty bearers (typically, the state) than with rights holders.

For both internal and external transparency, the reasons for this asymmetry reflect the constraints posed by:

---

79 PPP Manual, p. 11.
80 [http://hrbaportal.org/faq].
• challenging political and cultural environments, which often make state actors unwilling to provide access to information;
• underdeveloped infrastructure, which may make it difficult to disseminate information; and
• much easier access to detailed information about UNICEF COs’ programming afforded to state actors, as they are frequently implementing partners.

With regard to the promotion of external transparency, the evaluation found that only two of the 38 countries obtained a rating of ‘good’ in the COA: Chile and Ukraine. In the latter, UNICEF-supported programming ensured duty bearers’ accountability by engaging them in coordination efforts with other actors in the country to ensure sustainability of projects and by engaging them in policy development efforts. In Chile, the CO undertakes several initiatives aimed at strengthening the transparency and accountability of duty bearers to rights holders. For instance, UNICEF Chile has established a number of important strategic partnerships with civil society organizations, such as Opción and ACHNU, whose purpose is to promote the rights of children and adolescents in part by contributing to improve public policies, which includes ensuring the transparency and accountability of public institutions and duty bearers.

Another good example of efforts to promote the transparency of duty bearers can be found, for instance, in Honduras, where the UNICEF CO has provided support for the Child Rights Observatory in partnership with the Honduran Institute of Children and Family since July 2008. This has become an important body to generate knowledge on the status of child rights at the national and departmental level, which in 2010 produced the Index of Child Rights with technical support from UNICEF.

In Bangladesh, UNICEF worked with leading government ministries to widely disseminate studies and assessments on rights violations and deprivation of rights throughout the Government, to national policymakers and leaders, and to NGOs. Along the same lines, in Togo, emergency and routine sectoral data, as well as policy documents and feedback on workshops and studies, are effectively shared between the CO and the Government. This is done through the use of flash drives provided to regional and district heads of education, health and social action offices.

In Guinea, the CO has used local and national radio and television stations, as well as print media and traditional communicators, to reach out to vulnerable groups as part of its awareness campaign. The CO also conducted workshops with public and private sector media to draw their attention to the MDGs. Participating journalists and heads of media organizations committed to regularly following up with political actors regarding the progress towards realizing those goals, to sensitizing development partners about the need for support for the country’s efforts to attain them, and to informing the private sector as to how it could contribute to their realization.

---

Promoting the transparency of duty bearers in Kenya

An interesting example of good application of transparency is presented in the Kenya CO’s promotion of Social Budgeting and Social Intelligence Reporting tools, linked to efforts to ensure that budgetary allocations are directed towards fulfilling the rights of children. In this context, the UNICEF Kenya CO supports the Ministry of State for Planning, National Development and Vision 2030 to generate and use such a tool at the district level to track the share of resources allocated to realizing the rights of children and women to equitable social services. The tool and corresponding social budgeting observatory facilitate the engagement of the Government, civil society organizations and their constituencies to monitor and address situations that impede access to equitable quality services in health, education, WASH and social protection.

Originally piloted in 5 districts in 2005, the Social Intelligence Reporting process was expanded to 24 districts and will eventually cover 47 districts, with 1 district per county serving as a model. Implementers cite UNICEF support for the initiative with a focus on capacity building at the District Development Office, which guides the social budgeting observatory at the district level and advises on its membership and activities.

Source: Interviews carried out during Kenyan field mission.
In Guyana, the CO is supporting a project on public policy and the promotion of child rights, which aims in part at the establishment of information and advocacy systems that provide quality data and monitor evidence-based public policies. For this purpose, UNICEF is assisting capacity-building efforts for national authorities and seven Regional Committees on the Rights of the Child for the monitoring and analysis of budgets and social expenditures in favour of children.

In spite of these positive initiatives, UNICEF COs are not always able to apply the principle of transparency in a satisfactory manner. For example, in Côte d’Ivoire, communication with rights holders is poor. More particularly, the CO has no specific strategies to instruct children on their rights, on the education programme or on decision-making processes. Furthermore, the SitAn reports that access to mass media is still limited, which suggests that the most vulnerable in poor rural villages are not being reached by this communication method.

In Togo, the CO conducts community outreach activities regarding key messages through radio and television broadcasts, as well as via print media; however, there are no measures in place to provide rights holders with information specifically regarding decision-making processes surrounding public programming. In much the same manner, in Swaziland, programme initiatives targeting rights holders have mostly focused on providing them with information on relevant public programmes, but not with an understanding of decision-making mechanisms.

With regard to the transparency of UNICEF COs, as mentioned above, most COs make important efforts to share their decision-making processes with both duty bearers and rights holders. For instance, in Niger, the SitAn was distributed to various segments of the population; it was shared with technical experts, political representatives, and financial and technical partners, as well as with youth, children and civil society actors. This led to a dialogue regarding the challenges facing the realization of the rights of men, women, girls and boys, and on the urgent action needed to reduce the extent of the disparities. However, reporting back to rights holders on the implementation of UNICEF-supported programming is not done on a regular basis, and in fact has only been done extensively through the Mid-Term Review process. In Togo, there are also important shortcomings in terms of internal transparency with regard to rights holders; that is, there is no evidence of their being reported to, or of their participating in, implementation. Likewise, in Swaziland, while regular meetings have taken place between UNICEF, duty bearers and rights holders to inform them of progress on programme implementation, the documentation reviewed does not provide sufficient information regarding how, if at all, rights holders and duty bearers have influenced decisions related to the country programme.

5.2.2 Application of HRBAP throughout the programme cycle

The UNICEF Country Programme cycle involves three main stages: preparation, implementation and M&E. As noted in the PPP Manual, “Human rights and child rights principles guide programming in all sectors at all phases of the programme process.” This chapter looks at the application of HRBAP across those three stages. The CO Assessment reviewed the application of HRBAP principles at all phases of the program cycle, but did not score each of the three phases separately.

**Finding 19: There are established, rights-based methodologies for the programme preparation stage in UNICEF, and these are well applied, with minor challenges.**

The first step of the preparation stage is the SitAn, which is a broad-based identification of the status of the realization of the rights of children and women, i.e., an assessment. Programme preparation is then based on an agreement on the priority issues related to the realization of children’s and women’s rights, and on the analysis of the immediate, underlying and root causes...
for these rights violations. The evaluation team made several observations with regard to the SitAn during the CO Assessment as well as the country missions:

Overall, the assessment found that the SitAn is produced with the human rights-based approach as normative, encompassing the relevant principles of the HRBAP conceptualization used in this report. In particular, the SitAn guidelines and checklist address the following questions:

- Does your SitAn properly take into account/reflect the report and concluding comments of the CRC and CEDAW?
- Does your SitAn explain how you have engaged women and girls in the decision-making processes?
- Does your SitAn highlight the situation of highly disadvantaged groups and factors maintaining or reinforcing their exclusion?

The relevance of the SitAn for accountability and transparency is less evident, given the programming nature of these principles. However, the SitAn can and often is used to identify gaps in accountability and transparency. More particularly:

- The SitAn is grounded in causality analysis, role pattern analysis and capacity gap analysis, thereby highlighting where gaps exist in holding duty bearers to account for progress and greater transparency in programming. Some SitAns are also being developed with a greater focus on equity. Several UNICEF staff interviewed during field visits stated that this process was an excellent exposure to HRBAP for new staff members. They viewed this process as critical to their understanding of HRBAP and of the situation in the country.

At the same time, a few challenges were noted:

- SitAn guidance highlights the reluctance of some governments to acknowledge sensitive issues in the publication, and provides strategies on how COs might deal with this scenario. The guidance also highlights the importance of the SitAn being a joint report that demonstrates transparency and accountability precisely by including sensitive issues, as well as by concentrating on credible and verifiable data, framing the SitAn within the observations and recommendations of the CRC, and giving voice to children, among others. In interviews with COs, the evaluation found that these strategies are used extensively and with good effect. In particular, almost all COs referred to the importance of advocacy in scenarios that involved dealing with sensitive issues.

- Several COs highlighted the difficulty in meeting the requirements for the production of the SitAn amid the range of other products and processes in the country programme cycle. This was partially due to the timing of the SitAn, which is to be produced based on data available through surveys such as multiple indicator cluster surveys and Demographic and Health Surveys, a fact that makes it difficult to have a finalized SitAn to help inform other processes, including the UNDAF, CPD, or the government PRSP.

Finding 20: Important challenges in disaggregated data collection tend to undermine the full identification of vulnerable groups in the SitAn/CCA, and therefore the planning of appropriate programmes.

The pivotal importance of disaggregated data that highlights discrimination based on the categories itemised under the principle of non-discrimination (e.g., race, colour, sex, language, 81

---

81 The evaluator is using the SitAn guidelines that were in place until late 2011 rather than the newer ones that came into force only after the evaluation was nearly complete.
religion, ethnicity and disability – see article 2 of the CRC) has been recognized in an earlier finding. As a general observation, the evaluation found that the absence of data on marginalized groups tends to be a common problem and that many COs face significant hurdles in obtaining relevant data to ensure that they are reached. While data disaggregated by age and sex is generally available, disaggregated data on other dimensions such as race, religion or ethnicity tends to be limited. Thus, in relation to data generated for SitAns, the evaluation noted some country-specific examples of comprehensive disaggregated data that allowed for precise identification of vulnerable groups, and other instances of generic data which tend towards identifying vulnerable groups in a broader sense.

The lack of reliable data can be gradually overcome by supporting the collection of such data as part of the country programme. Thus, for example, the UNICEF CO in Bosnia and Herzegovina has partnered with local NGOs to collect data on vulnerable children; and in the Gambia, the CO is actively seeking to collect more reliable data to more precisely identify the country’s vulnerable children.

It is clear that without dependable and appropriately disaggregated data, the identification of vulnerable groups will continue to be a challenge in the application of the principle of non-discrimination, as well as the focus on equity.

Finding 21: Where UNICEF, other United Nations agencies, government and other partners reach a consensus on priority issues for development cooperation, as well as on a broad distribution of roles and responsibilities, planning documents such as UNDAFs, CPAPs and CPDs have done a good job of integrating HRBAP.

The CO Assessment, in line with previous assessments carried out on CPDs and UNDAFs, showed a good level of adherence to rights-based language, as well as a good focus on non-discrimination, normativity and participation, with some mention of accountability systems and transparency where applicable. DOCO completed a review of UNDAFs in 2010 and 2011. In the review, which covered 16 variables, including some that focus on the results level and others that focus on the indicator level, the trend was viewed as positive. According to their ranking, only 2 out of the 24 countries received a weak score below 50 per cent, with a large majority receiving scores above 60 per cent.

UNICEF’s own review of its CPDs, carried out on an annual basis since 2007 by an independent consultant, shows a steady improvement in the quality of these reports in terms of their adherence to HRBAP principles. CPDs were assessed across 10 criteria, encompassing many of the same questions used in the current evaluation. Scoring has improved from the mid-70 per cent range to the low-80 per cent range since 2007. The most recent of these was carried out in 2011, and noted low scores for countries considered “...less amenable to the principles underlying a human rights approach (e.g., Myanmar, the Democratic People’s Republic of Korea, Somalia and China).” As will be noted in Finding 24, our evaluation came to similar conclusions with regard to the challenge of applying HRBAP in those challenging country contexts.

It should be noted that not all principles apply in all areas of documentation. Once translated into Rolling Work Plans (or Annual Work Plans), programming language loses sharpness with respect to rights. For example, a checklist is provided to review Rolling Work Plans in the new
programme structure. The checklist asks several relevant questions for HRBAP analysis, including:

- Does the result (especially of Programme Component Results, but also of Intermediate Results in some cases) convey institutional and/or behavioural changes, where relevant? (i.e., do they address the legal, institutional, policy and capacity gaps that prevent rights holders and duty bearers from fulfilling their roles)?

- Is the result (Programme Component Result/Intermediate Result) relevant? Does the result address national/sub-national priorities and goals and address critical issues affecting the fulfilment of children’s and women’s rights?

- Is the Intermediate Result informed by gender analysis – an analysis of differences between girls and boys, women and men (using disaggregated data, when possible) and, to the extent possible, show how existing gender disparities or inequalities will change?

A review of Annual Work Plans and Rolling Work Plans in several visited countries turned up several challenges:

- The geographic areas of focus defined in Annual Work Plans/Rolling Work Plans could not clearly be linked to analysis contained in the preparation documents. In some cases, the geographic focus was not clearly defined.

- The use of terms such as ‘vulnerable’ or ‘marginalized’ by Programme Component Results or Intermediate Results was not clearly defined in Rolling Work Plans. This meant that the description of the programming environment was extremely vague, making it difficult to draw a direct correlation with the assessment and analysis carried out in the SitAn.

It bears noting that the concept of Rolling Work Plans has only recently been introduced, and represents a good example of HRBAP concepts and thinking being extended into the practical work processes of the organization.

**Finding 22:** At the programme implementation stage, some exclusion of key vulnerable groups occurs across UNICEF regions, focus areas and contexts, in spite of commendable efforts to mitigate this; there does not appear to be a systematic way to ensure that UNICEF programming is fully inclusive.

One of the concerns of this evaluation was to determine whether an HRBAP was able to reach the most vulnerable groups, and whether any subset of these groups was regularly unidentified and unreached. This element is of particular importance since the Guidance Note on Reaching Marginalized Children and their Families in the PPP Manual clearly states that:

It has always been UNICEF policy (e.g., mission statement, PPM Manual, HRBAP) that country programmes should focus on marginalized, disadvantaged, discriminated and excluded groups. The almost universal ratification of the CRC and the now United Nations system-wide attention to an HTBAP have renewed this focus. The principles of universality and non-discrimination, participation, accountability and the rule of law demand that governments and development agencies seek to ensure that everyone can enjoy the full spectrum of human rights.⁸⁴

At the heart of this policy is a concern with the negative effects of social structures rooted in power imbalances, which tend to result in the stigmatization of particular groups. This

---

stigmatization in turn manifests through the active and/or systemic discrimination against those groups. Varying degrees of these social phenomena, directed at diverse groups, can and do occur in all societies to a greater or lesser extent. Thus, UNICEF’s policy of focusing country programmes on marginalized, disadvantaged, discriminated and excluded groups is a conscious effort to address this problem through its programming.

The very facts of marginalization, discrimination and exclusion make the affected groups more difficult to reach, as they tend to become invisible. This problem is compounded by the absence of a clear checklist that would apply in all contexts:

[Vulnerable] groups include women, minorities, indigenous peoples and prisoners, but there is no universal checklist of who is most vulnerable in every given context. Rather, rights-based approaches require that such questions be answered locally: who is vulnerable here and now?85 (bold font added)

UNICEF recognizes that there are common causes of marginalization that can be used as a basis to analyse the local context, and which also suggest a broad typology of groups that can reasonably be expected to be marginalized. The table below presents this typology, which serves as the basis for what should be an active engagement in UNICEF-supported programming with regard to common forms of marginalization.

### Exhibit 5.2  Typology of reasons for marginalization (adapted from PPP Manual)

<table>
<thead>
<tr>
<th>Reasons</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location, geography and lifestyle</td>
<td>Transport and communications to areas remote from major cities might be considered too costly. Sparse population density may result in long distance to service points. Villages might only be accessible on foot. Nomadic or seasonally mobile populations might not be reached by static services. People in illegal urban settlements lack basic utilities. Service providers may be unwilling to move to generally underdeveloped and unattractive areas, or to work in areas with ethnic tensions or other source of conflicts, or with high crime rates.</td>
</tr>
<tr>
<td>Lack of income and unemployment</td>
<td>Lack of disposable income is a major deterrent to the utilization of fee-based services. So are incidental costs, such as transportation, clothing and waiting time.</td>
</tr>
<tr>
<td>Citizenship and voting rights</td>
<td>The absence of political representation can be a major determinant for effective access to services, both in terms of directing services and resources to underprivileged populations and being eligible to use a service.</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender discrimination continues to be one of the major reasons for marginalization, and manifests itself as discrimination against girls and women, as well as children of single-parenting mothers.</td>
</tr>
<tr>
<td>Stigma and discrimination</td>
<td>Population groups are effectively and sometimes deliberately excluded from services or benefits, because they are considered alien or inferior to the larger community. These can include ethnic minorities or language groups, indigenous peoples, displaced people, migrant workers, people seen as being in lower castes, children without parents, and, in some societies, women and girls. Often, victims of neglect or abuse become outcasts themselves.</td>
</tr>
<tr>
<td>Lack of knowledge or trust, and cultural distance</td>
<td>People may not know that the service exists, its benefits, or that it is affordable. Distrust, low self-esteem (often the result of any of the previously mentioned factors) and unfriendly, bureaucratic or cumbersome service provision may cause people to ignore the service. In addition, people of different cultures may espouse different conceptions of service provision, duty and interaction with each other.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reasons</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabilities</td>
<td>Children with disabilities may be unable to gain access to a particular service due to lack of adequate facilities and staff capacities. In some societies, they may be hidden from the public by their relatives, or denied access by administrators.</td>
</tr>
<tr>
<td>Deviancy</td>
<td>Homelessness, alcohol and drug misuse, violence and conflict with the law can be barriers to accessing services and benefits. Engagement in illegal activities (e.g., trafficking, harmful labour, growing illicit crops, commercial sex work) may lead both deviants and victims to avoid contact with government services. Street children may not seek health services for fear of being detained.</td>
</tr>
</tbody>
</table>

The above is not intended to be an exhaustive list. However, it is worth noting that ethnic minorities and indigenous groups are explicitly mentioned, and yet racial minorities are not. This is an important omission that may at least partly explain the fact that the evaluation found only two explicit mentions of programming or data collection geared towards racial minorities. In the noteworthy exceptions of Honduras and Guyana, particular efforts are being made to collect additional data on Afro-descendant populations, and this group is also singled out in both countries for targeted programming.

Further, there is no mention in the PPP Manual of sexual minorities (lesbians, gays, bisexuals, transvestites, transsexuals and transgendered persons). While some COs do support or plan to support programming aimed at some sexual minorities, especially homosexual men and boys (Chile, Uganda, Ukraine), there is clearly scope for additional efforts in this area.

Another frequently marginalized group is children with disabilities. Since the international adoption of the CRPD, more than 60 programme countries are now conducting activities relating to children with disabilities, as compared with some 30 countries in 2007. UNICEF has also continued raising awareness on disability issues using a child-friendly version of the Convention (It’s About Ability), and has piloted a training programme in Guyana. The PPP Manual also explicitly mentions disabilities. But these positive moves are counterbalanced by the fact that few of the evaluated COs (whether as part of the CO Assessment or the field visits) provided disaggregated data or supported targeted programming for children with disabilities. This weakness is recognized by TACRO in an analysis of the interrelationship between CRC Committee recommendations in the region and the corresponding UNICEF CO reports to those committees. It remarks:

> It is interesting to note that not all UNICEF COs [sic] reports include children with disabilities as a concern in their report, whereas all Committee reports include this. It is

---

possible that this issue ‘falls between the chairs’ in the UNICEF report (and work?),
due to its cross-sectoral nature, since it is not necessarily solely a health issue.\(^{87}\)

A related finding from the CO Assessment was that eight COs identified children living with
disabilities as a marginalized group, yet this “was not adequately reflected in the SitAn or CCA.”
The primary reason provided was a lack of reliable statistics.

Even when children with disabilities were included in analysis, this did not always lead to clear
action in the form of programming. For example, Kenya’s SitAn has a very clear analysis of
capacity gaps facing the physically disabled in the country. But with the exception of the
education programme, the issue of disabilities is not strongly integrated into actual programming
in the country. In Senegal, the education section worked with a local civil society organization to
complete a full diagnostic mapping of disabilities within key communes. It mapped different
disabilities, including physical, mental, auditory and visual disabilities, and also recorded whether
birth registration had been carried out. Yet while the analysis is strong, the link with programming
is less clear. The CO Assessment interviews also revealed that in many instances, UNICEF relies
on other partners to engage in programming for disabled children.

A positive development related to disabilities is UNICEF’s January 2011 hiring of a senior adviser
on children with disabilities, as well as its establishment of a unit with specific responsibilities for
disabilities. This unit, which is located in DPP, should lead to a more comprehensive response by
UNICEF, including the adoption of new policies and strategies for addressing the rights of
children with disabilities.

\(^{87}\) United Nations Children’s Fund, ‘Analysis of UNICEF’s Role in the Committee Reporting; LAC countries 2008–
Still another frequently marginalized group is indigenous peoples – yet indigenous issues are rarely noted in UNICEF policy and strategy material. Moreover, indigenous and minority children are raised only twice in the MTSP, although they are covered more broadly in parts of the strategy which refer to excluded or vulnerable groups. According to a review of UNICEF’s own policies, UNICEF has no flagship position or policy on minority children and education, or indeed on minority children generally. This is also the case for indigenous peoples, although the UNPFII has consistently encouraged UNICEF to develop such a policy. UNICEF has, however, held early discussions on the possibility of developing a joint organizational policy on minority and indigenous children, which would mark a significant step forward. Indigenous issues are taken up strongly in some regions, such as Latin America and the Caribbean, but much less so in other regions. In Latin America and the Caribbean, there is an assigned position for an Indigenous and Afro Descendant Specialist in the regional office, TACRO. The region also has focal points in each CO, which allows for a good level of sharing of upstream policy work and advocacy, helping to develop the capacity of governments to support and fulfil the rights of indigenous groups.

**Finding 23:** Some UNICEF COs have been unusually innovative in their efforts to reach excluded children.

In spite of challenges, the evaluation did find a number of examples of COs making special efforts to reach groups that are generally recognized as being among the most vulnerable populations in many societies, including indigenous peoples, ethnic and linguistic minorities, children with disabilities, sex workers, and sexual and gender

---

**Reaching indigenous populations in Chile**

The Chile CO has put in place a cross-cutting programme to address the rights of socially excluded children from indigenous communities. The territorial programme is centred on ensuring the realization of the rights of children in the more remote areas of the country, who not coincidentally are also members of indigenous groups. In particular (although not exclusively), the Chile CO has ongoing programmes in the region of Araucanía, the heartland of the Mapuche people, where territorial and autonomy claims have engendered low-level conflict since the 1990s. In addition to working directly to prevent Mapuche adolescents involved in social protests from being tried under the Anti-Terrorist Law, the CO has contributed to the efforts of various ministries to include culturally and linguistically appropriate materials (e.g., Ministry of Education, Ministry of Planning, and Ministry of Justice).

In its child protection programming (Focus Area 4), the Chile CO has made considerable efforts to ensure that the rights of children who suffer from family violence and mistreatment are realized, as demonstrated in its partnership with Hogar de Cristo in seeking community-based solutions to deinstititutionalize these vulnerable children.

Concerning its own work, UNICEF Chile uses a number of strategies to ensure that information about children’s rights and about its programming is accessible to all children and adolescents. In addition to publishing all studies and reports on its website, the CO’s Communication for Development programme strategy broadcasts children’s rights messages in media viewed and listened to by children and adolescents, as well as other rights holders and duty bearers. In the context of the disaster response following the February 2010 earthquake and tsunami, the Rebuilding Children’s Lives campaign was visible through television, print media, radio, movie theatres and online, reaching 25 per cent of the population. Furthermore, through partnerships with locally based civil society organizations, the CO endeavours to make its information material culturally and linguistically accessible to the country’s diverse indigenous communities.

**Source:** Interviews carried out during Chilean field mission.

---


minorities. These efforts are visible across the different Focus Areas, regions and country contexts. For example, despite important shortcomings in the data available regarding the most vulnerable groups, the UNICEF CO in the Democratic Republic of the Congo (working in Focus Area 1) has managed to target groups such as orphans, disabled children, children whose parents are homosexuals, drug consumers, and girls involved in informal and unstable work. Similarly, the CO in Togo (working in Focus Area 2) has recently partnered with Handicap International to pilot projects in the Savanes region to mainstream children with disabilities into schools.

In the Ukraine, the CO (working in Focus Area 3) has been able to make full use of relatively good quality data, and to supplement it with additional data collection through partnerships with civil society organizations, to identify and provide services to the most at-risk adolescents and young adolescents affected by HIV and AIDS. These include adolescent injection drug-users, girls and boys exploited for sex or involved in commercial sex, boys having sex with men, and street children practicing risky HIV behaviours. UNICEF also supported the Government of Ukraine and local NGOs in addressing the needs of these groups of vulnerable children, with projects focused on providing counselling to young, sexually active adolescents and to street-based adolescents, and rehabilitation centres for drugs users; improving the capacity of clinics treating sexually transmitted diseases, including HIV and AIDS; and training service providers on how to respond to the needs of the most at-risk adolescents.

Likewise, in a region where marginalization of indigenous peoples is relatively widespread, the Chile CO (working in Focus Area 4) has incorporated the principle of non-discrimination into its entire range of programming, seeking to ensure that the special circumstances of indigenous children are taken into account.

These examples show that UNICEF COs are taking important strides towards ensuring that as many vulnerable children as possible are actively included in all UNICEF programming. Yet significant shortcomings remain, due in part to insufficient guidelines for identifying vulnerability and, as will be discussed below, insufficient data on vulnerable groups.

Finding 24: UNICEF has adopted some good practices to facilitate M&E of programming with respect to HRBAP.

Programme evaluation is the final stage of the programme cycle. It establishes how well programmes or AWPs are being implemented, what results are being achieved for children and how relevant programmes are to the situation of children’s and women’s rights, to national priorities, to international standards and to organizational policy. Country programme evaluations, mid-term reviews and sectoral evaluations were reviewed across countries visited during the evaluation, in addition to interviews.

M&E tools and checklists have been developed to review and assess the integration of HRBAP in programming, including the United Nations Evaluation Group document, ‘Integrating Human Rights and Gender Equality Perspectives in Evaluations in the UN System’, checklists for evaluability, which include HRBA questions, and the evaluation volume in the Advocacy toolkit (which has a strong HRBAP component). In several ROs, meta-evaluations including an analysis of HRBAP have been carried out.

“The rights holders participate with important information about the situation, programme implementation and issues during monitoring visits. Also, they are respondents in different surveys, evaluation and studies conducted to gauge the efficacy of the programmes. With organizational refocus on equity, UNICEF and partners will give increased attention to the rights holders needs and address those and get feedback.”

Source: Interview with UNICEF staff member.

90 CO Annual Report.
Several trends are noteworthy, including:

- In terms of the participation and interaction of duty bearers and rights holders, data suggest that while the former’s views dominate both during programme monitoring as well as during evaluation, UNICEF has made some efforts to ensure the voices of rights holders are also heard during these stages. More specifically, most CO assessments say that rights holders are included in monitoring, while more than half claim that rights holders are included in evaluation.

- Data collected on M&E activities tend to be gender sensitive and disaggregated where possible.

- Efforts to reach marginalized communities were noted in several country programme evaluations.

- Changes in capacities of duty bearers and rights holders are consistently covered in the country programme evaluations that were reviewed.

- Where there were improvements in terms of decreases in rights violations and progress in rights holders enjoying their rights, this was acknowledged in the country programme evaluations.

### 5.2.3 Application of HRBAP by Focus Area

The application of HRBAP, according to the PPP Manual, is a requirement for programming in all MTSP Focus Areas. The MTSP sets out five Focus Areas, namely:

- Focus Area 1: Young Child Survival and Development;
- Focus Area 2: Basic Education and Gender Equality;
- Focus Area 3: HIV and AIDS and Children;
- Focus Area 4: Child Protection from Violence, Exploitation and Abuse; and

**Finding 25:** While an effort has been made in recent years to integrate human rights principles and standards into programming related to Focus Area 1, Young Child Survival and Development, in most cases the application of such principles and standards is not evident.

Focus Area 1 consists of areas that position UNICEF to contribute to the achievement of the MDGs and other internationally agreed goals. As defined in the MTSP, it aims to support regular emergency and transitional situations for essential health, nutrition, water and sanitation programmes, and for young child and maternal care at the family, community, service provider and policy levels.

The focus across Focus Area 1 (as defined in the current MTSP) has been the right to health, grounded in article 12 of CEDAW and articles 6 and 24 of the CRC. The latter articles also underline the right of the child to life, survival and development as one of the four foundational principles of the CRC.

The scoring of Focus Area 1 was, on average, ‘satisfactory’. The CO Assessment found that, in general, there was good mention of the core element of normativity and satisfactory reflections on non-discrimination and accountability. Less reference was made to participation and transparency.
During interviews and in field visits, a number of staff interviewed suggested that HRBAP language is not strongly employed by staff in Focus Area 1. Several factors may account for this. First, some staff said that the right to health is fundamental to the right of the child to life, survival and development, and as such, the link to HRBAP is clear and unambiguous. This represents the overly simplistic view that human rights are synonymous with HRBAP rather than an understanding of the full programmatic framework of HRBAP.91

Second, specialists in Focus Area 1 often fail to see the linkage between adherence to HRBAP principles and their own evidence-based or peer-reviewed decision-making. This view was highlighted in a 2010 article in *The Lancet*, which said that “...a major limitation of the reliance on legal measures and abstract principles is that these in themselves provide scant guidance for real-world decision-making around resource allocation or programme strategies essential for supporting service delivery.”92

A final factor is pointed to in the 2006–2007 review of annual reports; it suggests that the paucity of references to ‘rights’ language is because Focus Area 1 has traditionally been built on a basic-needs approach and the identification of programme targets as beneficiaries rather than subjects of rights.93 The evaluation found some evidence of this during interviews and field visits. For instance, a group interview with health specialists noted that there had been a lack of information and transparency on the nature of various past campaigns (including for polio and other diseases), which led beneficiary communities to question the purpose of the intervention. Thus, the lack of transparency had a negative impact on programming and ultimately on results in this case. The emergence of Communication for Development is, according to the interviewees, a response to the need to increase transparency and participation in Focus Area 1 programming. Another interviewee suggested that UNICEF was spending too much on health supplies and distribution rather than supporting duty bearers and rights holders.

The factors that limit the use of HRBAP language in Focus Area 1 programming mean that HRBAP is often not well identified within such programming. It should be noted that UNICEF’s strategies for Focus Area 1 already contain tools and structures needed to consider programming in a manner consistent with HRBAP, as described in Finding 33. A separate framework provides further evidence for the linkage between Focus Area 1 and HRBAP. In May 2000, the Committee on Economic, Social and Cultural Rights, which monitors the Covenant, adopted a General Comment on the right to health, setting out four criteria by which to evaluate the right to health: accessibility, availability, acceptability and quality.94 It is through the lens of these criteria that more can be said with regard to UNICEF’s Focus Area 1 HRBAP programming.

Availability incorporates physical and underlying determinants of health, such as safe drinking-water and adequate sanitation facilities, hospitals, clinics, trained staff and essential drugs. In

91 This is explained more fully in the previous chapter, which notes that confusion exists between speaking about child rights or right to health versus a full understanding of HRBAP as a programming framework.

General Comments serve to clarify the nature and content of individual rights and States Parties (those states that have ratified) obligations. The General Comment recognized that the right to health is closely related to and dependent on the realization of other human rights, including the right to food, housing, work, education, participation, the enjoyment of the benefits of scientific progress and its applications, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and freedom of association.
countries with poor physical infrastructure, improving availability of these is a regular part of UNICEF’s programming. In general, UNICEF supplies contribute to availability of WASH, health and nutrition assets. Accessibility brings to the fore issues of universality and non-discrimination, either through physical access to all groups, affordability to those who require services or information accessibility. Acceptability raises critical issues of cultural appropriateness and respect for the health of all concerned. In Kenya, the participation of community members, including women, in community-led total sanitation as part of WASH programming is an example of how the rights-based approach is integrated into UNICEF programming under Focus Area 1. The fact that UNICEF WASH staff did not explicitly use HRBAP language did not lessen the application of HRBAP principles or the relevance of the UNICEF WASH strategy to the intervention. And the criterion of quality speaks to the scientific and medical appropriateness of health goods and services. Both acceptability and quality incorporate the principles of participation, transparency and accountability.

Two examples illustrate efforts by Focus Area 1 to integrate HRBAP into programming. In order to ensure access to the most marginalized, the criteria of availability, access, acceptability and quality can go hand-in-hand to ensure good HRBAP programming. For example, Accelerated Child Survival and Development programmes ensure high-impact and low-cost interventions with populations that are often not reached. They do this by employing community-based health workers as part of an intervention in order to provide basic health services and information to rights holders. Such services are targeted (i.e., made available and accessible) to hard-to-reach communities. In countries where high-quality services and infrastructure are already in place, accessibility to the most marginalized takes precedence, and improving quality takes on greater importance in programmes.

Another example elucidates the link between HRBAP and the Focus Area 1 criteria of accessibility, availability, acceptability and quality in Focus Area 1 programming. Despite routine health system strengthening across multiple low-income countries, UNICEF has carried out vaccination campaigns in a number of countries reviewed. The merits of a campaign versus routine vaccination outreach were cited as being the subject of considerable debate in health circles. Interviews with UNICEF health staff in two of the countries visited suggest that these debates encompass issues such as affordability, access and quality. The debates underline that HRBAP can provide a framework to help think about programme decisions. Of course, this does not preclude the use of tools and methodologies to help reach the greatest population at the lowest cost, such as Marginal Budgeting for Bottlenecks, or a greater reliance on peer-reviewed research publications. HRBAP can still be instructive in this framework, providing another lens for analysis in addition to specialized tools and methodologies.

It should be noted that in the area of child survival and development, UNICEF’s effort to integrate HRBAP in Focus Area 1 relies on collaboration with fellow United Nations agencies such as UNFPA and the World Health Organization (WHO). Some joint efforts have borne fruit, such as the integration of HRBAP in a joint statement on sex selection. At the same time, the emergence of foundations and funds, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, GAVI and others, many of which UNICEF partners with, has added complexity to a rights-based approach in Focus Area 1. It has strengthened the drive for results in programming for child survival and development, although, according to a recent evaluation, these new initiatives have integrated elements of rights-based programming into how they carry out their business, and work alongside UNICEF and other United Nations agencies to develop initiatives aimed at further integrating a rights-based approach. For example, the Global Fund to Fight AIDS

has committed itself to meaningful representation of ‘key affected populations’, and has evaluated its human rights approach to programming with a view to strengthening participation and accountability.\(^\text{96}\)

### Focus Area 1: Young child survival and development – The case of Eritrea

**Normativity:** The Eritrea CO’s programming documentation aligns closely with all the CRC Committee’s recommendations related to Focus Area 1. However, both this documentation and the CRC Committee’s recommendations remain rather generic regarding who constitutes the target population, and more disaggregated data would be desirable. The CO has also been able to partner with some United Nations agencies (such as WHO, UNFPA and the World Food Programme) to implement its programme, but no partnerships have been established with other relevant human rights actors (national, regional, or international). This is attributable to the very limited number of international human rights organizations in the country (international NGOs have practically been banned by the Government). The adherence to the principle of normativity in UNICEF Eritrea is challenged by the sensitivities that the Government has shown in relation to the creation of an independent human rights institution and to the domestication of the CRC.

**Participation:** Rights holders’ participation has been taken into account in assessing the situation of children in the country, in implementing the programme, and in monitoring it. The country programme tries to enhance children’s participation also through capacity building of relevant duty bearers (NGOs, and central and local government authorities) in rights-based programming, including the involvement of children in local planning activities. However, the evaluation team found no evidence of specific provisions to promote the participation of vulnerable groups.

**Non-discrimination:** The UNICEF CO in Eritrea makes efforts to promote the fulfilment of the rights of the most disadvantaged by duty bearers. Advocating for marginal groups is reportedly quite easy because there is a strong sense of social justice in the country and the Government tries to be egalitarian and to incorporate the different groups. However, the identification of these groups remains imprecise, due to the restrictions on movement outside the capital, which implies difficult and not exhaustive data collection on the most vulnerable. Documents reviewed do not provide sufficient details to make a judgement regarding whether the country programme targets and allocates resources to the most vulnerable. Still, the CO is seeking to alleviate this problem by building the capacity of the government to plan and allocate increased resources to disadvantaged groups.

**Transparency:** The UNICEF Eritrea programme promotes right holders’ access to information and understanding of decision-making mechanisms of relevant public programmes in Focus Area 1 as well as in other areas. The programme supports, in fact, the capacity of national media to report on issues relating to children, including reporting on the CRC and MDGs and the capacity of programme networks to encourage inputs from children and women to the monitoring and reporting systems on the CRC and MDGs. The country programme, through existing reporting mechanisms to duty bearers and, to a lesser extent, rights holders, appears to be implemented in a transparent way, through regular provision of information, although it remains unclear how duty bearers and rights holders concretely influence programme implementation.

**Accountability:** The UNICEF CO in Eritrea promotes right holders’ access to mechanisms of complaint and redress. Examples of this practice are monitoring systems that have been supported or put in place on nutrition indicators and the promotion of children’s participation in local planning processes. However, these mechanisms do not appear to include specific provisions for vulnerable groups. Although efforts are made by the Eritrea CO to be accountable in the country through regular communication with duty bearers and, to a lesser extent, rights holders, there are no formal mechanisms or systematic processes to achieve this goal.

**Finding 26:** Focus Area 2, Basic Education and Gender Equality, demonstrates a strong HRBAP focus and has performed strongly in the application of normativity and participation, with some challenges remaining in terms of transparency, accountability and non-discrimination.

Focus Area 2, which is aligned to the MDGs and other rights-based initiatives such as Education for All, has a strong HRBAP focus. Its primary concern is improving developmental readiness for

school; ameliorating access, retention and completion, especially for girls; improving education quality; and improving education in emergency situations as well as ensuring continued leadership of the United Nations Girls’ Education Initiative. The MTSP identifies a number of rights-based key results areas, such as reducing gender-based and other disparities in relation to access, participation and completion of quality basic education. It notes specifically that: “UNICEF will continue to promote a human rights-based approach to education, placing high priority on support in situations when children’s right to education is endangered by disparities of discrimination…”

Focus Area 2 programming has been reviewed overall as ‘satisfactory’ in the CO Assessment, with good results in normativity and participation principles thanks to strong linkages with conventions and key global policies found throughout UNICEF documentation. There are also strong structures in place for participation, through the establishment of parent-teacher associations and school associations, which help to include the voice of children and adolescents in programming. On the other hand, ‘satisfactory’ to ‘weak’ scores were noted for accountability, transparency and non-discrimination, with the latter having the lowest score of the assessed principles. While global initiatives such as Education for All and the United Nations Girls’ Education Initiative create accountability to ensure that a child’s right to education is realized, at the country level, accountability is limited by a lack of sufficiently disaggregated education data at decentralized levels, which would help to better hold administrations accountable for reaching the poorest of the poor. The rating for non-discrimination reflects one of the significant challenges in the education sector. As noted in the mid-term review of the MTSP, “A large number of countries have achieved significant progress in net school enrolment and several stand a good chance of achieving universal primary education by 2015 (Goal 2). However, among the continuing concerns are the inequalities within and across regions and countries associated with gender, language, ethnicity, disability, income-poverty and geography.” In the evaluation’s document review in Focus Area 2, the challenges of insufficient data disaggregation and identification of out-of-school children were noted, and were confirmed during interviews. However, the CO Assessment still provided many examples of programmes that develop capacities to reach the most vulnerable children:

- Eritrea: nomadic education and complementary elementary education for out-of-school and hard-to-reach children in remote areas;
- Lebanon: development of a diploma course for teaching children with disabilities;
- Syria: support to Iraqi refugee children to ensure their rights to basic social services, including education;
- Ukraine: fighting against stigmatization of/discrimination against HIV-positive children in the education system, through an information campaign targeting pedagogues/medical personnel in schools/kindergartens conducted in 10 regions;
- Bangladesh: a programme with the Government called Basic Education for Hard-to-Reach Urban Working Children targeted the most vulnerable, to give them access to non-formal education that is equivalent to formal primary school;
- Senegal: the evaluation noted efforts in Focus Area 2 to target an excluded group in that country, namely, the children sent to Islamic schools, which are known as the Talibe. UNICEF was working to provide data and advocacy to ensure the educational quality of the religious schooling. As this is a sensitive issue, UNICEF practiced a number of strategies to engage with government and religious groups, including developing

---

97 MTSP, p. 23.
advocacy tools, writing reports, and partnering with NGOs and civil society. UNICEF also worked directly with civil society organizations to help those it could reach. It also worked on the issue indirectly by cooperating with NGOs such as Human Rights Watch to bring attention to the issue. This cooperation led to more awareness and also an ongoing conversation about what other means UNICEF could employ to further advance the issue.

In partnership with the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF has also launched a new global initiative on out-of-school children that will strengthen data collection and analysis and expand the knowledge base on disparities.

Key education initiatives are strongly embedded in HRBAP, including Education for All, the United Nations Girls’ Education Initiative, and UNICEF’s education policy, which refers to all of the evaluative HRBAP principles. In particular, the UNICEF Education Section in the Programme Division has worked with UNESCO to integrate HRBAP into the wider Education for All mandate. Their joint publication\(^98\) explains HRBAP and provides a useful guide to HRBAP implementation, for instance, by outlining the roles of non-state duty bearers in education (including teachers, parents and the community), and by providing a checklist for action. The publication also challenges practitioners to consider some of the tensions in the application of HRBAP, such as the issue of scarce resources, the consequences of progressive realization of Education for All, trade-offs between primary and secondary school education, and the role of work in children’s lives. These tensions drive the publication away from theory and towards practical decision-making for the application of HRBAP in education.

A noteworthy example of the embeddedness of HRBAP in the work of Focus Area 2 is the child-friendly school model, which is both a child-seeking school and a child-centred school, and thus inherently encompasses HRBAP principles. Safeguarding the interests of the child (child-centeredness) through child-centred pedagogy and a focus on the needs of the whole child should be enhanced both by the active participation of children in their learning and well-being and by the participation of families and communities in providing necessary supports. Similarly, being inclusive of all children should be enhanced by child-centredness and by the active participation of students, families and the community.

Recent reviews and evaluations of child-friendly schools have been carried out during the evaluation review period. These have been mixed to positive, with noteworthy attention paid to HRBAP at the evaluation stage of the programme. For example, in the child-friendly school evaluation of the Philippines, in the area of inclusiveness and gender sensitivity, stakeholders reported that the schools provided equal access and allowed participation of both boys and girls regardless of their ethnicity or religious background. Moreover, there was overall gender parity in terms of enrolment and attendance. In South Africa, however, while there was an effort at the national level to ensure that children with disabilities were enrolled in school and received a quality education, the policy proved difficult to apply in practice due to a lack of trained teachers. School infrastructure also provided a significant barrier to school participation for students with physical disabilities.

The evaluation team found instances in low-income countries of additional targeted efforts being made to reach marginalized or excluded groups in education. The example from Kenya outlined in the sidebar shows UNICEF engaging in such a way as to help provide opportunities to an excluded population group, namely, girls in a remote district of the country. This programme support was fully aligned with the previous SitAn that was carried out in the CO.

**Finding 27: Focus area 3, HIV and AIDS and Children, demonstrates some effort at the integration of HRBAP, especially with respect to sensitive issues. However, more needs to be done to fully integrate HRBAP.**

Focus Area 3 places an emphasis on increased care and services for children orphaned and made vulnerable by HIV and AIDS, on promoting expanded access to treatment for children and women and on preventing infections among children and adolescents. It also emphasizes continued strong participation in the Joint United Nations Programme on HIV/AIDS, and on

---

**Reaching the vulnerable in Kenya**

The concluding observations of the 2007 CRC highlighted the problem of low enrolment in early childhood care and education institutions and the disparities in the access to quality education, which particularly disadvantages girls and pastoralist and hunter-gatherer children. This observation has been confirmed by UNICEF data collection and assessment as elucidated in its SitAn of children and women. In response, UNICEF and the Government of Kenya have identified areas of disparity in educational opportunities for children and proposed interventions in order to reach this vulnerable population with educational opportunities.

One response has been the Ministry of Education’s championing of mobile schools with UNICEF’s technical and financial backing. This has been targeted at hard-to-reach parts of the country and at pastoralist communities who are often overlooked in regular educational cycles. Secondly, UNICEF has begun to work with the Government of Kenya, and in particular with the Ministry for the Development of Northern Kenya, in supporting opportunities for girls’ post-primary scholarship in these communities. This programme has focused on scholarships for girls in the most marginalized communities, with the larger objective that these girls will return to their communities and inspire others to complete their secondary education cycle. There has already been a high success rate for girls in this programme.

Source: Kenya field mission.
protecting the rights of vulnerable and highly stigmatized groups. Thus Focus Area 3, by definition, covers the rights of a vulnerable and highly stigmatized group in UNICEF programming. A rights-based approach is therefore largely consistent with the universality and non-discrimination elements of HRBAP.

As was the case for Focus Areas 1 and 2, the integration of HRBAP in Focus Area 3 has been ‘satisfactory’. More particularly, there is ‘good’ to ‘satisfactory’ evidence of integration for the principles of normativity, participation and accountability, and ‘weak’ to ‘satisfactory’ evidence of it for the principles of transparency and non-discrimination.

In its approach to HIV and AIDS, UNICEF has responded with the Four Ps approach, which refers to PMTCT, paediatric treatment of children, preventing infection among adolescents and young people, and protecting and supporting children affected by HIV and AIDS. It is often in the latter two Ps that a human rights-based approach can be most challenging and rewarding and where much of the work related to HRBAP and HIV is carried out. In several countries in Southern Africa, programming involves responding to the needs of adolescents, orphans and vulnerable children in their communities through messaging and educational programming to reduce stigmatization. There are also numerous examples of peer-to-peer HIV and AIDS education programmes in which adolescents educate their peers about HIV and AIDS, including paying close attention to HRBAP principles such as non-discrimination, participation and transparency.

In several interviews for the CO Assessment, people living with HIV and AIDS were cited as a sensitive population in some countries. Data collection and disaggregation was also noted as critical in several countries, in order to better understand and respond to at-risk groups. This accounts for the lower CO Assessment scoring for non-discrimination, particularly where highly vulnerable groups such as drug users, sex workers and others are in need of preventative services, or where HIV-positive children are in need of care.

Two examples are illustrative: the first one, detailed in the textbox, shows the application of HRBAP in Swaziland as well as the challenges in applying certain HRBAP principles. The second example was discussed with UNICEF staff during the Cambodia field mission. In Cambodia, an

---

**Example under Focus Area 3: Swaziland**

**Normativity:** There are explicit references to the CRC Committee’s recommendations in the majority of the country-level documents. The Swaziland country programme is aligned with the majority of recommendations. The only recommendation that is apparently not being addressed is on the establishment of services providing child-sensitive and confidential counselling.

**Participation:** Limited information was found in the documents reviewed on participation of rights holders and duty bearers in shaping the country programme, but the interview that was conducted during the course of the evaluation did give information on this topic. It appears that the UNICEF CO has promoted participation of duty bearers and rights holders, including children, through regular consultation in the various phases of the programme. Their participation is seen as essential to make the programme more relevant, as well as to reach out to the remote areas of the country.

**Non-discrimination:** Some of the most vulnerable groups, such as street children and men having sex with other men, are not targeted by the country programme.

**Transparency:** The Swaziland country programme promotes right holders’ access to information of relevant public programmes through training and other forms of capacity building of civil society organizations. However, less clear is how the programme promotes understanding of decision-making mechanisms of the relevant public programmes and how it promotes transparency for the most vulnerable. Programme initiatives include measures to promote duty bearers’ accountability through capacity building in research and policy analysis.

**Accountability** of UNICEF towards national actors has been promoted through the mid-term review and regular meetings with relevant duty bearers and rights holders. No sanctions are linked to the non-implementation of the country programme.

**Source:** CO Assessment.
innovative data collection tool that helped to understand young people at risk was carried out with UNICEF’s leadership. The Most at Risk Young People (in Cambodia survey was launched in November 2010. Conducted in hot spots in eight provinces and involving 2,489 young people, the survey generated new age- and sex-disaggregated data to inform national policies, strategies and programmes. Young people’s behaviours related to sex, drugs and alcohol use and their preferences/experiences with health services were assessed. These disaggregated data have provided policymakers with valuable new information based upon which new programmes and policies can be developed for young people.

These examples illustrate some of the positive efforts that are being made to integrate HRBAP into Focus Area 3. At the same time, they are not representative of widespread, in-depth integration of the approach across the UNICEF COs, and are in fact rather more exceptional. It is as a result of their exceptionality that more needs to be done to integrate HRBAP.

**Finding 28:** Compared with other Focus Areas, Focus Area 4 – Child Protection from Violence, Exploitation and Abuse – is seen as more intrinsically HRBAP-oriented given its foundation in several of the approach’s norms and standards. This has resulted in an overall perception within UNICEF of the Child Protection unit as de facto HRBAP leaders.

Focus Area 4 lays emphasis on strengthening of country environments, capacities and responses to prevent and protect children from violence, exploitation, abuse, neglect and the effects of conflict. Key Results Areas include improved data collection and analysis, effective legislative and enforcement systems, improved mechanisms to protect children from the impact of armed conflict, support to national justice systems, and improved safety nets for vulnerable children and their families.

UNICEF’s programming under Focus Area 4 has been a source of rights-based experience and expertise in the organization, which has been drawn on by other sections. The opening statement for this priority area in the MTSP recognizes that “this Focus Area draws particularly on the Convention on the Rights of the Child and the Millennium Declaration, as well as numerous international human rights agreements, as the basis for response to a broad spectrum of child protection issues.”

There are many reasons for this, including:

- A number of Child Protection staff bring legal backgrounds to UNICEF, and therefore have expert knowledge regarding the application of normative frameworks, such as the CRC, CEDAW and relevant United Nations Security Council resolutions. As such, child protection staff are often seen as the torch-bearers for HRBAP at the global, RO and CO levels.

- As seen from the scope of Focus Area 4 detailed above, child protection programmes play a significant role in identifying and securing the rights of the most marginalized children and their families. As noted in the UNICEF Review of Annual Reports, this sector’s very nature means a focus on marginalized and vulnerable segments of the population, which in turn increases the visibility of the human rights-based approach in reporting.

- Member(s) of the child protection team most often support accountability systems in countries, including Ombudsman and Human Rights Commissions. This is often due to the legal expertise that they are able to bring to bear in this role. Moreover, they are often

---


already counterparts in supporting government CRC and Optional Protocol reporting, as well as monitoring of Security Council resolutions, such as Resolution 1612.

Focus Area 4 programming has been reviewed overall as ‘satisfactory’ to ‘good’ in the CO Assessment, and was the strongest among the four Focus Areas reviewed in depth during the evaluation. Some of the good practices noted in the CO Assessment regarding Focus Area 4 include a greater emphasis on engagement, accountability and transparency, and an inherent focus on the marginalized and on broadening participation. The mid-term review of the MTSP notes that, “…child protection issues, such as justice for children, child labour and trafficking, can be used as entry points to strengthen systems, including laws, policies, regulations and services that protect children from violence, exploitation and abuse.”

UNICEF’s Child Protection policy also uses the strongest HRBAP language of all the Focus Areas, and the CO Assessment has found evidence that this language is put into practice in the COs through the following means:

- Promotion of meaningful child participation and empowerment.
- Supporting of public education and social dialogue. Public awareness campaigns can play a role in reducing the prevalence of unfavourable or discriminatory attitudes, beliefs and harmful practices towards children. In Bangladesh, the UNICEF-supported Children’s Opinion Poll from 2008 gathered quantitative and qualitative information on children from 31 districts between 9–18 years of age.
- Encouraging opportunities for open dialogue on child protection topics, in schools, institutions and community centres. In Bosnia and Herzegovina, good practices in terms of improving the participation of right holders is evidenced through the Participatory Action Research, which affects all parts of the programme cycle. There is evidence that the supported participation has been meaningful and that the capacities of both duty bearers and right holders have been strengthened as well.
- Putting in place of laws, services, behaviours and practices that minimize children’s vulnerability, address known risk factors, and strengthen children’s own resilience. For example, in Guyana, UNICEF supports skills development of professionals working with children to identify and respond to signs of abuse, sexual exploitation and gender-based violence.
- Partnering with and supporting civil society networks in the promotion of children’s participation and empowerment. In Bosnia and Herzegovina, UNICEF-supported Municipal Actions Plans for social protection with an emphasis on families that have children with disabilities in 23 municipalities.
- Supporting governmental commitments to fulfilling protection rights; this includes social welfare policies, adequate budgets, and public acknowledgement and ratification of international instruments. UNICEF Tajikistan promotes duty bearers’ accountability in the child protection sector through advocacy, capacity building on monitoring and reporting, and analysis of public expenditures on social services.
- Supporting the promulgation and enforcement of legislation that includes an adequate legislative framework that is consistently implemented, and which helps to ensure accountability and combat impunity. In Niger, the national children’s code has been revised to incorporate missing provisions and to reinforce measures against child prostitution and pornography (in line with the CRC’s Optional Protocol on the sale of children, child prostitution and child pornography).
- Improving knowledge of rights protection and ways of avoiding and responding to risks.
At both the CO and RO levels, Child Protection staff were the most fluent and holistic in their thinking about child rights. They consequently often become the de facto leaders for HRBAP at the office level. As mentioned in the next chapter, this creates an additional burden for Protection staff in their work as they end up supporting HRBAP more broadly in the office.

The Republic of Serbia attaches great importance to human rights in general and minority rights in particular, making efforts to observe and apply the highest international and European standards in this field. The country has accordingly completed the national legislative framework for human and minority rights, acceded to and ratified major global and regional treaties in the domain of human rights, and has adopted and worked to implement on a national level the optional protocols to those treaties. Yet these legislative initiatives still guarantee a higher level of rights than what is attained in practice, in spite of the effort invested. Challenges include lack of coordination, prioritization, information and resources with respect to the exercise of human rights, which have been observed among specific groups of adults and children within the population, including persons with disabilities, refugees and internally displaced persons, the poor, the elderly, Roma populations, members of sexual minorities, and persons deprived of their liberty. Moreover, the level of gender equality is still not satisfactory, although legislative and other measures have considerably improved the situation.

Another example of HRBAP and protection flows from the HIV and AIDS epidemic in Kenya. That epidemic has greatly increased the number of orphans in the country as well as the vulnerability of affected households (due to working adults dying or suffering from chronic illness). In response, the Government of Kenya, in cooperation with UNICEF, developed the Cash Transfer Programme for Orphans and Vulnerable Children. The programme offers regular cash transfers to families living with orphans or vulnerable children, to encourage fostering and retention of the children within their families and communities as well as to promote their human capital development. The programme reached 30,315 households by mid-2009, and is aiming to support 100,000 households by 2012.

In the few cases where principles were weakly applied in Focus Area 4, this was often due to barriers to accountability, participation and inclusiveness brought about by the country context.

**Finding 29: UNICEF demonstrates a strong institutional commitment to HRBAP and children’s rights through Focus Areas 5 – Policy Advocacy and Partnerships for Children’s Rights.**

UNICEF’s work in Focus Area 5 strives to transform the organization into a more effective partner for advancing human rights and the Millennium Declaration and its goals. It aims to do this by generating evidence and knowledge on the situation of children, by analysing the impact of public policies on children, and by using this evidence to advocate for policies that foster the realization of children’s rights as well as underpin other MTSP focus areas. Specifically, the MTSP recognizes the purpose of programmes in this area as being closely related to both the CRC and CEDAW, and that the very rationale for the existence of this sectoral area responds to “the obligations of UNICEF to advance gender equality and support effective implementation of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by all State Parties.”

The importance of advocacy and partnerships as a dimension of the HRBAP has been strongly realized at the institutional level through the MTSP’s focus on policy, advocacy and partnerships in favour of children’s rights. Moreover, Focus Area 5 encompasses many of the cross-cutting elements necessary for a rights-based programme that are in turn set out in the key result areas of the MTSP:

- Collect and analyse strategic information on the situation of children and women;
• Research and policy analysis on children and women;
• Policy advocacy, including legislative reform, dialogue and leveraging; and
• Enhanced participation by children and young people.

As noted in the UNICEF review of annual reports, “… Focus Area 5 offers the means with which to analyze [a] complex nexus of issues – poverty, discrimination, lack of access to services, violence – from a clear human rights and gender sensitive perspective.” The evaluation found that Focus Area 5 cuts across all programmes, and that the other focus areas rely on Focus Area 5 programming to better inform and carry out HRBAP in their own programming. In other words, HRBAP in all focus areas encompasses the work carried out in Focus Area 5. Consequently, Focus Area 5 was not subject to a separate analysis from the other focus areas for this evaluation.

Focus Area 5 provides the strongest indicators through which HRBAP progress can be measured. UNICEF’s success in generating sound knowledge and evidence (e.g., data collection and research) is evidenced in the number of SitAns and national development plans that address major issues for children, as well as key research studies, such as the Global Policy on Child Poverty. Policy advocacy, dialogue and research are addressed through support given to social protection programmes, budget reviews and the development of regulatory policies. Dialogue and partnerships for advocacy support the increased participation of women, children, adolescents and young people in decisions, as do opinion polls collected on the views of children, and their participation at key global advocacy events.

Through Focus Area 5, UNICEF also sets out the tools, structures and framework through which much of this cross-cutting policy, advocacy and partnership work can take place. For example, UNICEF brings forward extensive expertise in multiple indicator household surveys and data collection. Evidence collected through these surveys is an essential component in helping to understand marginalization and discrimination, either by geographic location, income quintile or other measures. In addition to data collection, UNICEF has been instrumental in developing tools that support governments in the reporting and dissemination of data. For instance, the Dev-Info platform has been put in place to facilitate electronic dissemination and to encourage research on children’s rights. Another way in which UNICEF supports such research is by providing conceptual frameworks for governments to integrate marginal budgeting for bottleneck tools, as well as other expenditure frameworks that can also facilitate practical decision-making for policymakers. All of these tools provide technical assistance in helping to develop the evidence base to advocate for legislative reform and social policy and budgetary measures to enhance the fulfilment of the rights of children.

With regard to advocacy support, the 2010 Advocacy Toolkit formally sets out the definition of advocacy (see sidebar) and the linkages between advocacy and HRBAP. It notes that “A Human Rights-Based Approach to advocacy starts with an understanding of children’s situations as

---

Examples of the Advocacy Toolkit’s rights-based language:

Advocacy involves delivering evidence-based recommendations to decision makers, stakeholders and/or those who influence them. Advocacy is a means of seeking change in governance, attitudes, power, social relations and institutional functions. It supports actions that are taken at scale, and which address deeper, underlying barriers to the fulfilment of children’s rights.

The goal of advocacy can be to address imbalances, inequity and disparities; promote human rights, social justice and a healthy environment; or further the opportunities for democracy by promoting children’s and women’s participation. Advocacy requires organizing and organization. It represents a set of strategic actions and, at its most vibrant, will influence the decisions, practices and policies of others.

Source: Advocacy Toolkit.
based on the identification of shortfalls in realisation of their rights, as well as those whose actions or inactions contribute to such shortfalls. The toolkit also:

- promotes participation;
- targets accountability of those with duties or obligations towards children and women;
- emphasizes that all rights apply to all children without exception or discrimination; and
- makes clear the legal duties of governments and the ethical duties of all people.

UNICEF has a good track record on advocacy and partnerships; at the same time, the recent publication of the Advocacy Toolkit will help to further permeate advocacy and partnerships throughout the organization. Some of the challenges include:

- Varying degrees of engagement in advocating for sensitive child rights or broader human rights issues. More particularly, due to wide differences across different country typologies, CO Representatives seem to advocate on sensitive issues on the basis of pragmatism and the country’s social and political context. Although they receive support from HQ and RO on demand, it is not easy to develop harmonized advocacy messages that work across UNICEF countries and regions. As detailed in the document, ‘Mapping of UN Agency Human Rights Mainstreaming Policies and Tools’, which was based on 18 interviews with United Nations agencies, there are a number of common challenges in implementing human rights into programming, including the political resistance to a human rights agenda.  

- UNICEF may feel impeded in its advocacy role in cases where either the UNCT or the United Nations Resident Coordinator is reluctant to raise sensitive issues with government counterparts. If UNICEF has strong evidence on a particular issue that needs to be addressed, it must take the lead, as it is the ‘voice for children’.

- Interviews held with staff from ROs showed various degrees of engagement on advocacy issues; although all ROs play a critical role in advocacy, they are not systematic in their engagement in advocacy. The RO in the CEE/CIS region rallied UN system-wide support on difficult advocacy issues, such as the UNDG Regional Group on the rights of Roma and the institutionalization of children. In TACRO, the RO has built support for integrating child rights commitments in political elections at national or sub-national levels. It is suggested that ROs could be even more proactive on advocacy issues, and play support roles where COs have less ability to do so.

Overall, the CO Assessment illustrated the importance of advocacy, particularly in challenging country contexts or on sensitive issues. In almost all cases where a sensitive rights issue was highlighted in the country, the response was to use advocacy as an upstream tool. Therefore, while UNICEF continues to operate at the downstream level with service delivery and capacity development in communities, it is also engaged at upstream levels in almost all countries, and particularly in MICs, where upstream policy and advocacy forms the bulk of its programming. It bears underlining that at the upstream level, a rights-based approach is hampered by several issues with regard to HRBAP:

- The very limited capacity of UNICEF and the United Nations to bring structural change to very unequal societies (such as South Africa or many countries in Latin America);

- Political sensitivities, since as highlighted elsewhere, UNICEF staff at all levels of the organization are cognizant of the sometimes difficult balance between speaking out

---

strongly against government on advocacy issues versus taking a less confrontational approach to working on sensitive issues. Of particular concern is the extent to which Representatives and Heads of Sections feel that the country programme may be jeopardized by government sanction if UNICEF speaks out too loudly; and

- Participation in Sector-Wide Approaches to Programming, PRSPs, Joint Assistance Strategies and pooled funding schemes can enhance UNICEF’s capacity to influence policy, but its potential impact on its ability to address rights issues may be limited.

5.2.4 Country context, including humanitarian settings
Country context is the final lens through which the assessment of HRBAP was carried out. As noted at the beginning of the chapter and highlighted in Appendix IV, the assessment was consistent with previous studies in showing that country context matters. It also found that there are several challenges regarding UNICEF’s humanitarian work.

Finding 30: Various dimensions of the country context frame and influence the application of HRBAP at the CO level, but do not dictate or determine its application. These include the levels of development, income and institutionalization of the state and civil society, as well as the leadership of the CO.

The evaluation findings in this chapter are consistent with those of earlier studies, particularly the Harding Survey, in noting that various dimensions of the country context within which each CO operates influence the application of HRBAP in any given country, although not in a deterministic fashion.

The data collected through the CO Assessment was analysed according to the different components of country context, as defined in the methodology section of this report:

- LDCs;
- Income level, subdivided into:
  - Lower-income countries
  - MICs
  - LMICs
  - UMICs
- Fragile states
No clear trends emerge in terms of the application of HRBAP in these different situations. However, interviewed staff consistently referred to country context issues as being either enabling or constraining elements for the successful or unsuccessful application of HRBAP principles. These observations are, as noted above, consistent with the findings of earlier evaluations, as well as with current understandings in democracy and international development studies. For instance, the presence of strong human rights and/or HRBAP supportive institutions, whether in the state and/or among civil society organizations, is widely recognized as creating a conducive environment for rights-supportive legal reform as well as transparent and accountable public policy, and for addressing discriminatory legal, institutional and social frameworks.102 Thus, throughout the past quarter century, most of Latin America has seen the development of vital and dynamic civil society organizations that have successfully altered the relationship between the state and civil society in the context of that region’s democratisation processes.103 This has contributed to the widespread use of rights discourse in those societies, which – as noted by CO staff in this region interviewed during field visits and during the CO Assessment – arguably can facilitate UNICEF COs’ efforts to engage in rights-sustaining legislative reform, and in finding partner institutions to implement programming in a participatory, transparent, accountable and non-discriminatory manner. This is not to say that there are no hurdles to HRBAP application – for instance, the region’s notorious discriminatory practices against indigenous and Afro-descendant populations continue to be a challenge that requires sustained negotiation and advocacy.

---


Normativity

According to respondents contacted during field visits and CO assessment interviews, having a strong judicial system in place is important in order to equip people with formal mechanisms to enforce the full extent of their rights. A strong example of this context can be found in Chile (see sidebar). Conversely, in contexts where the rule of law is weak due to the fragility of state institutions, the alignment of legal and institutional frameworks with the CRC has been more challenging. For instance, in one such country, the legal and institutional framework is being created/overhauled, which makes the identification of suitable government partners difficult. Furthermore, civil society is only now emerging (complicating the identification of potential human rights partners), while a recent natural emergency has focused the CO’s attention on relief and recovery activities. In the latter country, the key documents do not refer to the CRC recommendations, and they do not provide sufficiently clear information to understand the extent to which the selected Focus Area has addressed those recommendations, or whether it has established ties with relevant human rights partners.

Different kinds of participation in two different countries affected by natural disasters

**Haiti** is an LDC and LIC, where the state is fragile. The country also has a history of political and economic instability. In the aftermath of the earthquake in January 2010, a study conducted by PLAN ("La voix des enfants et des jeunes") documented the views and feelings of children affected by the earthquake and living in camps. However, there is no indication that this participation will lead to improved programming. While children were heard, the report did not propose specific actions to be taken as a result of this consultation and failed to identify, for instance, the need for special services (psychologists, etc.). This suggests that such consultations are not typically understood, in the Haitian context, to be intended to lead to concrete action.

In contrast, **Chile** is a UMIC, with a strong state, a highly educated population and an active civil society, where consultation is expected to translate into concrete responses. A comparable study was undertaken by UNICEF’s implementing partners among children affected by the February 2010 earthquake and living in camps. In this case, the study identified the need for psychosocial support, which the UNICEF CO helped to organize; the CO also assisted in providing social workers and child psychologists, and provided materials for safe play areas in camps in the affected region.

Participation

For the application of participation, which requires that both rights holders and duty bearers participate actively at all stages of programming, weak, undemocratic and fragile states present important challenges in the identification of suitable government partners, according to many respondents. In one CO, respondents indicated that their movements were restricted by the host country in such a way that they could not meet or communicate directly with rights holders or their representative organizations outside of the capital city.

The importance of a context in which participation is a well-established practice is highlighted by the different effects that a similar intervention can have in different contexts. As shown in the sidebar, a study in Haiti to obtain the views of children in the aftermath of the 2010 earthquake does not appear to have had much impact on the intervention, at least partly because it is a context where consultation seldom leads to action. In contrast, a similar study conducted following another devastating tremor one month later in Chile, where consultation tends to be tied to action in the context of a well-established civil society that is acquainted with human rights, led directly to adjustments to the intervention.

As noted above, there are occasionally cultural barriers to the participation of children. For example, in Viet Nam, children are given some space to participate, although, in most instances, adults have the final word. This is also true for UNICEF-supported programming. And though the opinions of children are sometimes collected, they ultimately have little effect on decision-making.
The CO documents argue that a tradition of respect for elders and of children’s duty to be obedient is strongly embedded in Vietnamese culture. Nevertheless, the documents show that when parents are trained in the CRC, they tend to include children more significantly in decisions that affect them, suggesting that the cultural barrier can be overcome.

Non-discrimination

Country context can present significant constraints to the application of the principle of non-discrimination. Some of these are legal, political or cultural and some are attributable to weak infrastructures. Indeed, as was noted at the outset, an important contributor to ratings of ‘weak’ in the CO Assessment was a marked absence of data. This is especially common in fragile states and LDC contexts, where the state and/or civil society organizations lack the capacity to collect sufficiently disaggregated information to adequately identify the most vulnerable and marginalized groups. In some cases, service provision to marginalized groups can be affected by inadequate infrastructure for basic communications. Thus, in one CO, groups residing in remote areas are impossible to physically reach during the rainy seasons, as roads are impassable. And in Côte d’Ivoire, as noted earlier in this report, even access to mass media is limited. In countries experiencing armed conflict, such as the Sudan, reaching rights holders in combat zones is also difficult. The Pacific Islands CO faces additional difficulties, given the broad geographic distribution of the multiple small countries for which it is responsible, which makes coverage of these different realities especially challenging.

The evaluation also found that some contexts present important barriers to working with particular groups. From a legal perspective, in at least two COs we found that collaborating with sex workers, children who are being commercially exploited for sex, sexual minorities and illegal drug users is considerably complicated by very strict laws prohibiting these behaviours. This is the case, for instance, in Uganda, where the illegality of homosexuality and commercial sex work hampers the CO’s ability to openly engage with such groups. More generally, as a result of the persecution that they face, members of these groups tend to become ‘hidden populations’, who may actively seek to mask their group identity. Undocumented migrants, including some ethnic minorities and, sometimes, refugees, present similar challenges. For example, in Tajikistan, the Government’s strained relationship with neighbouring Uzbekistan means that the Tajik authorities refuse to recognize the presence of an Uzbek population within their borders, and hence impede the translation of programme documents into Uzbek.

Social stigmatization is not limited to groups penalized by law. In Tajikistan, for instance, the stigmatization of children with disabilities is such that people tend to hide such conditions, making currently available data unreliable.

Accountability and transparency

As is discussed in more detail in section 5.3.1 of this report, the promotion of transparency and accountability are especially challenging in the absence of a strong rule of law, and in the face of weak state and civil society institutions. As a result, COs in such contexts devote a lot of time and resources to basic capacity-building efforts for both rights holders and duty bearers. Indeed, weak governance can hamper UNICEF’s efforts to ensure the transparency and accountability of its programming. For example, in Uganda, endemic corruption undermines efforts to promote transparency. More concretely, in Togo, the CO is informed by the state of the funds it plans to allocate to UNICEF-supported programming. However, evidence for this is not always available in the field, and it is not always clear how funds are being used.

Political resistance from the host government can also hinder efforts to promote transparency and accountability. In one authoritarian country reviewed, it is difficult to discuss human rights with the
government and, in particular, it is difficult to work in those areas that are not seen as a priority by the government. The CO therefore has to make careful use of language to be able to engage with the government on human rights-related issues. In another case, the weakness of the government makes it unwilling to accept its role as duty bearer, making dialogue extremely difficult. Conversely, in countries with more established institutions, COs’ interventions focus on supporting the efforts of existing partners.

**Overcoming contextual challenges**

While contextual elements such as cultural, legal, political and infrastructural constraints can present barriers to the application of HRBAP in general and/or of specific principles, it is clear that these are not deterministic. Accounting for exceptions or trend-breaking success stories would require more in-depth case study analysis than was possible within the scope of this evaluation. However, there is sufficient variation within Focus Areas and country contexts to suggest strongly that the quality of the UNICEF effort and support structures for the team can be pivotal elements in surmounting the difficulties encountered.

During the CO and RO missions, as well as in the course of the numerous interviews conducted with New York- and Geneva-based personnel, it was often remarked that the personal commitment and leadership of the Country Representative and Regional Director could be important catalysts for the application of HRBAP. It should be noted that this factor was not analysed within the CO Assessment exercise, and therefore it should be considered anecdotal. Nevertheless, respondents indicated that the extent to which the application of HRBAP was prioritized in any given CO was directly linked to the relative importance accorded to it by the Country Representative. In at least one visited CO, all respondents indicated that no programme component was undertaken without analysing the ways in which it supported normativity and non-discrimination, as well as the ways in which participation, transparency and accountability would be ensured.

**HRBAP in a humanitarian setting**

HRBAP is fully compatible with humanitarian principles and international humanitarian law. As noted in the UNICEF PPP Manual, during work in complex emergencies, the following humanitarian principles are derived from those conventions and form part of an HRBAP:

- **The humanitarian imperative**: to prevent and alleviate suffering; to protect life and health, with dignity and attention to the most vulnerable; and to ensure respect for the human being. The humanitarian imperative implies a right to receive humanitarian assistance and a duty to offer it. It also implies an overall approach to the protection of rights, i.e., the respect of IHL and human rights.

- **Neutrality**: Relief organizations are not supposed to take sides in hostilities or in controversies based on political, racial, religious or ideological identity (non-partisanship). Transparency and openness are key in maintaining neutrality. In keeping with human rights principles, neutrality does not imply, however, that action against particular child rights violations should not be undertaken. In other words, relief agencies are to take no other side than the side of children. Military assets must only be used as a last resort, and provided that the relief operation remains under the overall authority and control of humanitarian organization(s).

- **Impartiality**: Aid should be delivered to all those who are suffering, regardless of their sex, age, ethnicity or identity. The only guiding principle is their need and the corresponding human right. Where resources are not sufficient, priority is always given to those most affected, in conformity with all human rights and human rights principles.
In addition, the following principles, agreed by the IASC on humanitarian aid, should be followed in providing emergency assistance:

- **Do no/less harm**: Aid must not become an indirect part of the dynamics of the conflict; assistance should support recovery and long-term development.

- **Accountability**: Aid agencies are accountable to both the communities (that their needs are met) and donors (that assistance is provided for the intended purpose).

- **Participation**: Relief should build on existing capacities and promote participation.

- **Respect for culture and custom**.

While humanitarian law is generally applicable in situations of conflict, the principles as explained above also apply to natural disasters and other types of emergencies.

In order to provide guidance on how to protect the rights of individuals affected by natural disasters, in June 2006, the United Nations IASC adopted Operational Guidelines on Human Rights and Natural Disasters. These guidelines were needed because the already existing guidelines on humanitarian action in emergencies, as well as the standards for protecting human rights in armed conflict, did not deal specifically with human rights concerns emanating from natural disasters. The Guidelines are addressed to intergovernmental and non-governmental humanitarian actors, and focus on what humanitarian actors should do in order to implement a human rights-based approach to humanitarian action in the context of natural disasters, including:

- Ensure that human rights principles and protection standards, including the fundamental principles of non-discrimination and accountability, are integrated into all disaster response, recovery and reconstruction efforts from the earliest stage possible;

- Identify relevant measures to ensure that affected persons and their communities are fully consulted and can actively participate in all stages of the disaster response in accordance with their human rights;

- Complement existing guidelines on humanitarian standards in situations of natural disaster;

- Provide benchmarks for monitoring and assessing the needs of persons affected by the consequences of natural disasters; and

- Provide a basis for humanitarian actors when entering into dialogue with governments about their obligations to the victims of natural disasters under human rights law.

The IASC Guidance Note for Humanitarian Coordinators\(^{104}\) demonstrates how the protection and promotion of human rights is intrinsic to effective humanitarian action, and offers Humanitarian Coordinators a range of tools and resources for integrating human rights into humanitarian action, notably the CAP. Emergency programming encompasses a number of other frameworks that guide UNICEF staff and partners during humanitarian situations.

**Finding 31: Within the humanitarian sphere, HRBAP is applied more in the preparedness phase than in the response and early recovery phases.**

UNICEF’s first response on humanitarian programming is highlighted by the CCCs in Humanitarian Action framework, which provides one page of guidelines for applying HRBAP during such programming. Programming is broken down into tasks to consider during each phase

---

of humanitarian action: preparedness, response and early recovery. Within each of the sectoral areas covered in the CCCs, there are few explicit references to HRBAP principles. What came across most clearly during interviews with those who work in emergency programming is that different phases imply different levels of application of HRBAP.

**Preparedness**

In the preparedness phase, HRBAP language in the CCCs most commonly refers to elements of analysis and assessment used to determine vulnerabilities, as well as the importance of participation in the planning process by key duty bearers. Systems of responsibility, accountability and transparency are to be established in this phase.

Emergency Preparedness and Response Plans (EPRP), which were reviewed in a number of key humanitarian countries, show some good examples of how elements of HRBAP are integrated into the planning process. For example, in the Tajikistan CO, the EPRP contained an annex with a checklist of questions that take a human rights-based approach. While most countries also included participation of young people among their priorities for action during the response to an emergency, this was less evident in practice. In Haiti, for example, information on the situation of children in displacement camps is collected through short surveys carried out by young people.

Staff interviews confirm that in the preparedness phase there is scope for participation of rights holders and duty bearers in the planning process. At the same time, participation from a range of stakeholders during the planning and preparedness stage was well established in the countries visited during the evaluation. The EPRP itself, as well as the SitAn, set a clear benchmark for understanding vulnerability, and equip UNICEF with necessary data in the event of an emergency. These data may be supplemented by analysis provided through a DRR framework.

**Response**

The largest challenge for implementing HRBAP principles in emergency programming is during the response phase. In the text of the CCCs, several key actions reflect HRBAP principles, for example:

- rapid assessment, including participation of affected populations;
- gender analysis reflected in assessments;
- systematic collection of performance information.

Although HRBAP language is visible in the CCC documentation, UNICEF emergency staff who were interviewed sought improved guidance with regard to the application of HRBAP in humanitarian response, and frequently did not feel that they had succeeded in applying HRBAP during a response phase. The definition of an ‘emergency’ in the CCCs uses needs-based rather than rights-based language, thus adding to the problem. Some lessons learned, which were

---

105 Countries selected had carried out a Humanitarian Action Plan in 2010.
collected by UNICEF following emergency responses and which illustrate this challenge, include the following:106

- It remains a challenge to frame life-saving emergency response in HRBAP terms, especially as participatory approaches are difficult to square with the urgency of action required.

Integration of HRBAP principles of accountability and participation in a disaster relief situation: Thematic area – Child Protection

Haiti Project: Community-Led Programs for Children, Adolescents, and Vulnerable Groups in Displaced Communities. Six months after the January 12, 2010 earthquake, more than 1 million people remained in spontaneous settlements around Port-au-Prince. While many schools reopened in the months following the earthquake, school-going children living in camps for internally displaced persons remained without supervision or structured activities.

The goal of the project, which was implemented by the Heartland Alliance for Human Needs and Human Rights, was to create, reinforce and maintain community-led initiatives that promote leadership and empowerment of the most vulnerable groups within displaced and earthquake-affected areas. Among its objectives were to: (i) establish and support basic informal child protection mechanisms through organization of recreational programmes for displaced children in marginalized camps; (ii) provide training … to foster youth leadership; and (iii) encourage and reinforce effective community leadership and resource management by developing new programmes and providing additional material and support in existing communities.

Several aspects of the human rights-based approach were incorporated in this UNICEF-funded project:

- Targeting the most vulnerable populations: 12,000 children living in camps and 1,800 people in the most vulnerable groups (nursing and teen mothers, babies and very young children, and the elderly).

- Empowerment of communities: Creation of 30 safe spaces for nursing and teen mothers, as well as youth focus groups, all aimed at promoting the empowerment and leadership of the most vulnerable adolescents. These safe spaces were refuges for at least 20 nursing teens and 20 children. Since some training activities were held within these safe spaces, adolescent mothers gained skills in sexual health, hygiene and literacy.

- Participation and capacity building (youth leadership training) of vulnerable communities in the project: 600 adolescents and young adults were trained in first aid, childcare and group animation.

Interviews and focus groups held in two camps with small groups of adolescents suggest that the project was particularly helpful in ensuring the safety of these young girls, who were often afraid of sexual assaults within the camps: the project provided a space to bond and to relieve emotional stress. Adolescent males who were trained in group animation also reported a great sense of pride in having increased their skills and in having received recognition from peers and adults.

Sources: UNICEF Haiti – Project document, Community-led Programs for Children, Adolescents, and Vulnerable Groups in Displaced Communities; and focus-group interviews from the evaluation mission.

- HRBAP and its application in emergencies need to be clarified in practical programming terms.

Interviews conducted with staff confirmed that HRBAP principles are difficult to put into humanitarian programming. Reasons cited include:

- the need to respond quickly during emergencies, leaving little time for process-oriented HRBAP principles; and

- the lack of good, recent case studies on how to apply HRBAP in humanitarian settings (the much-praised ‘Growing the Sheltering Tree’ publication is more than 10 years old).107

106 From EMOPS Intranet: HRBAP Lessons Learned.
As such, humanitarian programming tends to apply HRBAP principles in a more ad-hoc manner. This is not to say that there are no positive examples however; for instance, the field mission to Haiti uncovered several good practices of utilizing HRBAP in an emergency situation, as shown in the text box below. In that example, representatives from the Ministry of Health in particular demonstrated an ability to apply HRBAP components in UNICEF-funded nutrition initiatives. They did this by prioritizing newborn children in camps as well as displaced children, in compliance with the HRBAP requirement to actively collect data on programmes for the most vulnerable. This suggests that strategies aimed at building duty bearers’ capacities and understanding in this area have been successful.

Early recovery

As in the preparedness phase of emergency programming, the evaluation found that the use of HRBAP was apparent in the early recovery phase. In the CCCs, for example, the language of HRBAP is articulated in the programme actions for early recovery, including:

- Assessments involving national and/or local authorities as well as affected populations;
- Sustained monitoring mechanisms; and
- Recovery programmes that are designed with the involvement of local populations and national and/or local authorities, as appropriate, according to results-based frameworks.

Once again, the language for HRBAP is clearly embedded within the programme actions outlined by the CCCs. However, no examples were given during interviews to illustrate good HRBAP practices in the early recovery phase. As one interviewee noted, UNICEF needs “…to get serious about children’s accountability and participation by collecting examples of good practice and then turning this into policy and tools.”

Finding 32: Within UNICEF’s work in conflict states, there is coherence in the conceptual integration of HRBAP into humanitarian programming, but less clarity in the guidance provided.

For UNICEF programming in conflict situations, the CCC and other guidelines refer staff towards IHL and humanitarian principles. Although guidance is available on how to use HRBAP in a conflict setting, including any adaptations that may be necessary to fully exploit the application of IHL or to safeguard humanitarian principles, this is not present in, nor is it coherent through, all key documents. Staff thus need to piece together many elements in order to fully understand the linkages between HRBAP and IHL.

---

107 This is on the agenda for UNICEF. A workshop report of the Inter-divisional Task Force on Humanitarian Action highlights the need to “develop guidance on HRBAP in humanitarian, starting from case studies.”
108 As noted in the limitations section, the evaluation team did not have the chance to carry out a mission in a conflict state.
Within the CCCs, the section on HRBAP itself (at section 1.7) allows that HRBAP must be contextualized for humanitarian situations. However, the CCCs do not draw on IHL for example, in order to seek guidance on working with non-state entities, which could be a missed opportunity. This is because in a conflict situation, non-state parties to the conflict are also duty bearers and have responsibilities for the protection of the population under their control. A contextualized HRBAP would take this into account and build on those duties, but this element is not referred to at all, either here or elsewhere in the document, despite the reference to IHL.

Clear and accurate analysis and guidance on engaging with non-state entities is, however, available in documents such as the UNICEF Emergency Handbook, the non-paper on policy issues affecting humanitarian action in complex threat environments, and a Frequently Asked Questions on engaging with non-state entities. Within these documents, the opportunity to work with non-state actors – who may in fact be more relevant than the state in certain conflict areas – is viewed as an opportunity that is available through IHL. UNICEF staff interviewed provided evidence of this opportunity being taken advantage of in developing a relationship with a non-state actor in order to ensure access to and protection of children.

In Libya, for example, international humanitarian law allowed UNICEF to rapidly mobilize and advocate in favour of child protection measures in parts of the country suffering from conflict. Child protection centres were established quickly, thanks to collaboration with non-state entities, in close coordination with other donors, NGOs and United Nations actors.

Finally, advocacy should be a key element of HRBAP. If HRBAP has been effectively translated into the humanitarian context, one would expect to see explicit reference in guidance documents to advocacy based on IHL. As it is, the CCCs only mention human rights instruments by name as foundations for advocacy (para. 1.14), although ‘other international legal instruments’ are referred to in UNICEF’s Emergency Handbook and in the non-paper on policy issues affecting humanitarian action in complex threat environments.

Finding 33: In humanitarian situations, the HRBAP framework is one of several frameworks being applied. Although the linkages between these frameworks are sound, at the operational level their joint application remains challenging.

Interviews with emergency specialists revealed that during emergency situations, several frameworks and initiatives at the global humanitarian level need to be integrated. As such, the application of HRBAP can quickly become lost in the shuffle among these various frameworks.

DRR

The purpose of DRR is to minimize vulnerabilities and disaster risks throughout a society in order to avoid/prevent or limit/mitigate and prepare for the adverse impacts of natural disasters, as well as to facilitate sustainable development. Minimizing vulnerabilities is part of preparedness and, among other things, requires awareness-raising and education, typically focusing on people most at risk. In this way, DRR as a concept overlaps with HRBAP elements.

Using a human rights-based analysis for DRR entails asking the crucial questions of ‘what’, ‘why’ and ‘who’. In the context of disaster risk, this means that a risk analysis based on human rights should ask the following questions:

---

109 Non-paper on policy issues affecting UNICEF humanitarian action in complex threat environments.
111 Interview with UNICEF staff.
• What disasters pose the biggest risk, where are these disasters happening, and who is most vulnerable and therefore the most affected?

• Why are these problems occurring? That is, what are the underlying and root causes of the vulnerabilities that are leading certain groups to suffer from disaster risk?

• Who or which individuals and/or institutions have the duty to reduce these disaster risks?

• What capacities are needed to address disaster risk, both for those who are being denied their rights through disaster vulnerability and those who have the duty to address these problems?

As shown above, HRBAP principles seem to be embedded in UNICEF’s DRR goals,¹¹³ and may serve to frame advocacy agendas. The Hyogo framework¹¹⁴ is a broader DRR framework and provides opportunities for advocating in partnership with others. However, during field missions we found no evidence that would suggest a common advocacy strategy built on the Hyogo framework, or of a clear linkage with HRBAP. Within the UNICEF guidelines prepared for DRR, the framework is linked to the assessment and analysis element of HRBAP.

DRR mitigating activities within UNICEF have been integrated into preparedness work or into normal programming, providing opportunities to implement various HRBAP elements. However, the evaluation found evidence in Haiti and Kenya suggesting that the degree to which staff seize these opportunities varies.

¹¹³ 1) DRR for children and women is a national and local priority; 2) different risks faced by girls, boys and women are identified and addressed; 3) safer and more resilient conditions for girls, boys and women; and 4) strengthened humanitarian preparedness, response and recovery through capacity development.

6. The enabling environment for HRBAP

6.1 Overview

In this chapter, we examine the extent to which UNICEF has established an environment that enables and supports the implementation of an HRBAP.

Our review of the literature\(^\text{115}\) suggests that an enabling environment for the mainstreaming of issues requires: (i) a clear policy; (ii) time-bound strategies; (iii) human resources practices that are sensitive to integrating the issue in programming; (iv) internal tracking and monitoring capability; (iv) a dedicated mainstreaming unit; and (v) a recognized network of staff responsible for the issues to be mainstreamed.

In addition to the requirements listed above, we examine how the external context is affecting the implementation of HRBAP and the extent to which UNICEF’s leadership, incentives and rewards support the integration of HRBAP. Taken together, these dimensions represent the Organizational Assessment framework developed by the IDRC and Universalia to best understand the performance of an organization and the factors affecting performance (see chapter 2, methodology).

Overall, as detailed in this chapter, UNICEF is making strides in providing an enabling and supportive environment for HRBAP, although there is room for improvement. The organization does face some external challenges from country contexts, issues emerging from UNICEF programming, and the emergence of other cross-cutting themes. There are areas where improvements could further assist UNICEF in dealing with ongoing programming challenges, most particularly in how it recruits and orients senior staff; the type and depth of training delivered on HRBAP (including making such training a requirement); and the accountability of staff at HQ, COs and ROs for implementing programming using a human rights-based approach, and coordinating and integrating their approaches to the wide range of foundational strategies and cross-cutting issues.

6.2 The external context and its influence on HRBAP

Finding 34: The external environment, particularly a country’s receptivity to addressing human rights issues, affects the implementation of HRBAP at the country level.

At the global level, as reported in our interviews, human rights are seen as an important issue by many development agencies and governments. While this makes it easier to introduce HRBAP, UNICEF programming is inextricably linked to country and regional contexts. At the country level, the perception of human rights and the legal environment to support human rights have significant influence on the implementation of HRBAP.

The evaluation found that the effective implementation of HRBAP is influenced by the legal, political and sociocultural dimensions in each country:

- **Legal**: The existence of a legal framework to support policies and laws about human rights;
- **Political**: The stability, legitimacy, accountability and transparency of the national government;
- **Sociocultural**: The inherent values of various subgroups of a country’s population.

Data collected through the CO Assessment, interviews, document review and CO visits suggest that the application of the HRBAP is facilitated when the enabling factors noted above exist in a country. These findings also resonate with and complement the results of the 2011 survey of UNCTs on human rights mainstreaming (see sidebar).

In many countries however, UNICEF has to overcome political and institutional barriers and social norms in implementing HRBAP, in particular when partner commitment is weak or when there is overt resistance to human rights. An added challenge for implementing HRBAP is the weight that UNICEF carries in the overall picture of advancing human rights. That is, the organization has relatively modest resources and may not be as influential as other donors who come with more resources.

Some of the challenges in implementing HRBAP that were noted during the evaluation (see exhibit 6.1) underscore the need for UNICEF’s continuing efforts to overcome these shortcomings.

**Exhibit 6.1 External factors that challenge UNICEF’s implementation of HRBAP**

<table>
<thead>
<tr>
<th>External factors</th>
<th>Examples noted in interviews, document review and CO Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country sensitivity to issues related to human rights</td>
<td>Some countries do not want to address or discuss situations that are perceived as shameful. Examples that were noted in interviews as part of the CO Assessment include:</td>
</tr>
<tr>
<td></td>
<td>- Child prostitution</td>
</tr>
<tr>
<td></td>
<td>- Homosexuality</td>
</tr>
</tbody>
</table>
External factors | Examples noted in interviews, document review and CO Assessment
--- | ---
Malnutrition of children | Malnutrition of children
The poor condition of children in orphanages | The poor condition of children in orphanages
Sexual and reproductive health of adolescents and youth

Weak governance/poor legal framework to support human rights | In countries where district and local officials and partners in communities lack capacity in participatory programming methods, UNICEF has had to use top-down methods that almost entirely exclude the participation of women and children and that result in minimal ownership of programmes by beneficiary communities.
Although decentralization is a political reality, local authorities participate poorly in project planning and management, limiting their accountability. Financial resource allocations remain centralized, and the capacity for financial management at provincial and district level remains low.
There is still a gap between the rights-oriented discourse and the actual legal framework and institutional practices in many countries.
Vertically organized states have limited articulation of services and programmes at local level, and weak mechanisms for community participation in decision-making and in monitoring the use of public resources.

Political instability | As reported in SitAn, political instability tends to worsen inequalities among the population, and is often aggravated by the interruption of funding from major bilateral or multilateral agencies.
An unstable political environment may lead to a high turnover rate of government officials and a very limited presence of services on the ground to support the most vulnerable.

Absence of a culture of accountability or weak M&E systems to support accountability | Governments measure expenditures, not results.
Governments are more interested in economic growth.
Poor capacities of national statistical system: the frequency of data collection is ad hoc.
Data is not disaggregated at the local, sub-district and subregional levels.

Difficulties in accessing vulnerable populations | In areas of conflict or armed rebellion, statistics and data are collected less frequently because of security issues. Populations in these areas may be less well represented in the SitAn.
Children living and working on the street are not well targeted because they do not live in households and national statistics are gathered at the household level.
Ethnic minorities living near borders are difficult to reach as they are in remote locations that are difficult to access.
Children with disabilities are often marginalized. Local government does not have reliable statistics on the number of children who are disabled; there is still a lot of social stigma regarding disabilities, so people do not report it.
Logistical constraints such as mountains or the rainy season can mean that populations living in these areas experience greater difficulty in accessing services.

Interviews conducted during the evaluation’s country visits and through the CO Assessment indicate that in countries where the context is particularly difficult, either because the legal framework for human rights is absent or because the country is reluctant to engage with UNICEF on issues of human rights, the engagement of the UNCT with local civil society – including human rights groups at the national and international levels – gave a tremendous boost to facilitating the implementation of HRBAP and the commitment to the CRC.
6.3 Internal environment of UNICEF

6.3.1 Mission, policy and strategy

Finding 35: UNICEF’S mission statement and Executive Directive for mainstreaming human rights provide a solid foundation for the implementation of HRBA in programming services. UNICEF compares favourably with other members of the UNDG-HRM mechanism, the majority of which do not have a specific policy or directive to that effect.

Mainstreaming human rights within the United Nations system has been central to a series of United Nation reform efforts since 1997, when the then Secretary-General designated human rights as a cross-cutting issue for the Organization. Throughout the past 15 years, important progress has been made in integrating human rights into policies and practice in many agencies and areas of work across the United Nations system.

UNICEF is one of five organizations among the 18 members of the UNDG-HRM mechanism that has an explicit human rights mainstreaming policy, strategy or directive. UNICEF incorporated the CRC into its mission statement in 1996, and a 1998 Executive Directive called for all programming to be rights-based and to provide broad guidance for countries on human rights integration.

UNICEF mission statement (excerpts)

UNICEF is mandated by the UN General Assembly to advocate for the protection of children’s rights, to help meet their basic needs and to expand their opportunities to reach their full potential.

UNICEF is guided by the Convention on the Rights of the Child and strives to establish children’s rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF mobilizes political will and material resources to help countries, particularly developing countries, ensure a "first call for children" and to build their capacity to form appropriate policies and deliver services for children and their families.

UNICEF is committed to ensuring special protection for the most disadvantaged children – victims of war, disasters, extreme poverty, all forms of violence, and those with disabilities.

UNICEF aims, through its country programmes, to promote the equal rights of women and girls and to support their full participation in the political, social and economic development of their communities.

UNICEF works with all its partners towards the attainment of the sustainable human development goals.

Source: UNICEF website.

During the evaluation, several respondents argued that an Executive Directive is not as strong as a policy – and the evaluation team concurs. If human rights is considered a core foundation of all UNICEF work, there would be merit in developing a policy on the human rights-based approach to reinforce the programming environment (as UNICEF has done for gender).

The extent to which staff is aware of the Executive Directive varies according to how long they have been with the organization. Among the staff we interviewed (in countries and as part of the CO Assessment), those who have been at UNICEF since the late 1990s were very aware of the Directive because it received considerable attention when it was issued. As well, those who had taken the PPP training could all refer to the Executive Directive. By contrast, those who joined UNICEF more recently and who had not been fully trained on PPP knew about HRBAP but did not specifically cite the Executive Directive.

116 Others include OCHA, UNDP, UNESCO and UNFPA.
Finding 36: The 1998 Executive Directive is supported by a policy and procedure manual and a strategic plan, but neither provides sufficient guidance for operationalizing HRBAP.

The 1998 Executive Directive is supported by the PPP Manual, which was revised again in 2010, and by the MTSP 2006–2013, both of which include human rights mainstreaming as a basic strategic principle.

The MTSP 2006–2013 articulates both gender and human rights as strategic foundations. The results framework that supports the MTSP includes five focus areas that guide UNICEF programming and indicators for each Focus Area. However, it does not provide indicators to measure all HRBAP dimensions across all five Focus Areas.

The PPP Manual provides the institutional framework for guidance on HRBAP. Interviewed staff members perceive the manual to be helpful but too generic, much like the 1998 Executive Directive. In our review, we found that while the manual states the principles of HRBAP, it does not provide sufficient clarity on how to apply HRBAP in specific contexts or sectors, which one would expect in a procedure manual. Similarly, and as expressed by respondents, there is little policy guidance on supporting the CRC/CEDAW/UPR processes.

6.3.2 Organizational structure at HQ and RO levels

Finding 37: The GRU is the focal point at HQ for gender and human rights. The GRU is presently located in the DPP. This organizational arrangement creates some distance between policy and programming.

Unlike many other United Nations agencies, UNICEF has a specific unit dedicated to human rights: the GRU, which is presently part of the DPP in New York. There are presently no human rights officers or HRBAP focal points at the CO level, but at least one RO has a position for such an officer, which is currently unfunded and unfilled.¹¹⁷

The GRU includes the Chief of the GRU (P5 Position¹¹⁸), the Head of the Human Rights Cluster within the GRU (P4 position) and a Human Rights Specialist (P3 position). The Human Rights and Gender Liaison Officer in Geneva (P4 position) engages with all of the human rights mechanisms in Geneva, not just for the GRU but also for HQ. Yet one needs to be careful to distinguish between UNICEF’s work on human rights (which relates primarily to the work done through Geneva) and its work on the human rights-based approach.

A few United Nations agencies (ILO and UNDP) have regional structures that support the translation of agency policies into actions at the country level.

Several interviewees at HQ raised the question of whether the current organizational arrangement (i.e., of housing human rights in the DPP) was the optimal arrangement for mainstreaming human rights. The evaluation team is not able to make such a judgement, as this would require an assessment of the financial and other implications of relocating human rights, as well as an analysis of the organizational arrangements for the equity agenda, another factor that is driving UNICEF programming.

¹¹⁷ Notably, in ESARO.
¹¹⁸ This position is now being upgraded to Principal Adviser, Gender and Human Rights, a D1 position.
In other agencies, we have seen that strong links between programming and cross-cutting issues appear more likely when the two functions are carried out under the same authority, but this is not the only factor that ensures integration. Effective communication and commitment by senior leadership can also go a long way towards improving links between policy and programming. UNICEF may want to engage in more thinking about the best arrangement to support the integration of HRBAP into programming (see sidebar).

6.3.3 Human resources management for HRBAP

In this section, we examine the extent to which UNICEF has human resources management practices in place that enable the integration of human rights-based approaches in its programming. We considered how UNICEF brings staff on board (recruitment and induction), develops staff capacity (coaching and training) and encourages staff to apply HRBAP (accountability and incentives).

Recruitment and induction

The decentralized structure of UNICEF provides ROs and COs with considerable autonomy in the implementation of programming. The vast majority of respondents, interviewed either as part of the country visits or through the CO Assessment, highlighted the important role played by the CO Representative and the Deputy CO Representative in integrating HRBAP into the country programmes. It appears that the personal commitment and leadership of the Country Representative and Regional Director can be an important catalyst for the application of HRBAP. It bears noting that this factor was not analysed within the CO Assessment exercise, and therefore it should be considered anecdotal. Nevertheless, respondents indicated that the extent to which the application of HRBAP was prioritized in any given CO was directly linked to the relative importance the country representative accords it. In at least one visited CO, all respondents indicated that no programme component was undertaken without analysing the ways in which it supported normativity and non-discrimination, as well as the ways in which participation, transparency and accountability would be ensured.

Finding 38: HRBA competencies are considered in fewer than half of recruitments, and there is even less attention given to HRBA in critical post-recruitment stages.

Staff interviewed for the CO Assessment and the Harding Survey respondents indicated that there was some emphasis on HRBAP in recruitment (e.g., advertising, job descriptions and job interviews) but less so after they were hired by UNICEF (in induction, performance reviews and HRBA capacity development plans), as shown in the charts below.

In a review of several recent advertisements for Representatives (2010), as well as of their job descriptions, familiarity with HRBAP (or any other foundational strategy or cross-cutting issue) was not included. Interviews with several staff from the UNICEF Human Resources Division indicate that familiarity with HRBAP is rarely included in job descriptions unless a department

---

**Structural arrangements for HRBAP: Some considerations**

- If HRBAP is fundamental to programming, is its location in a Policy Unit the most appropriate? Or would it have more influence on programming if it were more closely linked to the Programme Division?
- If HRBAP is a foundation of UNICEF’s work, does its location in a Policy Unit give it the necessary clout and access to financial resources?
- Since the equity agenda and the HRBAP are inextricably linked, should the structural and funding arrangements be better coordinated?
makes a specific request to include it; our review of several Representative job descriptions confirms this.

As shown in Exhibits 6.2 and 6.3, only a small percentage of respondents suggest that HRBAP is part of the overall thinking when recruiting new staff. The data are particularly telling in the responses of those in higher job grades (P5 and above), such as Country Representatives (see exhibit 6.4). Even among those who are informed enough to have an opinion, fewer than half responded “Yes.”

The data clearly reflect some deficiencies in UNICEF’s commitment to HRBAP training, especially in the induction phase. Many staff members, including UNICEF Representatives, are new to UNICEF and cannot be assumed to have HRBAP exposure or commitment. Thus induction training is key to inculcate this knowledge. More importantly, the data demonstrate a reduction in attention paid to human rights-based approaches after hiring, as well as the overall low presence of HRBAP.

Exhibit 6.2  Senior staff responses to survey question: Is HRBAP referred to in any way in…?119

![Reference made to HRBAP during recruitment](chart)


---

Exhibit 6.3  Overall response to survey question: Do UNICEF staffing policies, including recruitment and induction, facilitate effective human rights-based approaches?

**UNICEF Staffing Policies Facilitate HRBA**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Undecided/No answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Induction</td>
<td>12%</td>
<td>21%</td>
<td>66%</td>
</tr>
<tr>
<td>Interview Questions</td>
<td>16%</td>
<td>17%</td>
<td>67%</td>
</tr>
<tr>
<td>Job Description</td>
<td>19%</td>
<td>17%</td>
<td>64%</td>
</tr>
<tr>
<td>Job Advertisement</td>
<td>23%</td>
<td>16%</td>
<td>61%</td>
</tr>
</tbody>
</table>


Exhibit 6.4  Senior staff response to survey question: Do UNICEF staffing policies, including recruitment and induction, facilitate effective human rights-based approaches?

**Human Resources Management Practices and their Effectiveness in Facilitating HRBA**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Undecided/No answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity development plan</td>
<td>14%</td>
<td>53%</td>
<td>33%</td>
</tr>
<tr>
<td>Performance review</td>
<td>16%</td>
<td>55%</td>
<td>29%</td>
</tr>
<tr>
<td>Induction</td>
<td>16%</td>
<td>55%</td>
<td>29%</td>
</tr>
<tr>
<td>Job description</td>
<td>36%</td>
<td>36%</td>
<td>28%</td>
</tr>
<tr>
<td>Job interview</td>
<td>28%</td>
<td>52%</td>
<td>21%</td>
</tr>
</tbody>
</table>

UNICEF has agreed on a set of Core Values and Core Competencies for its entire staff. However, as shown in Exhibit 6.5, respect for human rights is not a part of this. In fact, the word ‘rights’ does not appear in the Competency Framework. In the recruitment of new staff and management of current staff, a commitment to human rights does not appear to be a major concern.

### Exhibit 6.5 Core values and core competencies for UNICEF staff

<table>
<thead>
<tr>
<th>Core values</th>
<th>Core competencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversity and inclusion</td>
<td>Treats all people with dignity and respect; shows respect and sensitivity towards gender, cultural and religious differences; challenges prejudice, biases and intolerance in the workplace; and encourages diversity wherever possible.</td>
</tr>
<tr>
<td>Integrity</td>
<td>Maintains high ethical standards; takes clear ethical stands; keeps promises; immediately addresses untrustworthy or dishonest behaviour; resists pressure in decision-making from internal and external sources; and does not abuse power or authority.</td>
</tr>
<tr>
<td>Commitment</td>
<td>Demonstrates commitment to UNICEF’s mission and to the wider United Nations system; demonstrates the values of UNICEF in daily activities and behaviours; seeks out new challenges, assignments and responsibilities; and promotes UNICEF’s cause.</td>
</tr>
</tbody>
</table>

### Capacity development for HRBAP

In interviews with UNICEF respondents at both HQ and COs, discussions of capacity building for HRBAP were often centred on training activities, as this appears to be the way that the vast majority of respondents at UNICEF define capacity building.

In this chapter, we examine the extent to which training and other initiatives (such as development of systems and tools) create an environment that allows UNICEF staff to develop deeper and better understandings of HRBAP. Overall, what we observed is that UNICEF is engaged in training and the development of tools for HRBAP, but the overall effectiveness of these initiatives has been somewhat limited (often attributed to lack of appropriate resources). Moreover, UNICEF has not taken full advantage of some HRBAP resources developed by other United Nations agencies.

**Finding 39: By and large, UNICEF staff are integrating HRBAP concepts in their projects, but in many cases this is based on their own understanding rather than on**
knowledge of the organizational theory and principles of HRBAP and its application in different sectors.

The results of data collected throughout the evaluation using various methodologies suggests that there are some gaps in level of familiarity on the part of UNICEF staff with HRBAP principles and their application throughout the project cycle.

First, staff members are familiar with some but not all principles of HRBAP. For example, almost everyone interviewed was very familiar with the non-discrimination and normativity principles, as well as with the principles of the CRC and CEDAW, and view these as key foundations of their daily work. They were also relatively familiar with the participation principle, although they did not necessarily cite this as a key principle of HRBAP. Staff were less familiar with the two other HRBAP principles, accountability and transparency. Perhaps more importantly, the data collected suggest that many staff members need to be more familiar with the HRBAP methodology as explained in the PPP Manual.

A second gap that emerged in focus groups and CO Assessment results, as well as in the Harding Survey, was regarding staff familiarity with the application of HRBAP throughout the project cycle. In the survey, approximately one third of survey respondents overall (in all job grades, job functions and regions) said they understood (either consistently or extensively) the practical implications of integrating human rights-based approaches at each stage of the project cycle (see exhibit 6.6). Respondents who said their understanding was most consistent were those in the two higher job grades (see exhibit 6.7) and those in programme and executive management functions, but the lack of senior leaders’ comfort with HRBAP is notable. Survey respondents were more confident about specific aspects of human rights-based integration – such as the SitAn, planning, and ensuring children’s rights (see exhibit 6.8).

A third gap that emerged was the ability to implement HRBAP in a sector-specific way. Given these results, it is not surprising that many staff ended the interviews or focus groups with requests for more training or more tools to bridge these gaps in HRBAP.
Exhibit 6.6  Response to survey question: How do you rate your understanding of the practical implications of integrating human rights-based approaches at each stage of the programme cycle?

Understanding the Implications of Integrating HRBA throughout the Programme Cycle

- Extensive: 8%
- Consistent if sometimes experimental: 28%
- Occasional - Not Systematic: 29%
- Superficial: 12%
- Non Existent: 8%
- No Answer: 16%


Exhibit 6.7  Response to survey question, by job grades: How do you rate your understanding of the practical implications of integrating human rights-based approaches at each stage of the programme cycle?

Understanding the Implications of Integrating HRBA by Job Grades

- Non existent: 13%
- Superficial: 14%
- Occasional - not systematic: 33%
- Consistent if sometimes experimental: 30%
- Extensive: 31%
- Missing: 24%

Finding 40: The need for HRBAP training and overall capacity building has been a long-standing demand in both UNICEF and the United Nations in general. Many of the recommendations of the 2003 evaluation of HRBAP highlighted the need for more training. UNICEF has addressed these recommendations to some extent, often through complementary actions.

The 2003 evaluation and a follow-up paper in 2004 highlighted the need and demand for more HRBAP training throughout the organization and several of the recommendations were geared towards developing better and more training activities. UNICEF has addressed these recommendations very modestly, as shown in exhibit 6.9. In some cases, the recommendation was perhaps not realistic or the costs were too high for GRU’s existing annual budget of US$50,000. In other cases, the noted problems were addressed by more feasible complementary actions (e.g., creating a network of champions to assist regions).

120 Survey questions: (i) Are you able to undertake a situational analysis that is directed towards mapping rights violation (…) through a process that respects the views of children?; (ii) Are you able to undertake priority setting and planning that is informed by a right-based approach?; and (iii) Are you able to contribute to programmes so that they are directed towards the fulfilment of children’s rights, without discrimination?

121 In 2004, in ‘The Human Rights Based Approach and the United Nations Systems’, Akila Belembaogo noted that the Executive Directive necessitated various activities consistent with the broader rights agenda, particularly with regard to civil and political rights. The paper noted that less than half of UNICEF COs were integrating a human rights approach to programming. The main reasons cited were lack of understanding, lack of training, lack of will, lack of M&E mechanisms, and difficult contexts.
Exhibit 6.9 Status of 2003 recommendations dealing with training and other forms of knowledge sharing

<table>
<thead>
<tr>
<th>Recommendation 2003</th>
<th>Status as of 4th quarter 2011 as reported by GRU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that existing resources, such as case studies, tools created for use with communities, reports on innovative approaches, etc., are widely circulated among all regions.</td>
<td>Done. All resources are public documents and available on the website.</td>
</tr>
<tr>
<td>Ensure that all new staff members receive intensive training in both the theory and practice of HRBAP.</td>
<td>Partly done as part of PPP (usually one and a half hours on HRBAP). There is also a basic course on HRBAP. It is in-depth and comprehensive.</td>
</tr>
<tr>
<td>Redouble training efforts in regions with less HRBAP experience.</td>
<td>There has been more effort to develop training, but not necessarily in targeted regions, based on their level of experience in HRBAP. There is no mechanism in place to determine which regions have less HRBAP experience. HRBAP training is largely dependent on country requests.</td>
</tr>
<tr>
<td>Translate key HRBAP materials into other languages.</td>
<td>Not done. Correct – however, interviews in ROs suggest that this need is still important and must be addressed.</td>
</tr>
<tr>
<td>Make more effort to bring together key staff from regions with more and less experience with HRBAP to share programming experience.</td>
<td>Not done. Correct. There is no mechanism to determine if a region is more (or less) knowledgeable about HRBAP.</td>
</tr>
<tr>
<td>Develop practical training and other operational tools that explain to COs how to make the transition from using human rights principles in their work to adopting a full-blown HRBAP, using concrete examples. For example, by providing suggestions on how to utilize a rights-based approach to achieve MTSP goals.</td>
<td>Not done within UNICEF specifically. However, UNICEF has access to the UN Portal on HRBAP materials. Correct.</td>
</tr>
<tr>
<td>Produce a ‘Guide to Best Practices in HRBAP’ that can be used by UNICEF COs and partners and counterparts.</td>
<td>Not done. Correct.</td>
</tr>
<tr>
<td>Until all regions are more familiar with HRBAP, create mobile HRBAP teams in each region to travel around to all COs and advise them on next steps, etc., for a three-year period.</td>
<td>Not done. Existing staff are overstretched with their deliverables. Correct.</td>
</tr>
</tbody>
</table>

UNICEF has developed other mechanisms to support HRBA; but because these have only been in place for a short period of time, it is too early to determine their degree of effectiveness.

- **The Armonk Group** – In 2009, UNICEF established a multidisciplinary group of HQ leaders on HRBAP (known as the Armonk Group) to generate support for mainstreaming human rights in their respective sections. The group’s long-term objectives are to head strategic thinking around human rights issues, and to advocate for and contribute to the effective integration of HRBAP into UNICEF’s processes. There have been two Armonk workshops so far at HQ.
Finding 41: In principle, but most definitely not in practice, all UNICEF staff members participate in PPP training, which includes a module on HRBAP. A significant percentage of staff has not yet received any HRBAP training.

UNICEF cannot expect its staff members to apply an HRBAP if they do not have a basic understanding of children’s rights and a human rights-based approach. Decisions about what training is mandatory provide an indicator of the relative importance that the organization places on a particular area. Thus there is mandatory training related to security, ethics, sexual harassment, competence-based interviewing and other processes. Whereas training in human rights and in the HRBAP used to be a requirement, UNICEF staff are no longer required nor systematically assisted to have a basic knowledge of human and children’s rights. This is an important reason why knowledge of HRBAP has declined sharply among the newer generation of employees. Indeed, it should be noted that throughout the past four to five years, UNICEF experienced a major loss of its staff due to retirement; at the same time, it has recruited many new staff, very few of whom have attended a basic course in human rights and children’s rights.

Indeed, evaluation focus groups and interviews in all of the countries visited, as well as the data from the CO Assessment and the survey, indicate that not all programme staff has had HRBAP training. The CO Assessment indicated that 28 per cent of staff had not received any ‘HRBA’\(^\text{122}\) training, and in the survey an average of 43 per cent of respondents in all three job grades reported that they had not participated in any HRBA training (see exhibit 6.10).

While PPP training is offered to all staff, several reasons were cited for not attending: (i) timing of the training (staff were away when it was given); (ii) too much work to attend to; (iii) no particular incentive or requirement to attend; and (iv) expectation that it would not be adaptable to their own work. In interviews, those who had not been trained said they would like HRBAP training, and those who had training felt that it was too generic and that they would like more in-depth HRBAP training that is contextualized to their sector (see next finding).

\(^{122}\) In this evaluation, as was the case in the survey, ‘HRBA’ refers to the human rights-based approach, which is a broader concept. HRBAP, which is for programming, refers to the specific methodology examined in this evaluation.
Exhibit 6.10 Response to survey question: Have you participated in one or more training events related to human rights-based approaches since joining UNICEF?

<table>
<thead>
<tr>
<th>Participation in HRBA Related Training Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Training Event</td>
</tr>
<tr>
<td>--------------------</td>
</tr>
<tr>
<td>Job Grade P1 (etc)</td>
</tr>
<tr>
<td>Job Grade P3 (etc)</td>
</tr>
<tr>
<td>Job Grade P5 (etc)</td>
</tr>
</tbody>
</table>


Finding 42: Most UNICEF staff consulted feel that existing HRBAP training, tools and guidance are not adequate or sufficiently adapted to sector-specific application. Yet most UNICEF staff are neither aware of nor accessing tools and guidance collected and managed by a United Nations inter-agency HRBAP body.

Those who attended the PPP training (including the HRBAP module) found it informative, particularly new staff entering UNICEF. However, staff consulted individually or in groups stated that the HRBAP training module was too generic and had limited application in sector-specific situations. Similarly, roughly two thirds of staff consulted as part of the CO Assessment considered tools and guidance not sufficiently adapted to specific contexts, and in particular to the health sector. This information is corroborated by the Harding Survey, in which only 24 per cent of respondents felt that adequate tools and guidance had been developed to build capacity for human rights-based approaches.
Exhibit 6.11 Response to survey question: Have tools and guidance been developed to build capacities for human rights-based approaches?

<table>
<thead>
<tr>
<th>Tools and Guidance have been Developed to Build Capacity for HRBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Undecided/No Answer</td>
</tr>
</tbody>
</table>


As noted above, one limitation of existing tools and training offered by UNICEF appears to be their limited applicability to specific sectors. This shortcoming was noted in interviews and focus groups both at HQ and in COs. Staff indicated that they needed better guidance on sector-based integration of HRBAP, as has been done in the education sector. The 2011 HRM mapping of tools confirms that this appears to be a missing element, not only in UNICEF but in the United Nations more generally.

As UNICEF has limited resources to invest in the development of sector-specific tools, it could look into increasing its use of existing United Nations tools on HRBAP. In a time of scarce resources and within the context of the UN Delivering as One, there should be more cross-fertilization and resource sharing. For instance, UNICEF might consider some of the tools on human rights available through the UNDG-HRM mechanism. Our review of the work done by the 18 members of UNDG-HRM (see exhibit 6.12) suggests that there is a vast array of tools and multiple examples of policies in different sectors on operationalizing human rights. UNICEF contributes to the work of the UN Practitioner’s Portal on HRBA – developed by UNDP for HRBA. Yet in our visits to COs and in interviews and focus groups with staff for the CO Assessment and at HQ, we found that UNICEF staff did not mention tools produced by other agencies. In fact, staff indicated that they rarely accessed HRBAP material developed by UNICEF and certainly not the tools developed by other agencies. In fact, very few of the staff who were encountered (whether face to face, contacted by telephone, or through focus groups) were even aware of the United Nations tools available.

It appears that staff do not use, and perhaps do not know about, the HRBA portal. This may not be discussed in training related to human rights-based approaches, and there may also be a general perception that examples from other agencies may not apply to UNICEF. However, the portal on human rights-based approaches provides access to many good examples of tools developed by United Nations agencies, some of which were produced by UNICEF.

123 Available at <http://hrbaportal.org>.
### Exhibit 6.12 Tools and policies accessible through the portal on human rights-based approaches

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Number of products</th>
<th>UNICEF contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Children</td>
<td>57</td>
<td>UNICEF (12)</td>
</tr>
<tr>
<td>Disability</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Decent work</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>Economic, social and cultural rights</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>17</td>
<td>UNICEF (1)</td>
</tr>
<tr>
<td>Elderly</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Environment</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>General human rights</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Governance</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>HIV and AIDS</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Housing, land and property</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Human rights-based approach</td>
<td>29</td>
<td>UNICEF (unspecified number)</td>
</tr>
<tr>
<td>Humanitarian and emergency settings</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Indigenous peoples</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>International human rights machinery</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>Justice and rule of law</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>MDGs</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Minorities</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>National human rights institutions</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Poverty reduction</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Water and sanitation</td>
<td>7</td>
<td>UNICEF (unspecified number)</td>
</tr>
<tr>
<td>Women and gender</td>
<td>38</td>
<td></td>
</tr>
</tbody>
</table>

The 2011 Tools Mapping report noted that the mapping exercise “highlighted a number of common challenges faced by UN agencies in mainstreaming human rights. These include the lack of corporate commitment, financial support, incentives and accountability within agencies for human rights mainstreaming. Difficulty in measuring the impact of rights-based programmes and the lack of evidence-based material on the value of rights-based programmes are also major obstacles.”

---

Finding 43: UNICEF staff raised some concerns about the quality of HRBAP training, as well as the lack of clear guidance on where to turn for support in understanding HRBAP.

HRBAP training is not always delivered by experts or specialists; indeed, many senior staff who are not necessarily experts on HRBAP indicated that they have delivered training. Thus while other sectors such as water and sanitation use specialists to deliver training, this is not always the case with HRBAP in UNICEF. Some respondents commented on the quality of facilitation for HRBAP training (e.g., facilitators were not experienced in HRBAP and not able to answer participant questions on the application of HRBAP in specific sectors).

Indeed, as noted by respondents from GRU and HQ respondents responsible for training, standardization of HRBAP content in PPP was a problem, as PPP training could be delivered by individuals with limited specialization in HRBAP. In 2011, UNICEF identified and certified 20 facilitators in PPP training including the HRBAP module, and it is expected that only these facilitators will deliver PPP training. This will ensure that PPP participants receive consistent information on HRBAP, but it is not possible to determine whether this will address the issue of using facilitators who are specialists in HRBAP, as we have not seen the profile of new PPP facilitators. Another possibility might be to use experts on HRBAP within the larger United Nations family to deliver the HRBAP portion of the training, as has been done in some ROs and COs in the past.

Respondents also noted that HRBAP training participants are not tested to see if they have grasped the content and are able to apply it. Several interviewees thus suggested that UNICEF might identify the core competencies essential in HRBAP and test participants following training to ensure competencies have been gained.

Another limitation noted by many respondents was knowing where to turn for guidance on HRBAP. As part of our country visits and during interviews and focus groups, we asked UNICEF staff who they go to when they need guidance. The responses varied considerably. Some go to an immediate colleague who has more corporate memory and better understanding and know-how related to HRBAP; others take their questions to a superior or to the CO Representative; and some go back to their PPP facilitator.

---

**Staff comments on seeking support for HRBAP**

Being relatively new to UNICEF (I joined in 2009) I am sort of swamped with the various documents and frameworks to integrate. I find it easier to seek the support of my colleagues in the office who have been here longer. They have been able to guide me on HRBAP for instance because they have been at UNICEF for more than 5 or 7 years. (...) I’m getting a little bit concerned because there is turnover and I am close to being the one with the longest work experience at UNICEF in our CO!”

**Source:** Respondent interviewed in a CO during a field visit.

“I tend to rely primarily on my immediate peers when I want to get some information on HRBAP but our Representative has been very vocal about the [HRBAP] approach. She brings it up in our staff meeting and can always be a guide on how to apply HRBAP.”

**Source:** Respondent from one of the 38 CO Assessments.
Accountability for HRBAP

Finding 44: Accountability for HRBAP is not included in the MTSP and is reflected unevenly in the UNICEF Strategic Plan.

Corporate level

Although human rights constitute a foundation of UNICEF programming, the level of accountability for HRBAP is minimal. A review of the MTSP confirms that HRBAP and gender equality are the key pillars of UNICEF’s programming.

However, the annexes of the MTSP that provide the set of indicators against which each Focus Area is measured lend themselves to some observations.

Some examples of indicators related to HRBAP principles as they exist in the MTSP (the list is not exhaustive and is meant to provide the reader with an illustration of what the MTSP contains):

Focus Area 1: Young Child Survival and Development
- Per cent of children born of HIV-positive mothers receiving cotrimoxazole prophylaxis (universality)
- Per cent of young children orphaned and made vulnerable by HIV and AIDS receiving free basic external support (universality)
- Number of programme countries with national development plans that include qualified progressive targets for scaling-up improved family and community care practices (accountability)

Focus Area 2: Basic Education
- Number of programme countries with education sector plans that aim to reduce gender and other inequalities (accountability)

Focus Area 3: HIV and AIDS and Children
- Ratio of school attendance of orphans to school attendance of non-orphans 10–14 years old, disaggregated by sex (universality)

Focus Area 4: Child Protection from Violence, Exploitation and Abuse
- Proportion of conflict-affected countries monitoring and reporting violations of child protection rights (transparency)
- Number of countries that have signed/ratified Optional Protocol 1 of the CRC (normativity)
- Number of countries that raise reservations regarding CEDAW articles 16 (1) a & b, and (2), and on CRC article 24 (3) – (normativity)

Focus Area 5: Policy Advocacy and Partnership for Children’s Rights
- Number of country programmes supporting the CRC and CEDAW reporting processes (normativity)
- Number of UNICEF offices in emergency/conflict-affected countries reporting violations of children’s rights, as per the Secretary-General’s Bulletin ST/SGB/2003/13 (transparency)
- Number of country programme documents submitted to the Executive Board that make reference to concluding observations of the CRC and CEDAW and that include activities to support their implementation (normativity/accountability)
- Number of countries with budget analysis and monitoring systems jointly managed by the state and/or civil society organizations to promote improved resource allocation for the progressive realization of children’s and women’s rights (accountability)
- Number of countries where adolescent girls and boys participate in the CRC/CEDAW reporting processes (participation)

For example, the MTSP has few indicators related to how work is carried out (and thus on how HRBAP is integrated). As shown in the large sidebar below, all Focus Areas have some indicators related to HRBAP principles, and Focus Area 5 has indicators for most. In Focus Areas 1 to 4, indicators of results deal primarily with services provided and their outcomes, and less on how services are provided (which is a process issue). Focus Area 5, and Focus Area 4 to some extent, tend to include indicators of expected results related to HRBAP principles.

Also, we have noted the following:

- **Focus Area 1: Young Child Survival and Development** – no indicator for participation. The MTSP clearly states that the implementation of activities for this Focus Area will require partnering with different groups (governments, United Nations agencies, global alliances, international NGOs, academia, private sector/foundations, and national partners).

- **Focus Area 2: Basic Education** – no indicator for transparency.

- **Focus Area 3: HIV and AIDS and Children** – no indicators for transparency, accountability or participation.

- **Focus Area 4: Child Protection from Violence, Exploitation and Abuse** – no indicator for participation.

- **Focus Area 5: Policy Advocacy and Partnership for Children's Rights** – indicators for most HRBAP dimensions.

Exhibit 6.13 (beginning on the next page) provides examples of HRBAP principles indicators.
### Exhibit 6.13 HRBAP and UNICEF sectoral policies

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Normativity</td>
<td>WASH: Two core human rights instruments – the CRC and the CEDAW – explicitly recognize the right to water. The latter also recognizes the importance of sanitation. Health-Nutrition: A child’s right to survival and development is the first fundamental principle underlying the CRC. The principle of the right of the child to survival and development is the foundation for UNICEF programmes of cooperation and support to the UNDAF.</td>
<td>Guided by the CRC and other relevant human rights treaties, programming is focused on supporting and advocating for the right of all children an education. The scope will be influenced particularly by those situations in which the right to an education is most at risk. Early Childhood Development: All children should survive, and be physically healthy, mentally alert, emotionally sound and ready to learn. Committee – General Comment No. 7 – implementing CRC in early childhood provides a holistic framework to fulfil a child’s basic rights to survival, development, protection and participation.</td>
<td>Human rights-based programming as well as communication for development.</td>
<td>The strategy builds on the extensive international normative framework for child protection, and on relevant recommendations of the Secretary-General’s Study on Violence against Children.</td>
</tr>
</tbody>
</table>

---


126 These represent policies and strategies in force at the time of evaluation.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation</td>
<td>WASH: Sustainability depends on many factors, including participation by communities and households (especially women and children) in programme/project planning, design, implementation, operation and maintenance. At the same time, competency will be reinforced in the areas of programme management, strategic planning, hygiene promotion and communication, participatory approaches (including the Participatory Hygiene and Sanitation Transformation approach, as well as tools for promoting the participation of children). Health-Nutrition: Meaningful participation and capacity-building can help equip families and women with the knowledge required to make informed decisions about adequate day-to-day caring behaviour, the provision of life-saving interventions and adequate care-seeking behaviours.</td>
<td>Support for child participation (the school as a democratic institution). Links between schools and their communities (school boards, parent-teacher associations, etc.). Early Childhood Development: Community-based early childhood centres can be the 'end result' of a good governance, community participation and partnership.</td>
<td>Interventions to facilitate participation of adolescents, including those especially vulnerable and marginalized, in HIV prevention forums and activities.</td>
<td>Promote meaningful child participation and empowerment. Engaging children in active dialogue, and promoting respect for their views as established in the CRC is critical for children’s empowerment as actors in their own protection and that of their peers. This includes child participation in both formal and informal justice processes. Partner with and support civil society networks to promote children’s participation and empowerment. Promote the legal empowerment of girls, boys and families, including through legal awareness and the provision of legal and paralegal services at the community level.</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Accountability</td>
<td>Sustainability depends on many factors, including the technical, financial and institutional support capacity of intermediate-level actors, and the existence of enabling and supporting legislation. Particular attention will be given to capacity building and to ensuring that the requisite financing and policy changes are in place to allow new approaches to be taken to scale. UNICEF will support the strengthening of national health and nutrition information and surveillance systems, work with partners to identify significant knowledge and evidence gaps, and support data collection efforts and action-oriented research designed to help fill those gaps.</td>
<td>UNICEF helps countries with the consultative and participatory process for developing plans for education and linking them to poverty reduction strategies or a national development plan. The organization is also committed to the principle of sector-wide budget support to countries by many donors and will increase efforts to leverage funding for national plans and priorities, first emphasizing budgeting for children and then funding to support its own work.</td>
<td>Evidence-based advocacy for legislative measures, policy instruments and strategies for programmes on children, adolescents and HIV and AIDS, with special attention to vulnerabilities of young women and girls and the roles of men and adolescent boys.</td>
<td>Governmental commitment to fulfilling protection rights: includes social welfare policies, adequate budgets, public acknowledgement and ratification of international instruments. Legislation and enforcement: includes an adequate legislative framework, its consistent implementation, accountability and a lack of impunity. Knowledge of their protection rights and ways of avoiding and responding to risks.</td>
</tr>
<tr>
<td>Transparency</td>
<td>WASH: Experience shows that informed and motivated children are powerful advocates for improved hygiene in the home. Health-Nutrition: Communication strategies can empower families and women with knowledge about available services and the standard of service quality they should expect from both the state and the private sector.</td>
<td>UNICEF helps countries with the consultative and participatory process for developing plans for education and linking them to poverty reduction strategies or a national development plan.</td>
<td>Reduce adolescent risks and vulnerability to HIV by increasing access to and use of gender-sensitive prevention information, skills and services.</td>
<td>Support public education and social dialogue. Public awareness campaigns can play a role in reducing the prevalence of unfavourable or discriminatory attitudes, beliefs and harmful practices towards children. Develop an approach to communication for social change that encourages the abandonment of harmful social practices and norms. Encourage opportunities for open dialogue on child protection topics, in schools, institutions and community centres.</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>-------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Non-discrimination</td>
<td>Health-Nutrition: As a result, this strategy aims to: (a) reach unreached, marginalized, discriminated against and excluded children, women and families whose rights have been denied and who have little or no access to quality, equitable and affordable health and nutrition services, especially the poor and those affected by emergencies. WASH: Pro-poor approaches. Meeting the rights of the poor to WASH is at the heart of the UNICEF mission. UNICEF will undertake concerted efforts in advocacy for the development of improved poverty-specific approaches and improved monitoring and mapping to identify and effectively reach the poor. UNICEF will ensure that supported approaches in improved management of water resources equally benefit poor and disadvantaged communities and households, and that interventions do not in any way deteriorate the quality of the water environment.</td>
<td>All children have equal access to quality education, preferably in formal schools that serve their best interests (child-friendly schools). UNICEF works with partners to restore schooling, within the context of protection, to affected populations while laying the groundwork to rebuild the education system. Even without emergencies, education systems often fail to reach and cater adequately to groups such as remote rural communities, poor communities, ethnic minorities, children with disabilities, indigenous groups, migrant communities, refugees and internally displaced persons. UNICEF will continue to work with partners to meet the needs of these groups and safeguard their right to education through targeted interventions, while also helping countries to develop more inclusive education systems. UNICEF supports efforts to reach the last 10 per cent of out-of-school children. This is typically a difficult-to-reach population group within countries that have otherwise been successful in providing quality education to almost all children.</td>
<td>Interventions to facilitate participation of adolescents, including those especially vulnerable and marginalized, in HIV prevention forums and activities.</td>
<td>Laws, services, behaviours and practices minimize children’s vulnerability, address known risk factors, and strengthen children’s own resilience.</td>
</tr>
</tbody>
</table>
Finding 45: Reporting on the implementation of HRBAP is not done systematically or according to the MTSP indicators.

Because there are few indicators, reporting on HRBAP at the organizational level is contained in a few narrative paragraphs in annual reports that describe the role that UNICEF has played in advocating for HRBAP, or activities undertaken to support learning on HRBAP, but no reporting is done on the extent to which UNICEF as an organization delivers its services using HRBAP. In a review of CO Assessment reports, we found that the section on integration of HRBAP is generic and does not report on any challenges in integrating HRBAP, and more importantly, the data from these are not rolled up or aggregated for corporate oversight.

Unlike gender and equity, the human rights-based approach does not have a tracker (i.e., a marker in the programme management software to monitor systematically the extent to which these issues are part of programming). One hypothesis suggested by some respondents was that gender is a priority of the UNICEF Board and equity is a priority of the new Executive Director, but the issue of human rights has no such champion.\(^{127}\)

This evaluation of HRBAP, unlike the gender evaluation, was not mandated by the Board. With respect to audits, each year UNICEF’s audit department conducts 25 country audits and 10 across-the-board audits that examine, among other things, compliance to mandates and procedures, and highlight potential risks to UNICEF. According to respondents interviewed, compliance to HRBAP has not yet been examined as part of an audit, perhaps because it is not viewed as a risk factor. Yet the role of the audit function is to look at both financial risks and reputational risks, and there is a sense that HRBAP should be included, as it could present a reputational risk.

Nevertheless, GRU, DPP and the Evaluation Office at UNICEF have provided some oversight and accountability to the organization on how HRBAP has been implemented through several studies conducted during the period examined:

- ‘Review of 2006 and 2007 Country Office Annual Reports from a Human Rights-Based Approach’ (GRU, April 2008);
- ‘A Quality Review of UNICEF’s Executive Board Country Program Documents for 2010’ (Independent Consultant Study, Leslie M. Fox, April 2010);

Although these studies provide insights into how HRBAP has been implemented, at issue is the fact that they were not based on the MTSP indicators, and as such do not add up to systematic monitoring of the implementation of HRBAP.

\(^{127}\) In line with other United Nations agencies, UNICEF has adopted a ‘gender equality marker’, which tracks resource allocations and expenditures for gender-equality results. The marker, as developed by OECD/DAC, refined by UNDP and the Canadian International Development Agency (CIDA), and piloted by the IASC in emergency contexts, rates the expected contribution of a result to advancing gender equality and/or the empowerment of girls and women. This involves rating every intermediate result against a four-category scale that ranges from zero (not expected to contribute to gender equality in any noticeable way) to three (advancing gender equality as a principal objective of the result). It is too soon, however, to judge the effectiveness of this tool as it pertains to assessing gender mainstreaming in UNICEF programming.
Accountability at country and individual levels

Finding 46: Accountability for implementing HRBAP is strong but remains informal at both the country and individual levels.

Although most programming staff are firmly committed to children’s rights, their commitment to HRBAP is less clear. The Harding Survey and a review of annual reports and performance measurements indicate that there is no formal accountability or incentive system for HRBAP. COs have considerable autonomy in shaping their programmes. In visits to six countries, we found that CO Representatives and Deputy Representatives were very committed to the integration of HRBAP in their programmes. This was also reflected in the CO Assessment of 38 COs. While the majority of surveyed staff indicated that accountability for HRBAP is rarely discussed and is not formalized, there is leadership in this area.

Throughout our data collection, respondents in all categories commented that there is little formal accountability for implementing programming through HRBAP. This confirmed the findings of the Harding Survey, which also showed that a very small percentage of respondents overall felt formally accountable for applying HRBAP (see exhibit 6.14), and this included those in the highest job categories (see exhibit 6.15).

Exhibit 6.14 Response to survey question: Do you feel accountable to your team and others in your application of human rights-based approaches?

<table>
<thead>
<tr>
<th>Accountability in application of HRBA</th>
<th>P1, L1, NOA</th>
<th>P2, L2, NOB</th>
<th>P3, L3, NOC</th>
<th>P4, L4, NOD</th>
<th>P5, L5, D2, D1 NOE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, and I encourage and support others in their ability and HRBA accountability</td>
<td>2% (6)</td>
<td>10% (11)</td>
<td>5% (7)</td>
<td>24% (38)</td>
<td>10% (11)</td>
<td>40% (48)</td>
</tr>
<tr>
<td>Yes, and HRBA components are written into my performance targets</td>
<td>4% (5)</td>
<td>7% (10)</td>
<td>3% (4)</td>
<td>13% (17)</td>
<td>0% (0)</td>
<td>24% (29)</td>
</tr>
<tr>
<td>Yes, and encouraged by my supervisor to apply HRBA in my work</td>
<td>13% (16)</td>
<td>7% (10)</td>
<td>17% (22)</td>
<td>38% (47)</td>
<td>38% (47)</td>
<td>38% (47)</td>
</tr>
<tr>
<td>Only slightly, HRBA is not a priority accountability for me</td>
<td>0% (0)</td>
<td>13% (16)</td>
<td>4% (5)</td>
<td>40% (51)</td>
<td>10% (11)</td>
<td>10% (11)</td>
</tr>
<tr>
<td>Not at all</td>
<td>2% (2)</td>
<td>2% (2)</td>
<td>3% (3)</td>
<td>2% (2)</td>
<td>3% (3)</td>
<td>3% (3)</td>
</tr>
<tr>
<td>Missing</td>
<td>10% (12)</td>
<td>16% (20)</td>
<td>25% (32)</td>
<td>16% (20)</td>
<td>24% (29)</td>
<td>24% (29)</td>
</tr>
</tbody>
</table>

Incentives for HRBAP in UNICEF human resource processes

Finding 47: Effective implementation of HRBA ranks low in the present supervision and performance review system of UNICEF.

Interview data obtained through the assessment of 38 COs and focus groups in the field are in agreement that there is no particular incentive for staff to integrate HRBAP (or, indeed, any of the foundational strategies or cross-cutting issues). In fact, in interviews with senior staff at HQ and COs, no one indicated that performing well in HRBAP was critical to their career growth in the organization. Other priorities, such as contributing to securing funds and ensuring the appropriate financing of projects, were considered more explicitly as success factors (see sidebar).

In the survey, only 2 per cent of respondents felt there were incentive systems in place to assist or monitor the understanding and commitment to HRBAP (see exhibit 6.16).
Exhibit 6.16  Response to survey question: Are incentive systems in place to assist and monitor the understanding and commitment to human rights-based approaches?

![Bar Chart: Incentive Systems to Monitor HRBA]

- **Yes**: 2%
- **No**: 38%
- **Undecided/ No Answer**: 60%

**Source**: Harding Survey 2010.

Less than 10 per cent of respondents indicated that staff development plans related to human rights-based approaches were in place. Such approaches are referred to in only 15 to 20 per cent of performance reviews (see exhibit 6.17) and are highest for those in programme functions (see exhibit 6.18).

Exhibit 6.17  Response to survey question, by job grade: Is the human rights-based approach referred to in any way in performance review?

![Bar Chart: HRBA Referred to in Performance Review (by Job Grade)]

<table>
<thead>
<tr>
<th>Job Grade</th>
<th>Yes</th>
<th>No</th>
<th>Undecided/No answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 (etc)</td>
<td>16%</td>
<td>29%</td>
<td>55%</td>
</tr>
<tr>
<td>P3 (etc)</td>
<td>20%</td>
<td>34%</td>
<td>45%</td>
</tr>
<tr>
<td>P5 (etc)</td>
<td>16%</td>
<td>33%</td>
<td>51%</td>
</tr>
</tbody>
</table>

**Source**: Harding Survey 2010.
Exhibit 6.18 Response to survey question, by job function: Is the human rights-based approach referred to in any way in performance review?

<table>
<thead>
<tr>
<th>Job Function</th>
<th>Yes</th>
<th>No</th>
<th>Undecided/No answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Management</td>
<td>16%</td>
<td>37%</td>
<td>47%</td>
</tr>
<tr>
<td>Communications</td>
<td>20%</td>
<td>32%</td>
<td>48%</td>
</tr>
<tr>
<td>Operations</td>
<td>8%</td>
<td>39%</td>
<td>52%</td>
</tr>
<tr>
<td>Programme</td>
<td>23%</td>
<td>35%</td>
<td>42%</td>
</tr>
</tbody>
</table>

**Source:** Harding Survey 2010.

In the survey, 10 per cent of respondents said that HRBAP was integrated in performance evaluation reports.

Exhibit 6.19 Response to survey question: Is HRBAP integrated in performance evaluation reports?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Undecided/ No Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>HRBAP Integrated in Performance Evaluation Reports (PER)</td>
<td>10%</td>
<td>27%</td>
<td>63%</td>
</tr>
</tbody>
</table>

**Source:** Harding Survey 2010.
In interviews, CO staff had very mixed reviews when asked if or how they were encouraged to use HRBAP in implementation. Many said that the major focus was to deliver on the outcomes.

We often heard that due to the constraints of delivering within a results agenda, and the difficulties in identifying process indicators, measuring HRBAP was often either forgotten or less of a priority (see sidebar).

To make matters even more complicated, and as evidenced through interviews with senior UNICEF staff at HQ, due to pressure exercised by donors to demonstrate results on the ground, internal conversations among decision-makers are somewhat tilted towards fulfilling the accountability calls of donors, the Executive Board and host governments – each of whom supports but does not demand HRBAP. In the process, the accountability call of children seems to be taking a back seat.

Thus the overall sense obtained through our data-gathering interactions with staff was that reporting on results for HRBAP was difficult (how do you measure process?) or paradoxical (we cannot be pushed to deliver services at the same time as we are being pushed to use a process that takes time and that is not compatible with a focus on delivering results). This is discussed further below.

Finding 48: The lack of accountability for HRBAP is aggravated by the difficulties in tracking what resources go into HRBAP. While programming with a rights-based approach involves more resources (time, human and financial) than programming without such an approach, it is difficult to identify UNICEF’s overall investment in mainstreaming HRBAP.

Resources for HRBAP are embedded in the budget allocations for GRU and in UNICEF programming costs, which makes it difficult to identify the overall budget invested in HRBAP. Some of these costs involve staff capacity development, most of which is currently embedded in the overall PPP training costs. Other costs for HRBAP are found within programming costs for rights-friendly approaches that lead to more effective and sustainable results, such as child-friendly schooling or Community-Led Total Sanitation. Some of these costs can be calculated through expenditures on Focus Area 5, whose key results areas represent the HRBAP process as well as programmatic activities. For instance, in expenditures for Focus Area 5, the lines that capture elements on HRBAP include the following:

- 501 – Data/knowledge on children and women (including SitAn)
- 502 – Data disaggregation and analysis of gender disparities and marginalized populations
- 504 – CRC/CEDAW reporting
- 505 – Research and analysis on policies and laws for women’s/children’s rights
- 508 – Children/youth participation in decision-making
In 2010, Focus Area 5 expenditures accounted for approximately US$366 million, or 11 per cent of total UNICEF programmatic expenditures at the CO level. These costs were largely process oriented, but are seen as essential for UNICEF HRBAP programming; in 2010, these funds were mostly spent on key result area 1 – collecting and analysing strategic information on the situation of children and women (48.9 per cent), followed by key result area 3 – policy, advocacy, dialogue and leveraging (23.3 per cent), key result area 2 – research and policy analysis on children and women (12.2 per cent) and key result area 4, enhanced participation by children and young people (11.1 per cent). On a country-by-country basis, however, the spending breakdown on Focus Area 5 varies greatly from year to year based on priorities, such as the writing of the SitAn in certain years. As long as HRBAP is a core programming and management framework, the cost outlays for HRBAP programming within Focus Area 5 will continue to be central components of UNICEF’s programming. However, they are not easily analysed for the purposes of developing country benchmarks.

Leadership on HRBAP

Finding 49: There are mixed views as to whether the leadership to drive HRBAP as a corporate foundational pillar was strong during the period examined. What appears to have been underestimated is the importance of Regional Directors and Country Representatives in championing the application of HRBAP at the country level.

Following the Executive Directive in 1998, corporate discourse on the HRBAP was very strong. According to those who were in posts at the time, the Executive Director of UNICEF was a strong supporter and advocate, and HRBAP was frequently discussed and tested.

They recall the early days as a booming period for HRBAP, as enthusiasm for the approach was felt and disseminated throughout the ranks of UNICEF.

We interviewed people both at HQ and in the field regarding whether the energy and drive to integrate HRBAP in the organization was maintained during the period focused on by the evaluation, and found that the views expressed were quite mixed: Those who had been with UNICEF since 1998 felt that the corporate discourse on HRBAP had diminished considerably over time (see sidebar); those who had joined UNICEF in the past five years noted that although HRBAP was not part of regular discussions, it was nevertheless clear that programming was articulated around its principles.

As noted in chapter 5 on the application of HRBAP, UNICEF has played an important

128 Total Expenditure by MTSP Focus Area, 2010.

Source: Interviews with staff during field visits and telephone interviews as part of the CO Assessment.
role in advocating for HRBAP and is recognized for several of its initiatives in advancing the HRBAP agenda at the global level. However, some staff felt that leadership on HRBAP within UNICEF was not as strong during the period reviewed.

The GRU conducts an annual review of UNICEF CO Annual Reports on the extent to which key elements of a human rights-based approach are translated and incorporated into reporting, and the evaluation team carried out a similar exercise. The data were inconclusive, and thus we do not have sufficient data to inform understandings of either of the following hypotheses:

- Is the perception of some staff (that the leadership for HRBAP was not as strong) due to the fact that HRBAP was discussed less because it was no longer new and was simply accepted as a way of doing business?
- Is there a sense that while strong efforts were made to advocate for HRBAP as a corporate goal globally, there was less emphasis placed on advocating for its integration in programming at the country level?

Despite having insufficient data to conclusively answer these questions, we did repeatedly find that when staff were asked what key factors support the implementation of the HRBAP in any given country, they overwhelmingly cited the role and leadership of the Country Representative or the Deputy Country Representative.

The evaluation team believes that UNICEF is underestimating the crucial leadership role played by this category of staff for the effective implementation of HRBAP and is certainly not thinking about them as the key cadre of staff to build and sustain HRBAP in the field. More pointedly, the recruitment strategies, interview processes, professional development and accountability measures for this cadre of staff are not designed with this understanding.
7. Recommendations

Conceptualization of HRBAP

Recommendation 1: UNICEF should develop an HRBAP policy to replace the 1998 Executive Directive. This policy should reflect important changes in the normative environment, the external environment and the aid environment that affect HRBAP, thus providing a single and clearly expressed conceptualization of HRBAP for the whole organization.

The core elements of the Executive Directive on HRBAP remain as pertinent today as they were in the 1990s. However, new and emerging issues that shape UNICEF’s work have not been fully integrated into this Executive Directive. These include the Paris Declaration, the trend towards United Nations coherence and UNICEF’s focus on equity. As highlighted in Finding 3, there are differences in the familiarity with and understanding of HRBAP by UNICEF staff, since staff knowledge of HRBAP has rarely been acquired through the Executive Directive but rather through derivative documents, training and discussions with engaged leaders within the organization. A reinvigorated policy document, supported by an action plan or strategy, will allow UNICEF to formally re-commit to HRBAP as a foundational, overarching approach for the organization.

Recommendation 2: UNICEF should, at the highest level, take action to develop an overall strategy for applying a human rights-based approach (along with gender) as the ‘foundation strategy’ for its work.

There is insufficient effort to coordinate the mainstreaming and harmonization of the foundational strategies and cross-cutting issues that are priorities for UNICEF – gender, HRBAP and equity. This is highlighted in Findings 2, 3 and 37. Moreover, as two of the three issues are currently part of the wider United Nations interrelated priorities, there is a need for these issues to be effectively included and harmonized by the Programme Division and the DPP across all aspects of United Nations-wide programming, particularly in terms of:

- Policies and directives;
- Organizational arrangements;
- Allocation of resources; and
- Roles and responsibilities.

Recommendation 3: UNICEF should provide staff with further practical guidance on how to link HRBAP and results-based management.

The evaluation Finding 7 underlines UNICEF’s focus on results and RBM alongside HRBAP, confirming the notion that without improved results, human rights cannot be realized. Yet this fundamental axiom belies the challenges of fully aligning HRBAP to a results-based management system that focuses on the approach in processes as well as in outcomes. UNICEF staff and partners require greater guidance on indicators that can demonstrate and elucidate the rights-based nature of their programmatic results. These would include indicators to measure adherence to normativity, non-discrimination, participation, accountability and transparency. The principles used in the evaluation may be aligned to the development of tools to better monitor HRBAP. Also, the United Nations Evaluation Group has developed indicators to monitor what is broadly seen as empowerment, be it political, economic or social. The UNICEF Programme Division and DPP should collaborate to better integrate such indicators in future guidance and as part of the next MTSP.
Recommendation 4: UNICEF DPP and the Programme Division should clarify the linkages between HRBAP and the equity approach in terms of the use of the term ‘equity’, as well as of how the terms ‘rights holder’ and ‘duty bearer’ will be used within the focus on equity.

As suggested in Finding 6, there is some evidence that the equity focus can be compatible with HRBAP. However, challenges remain, including regarding how the term ‘equity’ is being employed across the organization, and whether this usage is in harmony with the wider human rights community. Addressing these challenges requires clear guidance and communication, some of which is already underway within UNICEF. Another noted discrepancy is that the terminology of rights holders and duty bearers has been dropped from the materials on equity. This language is a frame of reference for HRBAP and is still being used throughout the agency. Since much of the assessment and analysis within HRBAP uses this language, its omission from the equity discourse may cause some confusion and should be clarified by DPP or the Programme Division through the Question and Answers website and upcoming training, as well as in related materials.

Global application of HRBAP

Recommendation 5: The UNICEF GRU should continue to lead and engage in both inter-agency and internal policy discussions to bring clarity and coherence with respect to HRBAP into the current programming environment.

In the past, inter-agency and internal dialogues and engagements on HRBAP produced papers, research and innovation to nourish the HRBAP and make it relevant to the context, particularly at the RO and CO levels. From these discussions were born the current leaders of HRBAP within UNICEF. While UNICEF has the authority, leadership and interest to convene a broad dialogue on the HRBAP under the auspices of the Interagency Task Force on Human Rights, and continues to do so, the GRU HQ should also encourage internal research and dialogue from a new corps of practitioners who can bring new operational and contextual direction to the HRBAP. This would help to pave the way for a new group of HRBAP experts to enrich the approach at the CO and RO levels. Continuing dialogue on HRBAP will also foster innovative HRBAP thinking at the CO and RO levels. Stronger linkages between the GRU and Innocenti Research Centre could further inform thinking and bring new ideas for the application of HRBAP.

Recommendation 6: In its application of HRBAP at the global level, the UNICEF GRU Geneva should take a more systematic approach to its engagement with special procedures and other human rights mechanisms.

UNICEF is recognized as a United Nations agency that plays a key role in its engagement with several human rights mechanisms. Yet, given the interdependence and indivisibility of human rights, UNICEF should increase its efforts to implement a more coherent, holistic and integrated approach to such engagements (as detailed in Finding 11). For example, UNICEF should connect its work with the Special Rapporteur on the Rights of Indigenous Peoples with that of the Independent Expert on Minorities. Similarly, UNICEF should connect its work with the Special Rapporteur on Education with that of the Independent Expert in the field of cultural rights, as they both promote intercultural education.

In addition, with regard to the UPR process, the UNICEF GRU should lead an assessment of the value added by its approach to UPR reporting across COs, weighing the value of providing
inputs through the UNCT, on its own, or both. This provides a further linkage to how United Nations coherence may be integrated with HRBAP.

**Application of HRBAP at the country level**

**Recommendation 7:** UNICEF should take appropriate steps to ensure that all HRBAP principles are implemented equally strongly throughout its programming, as well as at all stages of the project cycle.

While the evaluation found that UNICEF COs are making commendable efforts to apply and integrate all HRBAP principles throughout its programming, the extent to which these efforts are successful still varies (see Findings 17 to 22). In particular, there are variations across the programming cycle that are consistent across focus areas and country contexts. Overall, we found that at the programme planning stage, as reflected in the development of the SitAn, close attention is paid to ensuring UNICEF’s support to the host country delivering on its obligations to rights holders (unrealized rights are thus the focus of programming). Furthermore, the elaboration of the SitAn is also usually undertaken with the active participation of children and vulnerable populations (although not all relevant vulnerable groups are always included), and the process takes place in a transparent and accountable manner. However, at the planning and implementation stages, the evaluation found less evidence of the integration of all principles, a trend which continues in the monitoring and especially the evaluation stages, especially with regard to the application of participation and to the inclusion of all vulnerable groups.

Therefore, UNICEF should continue to develop strategies and tools to ensure that all vulnerable groups are reached throughout all stages of the project cycle.

Furthermore, UNICEF should place a stronger emphasis on evaluation, not only of the projects and programmes but also of the application of HRBAP principles such as participation, accountability, non-discrimination or transparency, in order to identify contextual and systemic obstacles or bottlenecks in these areas.

**Recommendation 8:** UNICEF should assist staff in interpreting and operationalizing HRBAP in each Focus Area by ensuring that they have access to appropriate relevant guidelines and tools.

Staff indicated that they need better guidance on sector-based integration of HRBAP. The evaluation Findings 23 to 27 found that UNICEF has not taken advantage of a vast array of tools and examples of policies from different sectors on operationalizing human rights, which are available through UNDG-HRM and the portal on human rights-based approaches.

UNICEF should therefore provide staff with Focus Area-specific materials that address the challenges children face. To the extent possible, UNICEF should work within the framework of the UNDG-HRM rather than developing tools that may already have been developed by another United Nations agency. UNICEF should encourage staff to use the UNDG-HRM portal so that they know what tools exist and can access them.

In its guidance to staff, UNICEF should take the opportunity to explain what capacity building entails and how it translates into programming through the HRBAP. At the moment, staff understand capacity building primarily as training. The more holistic definition encompasses at least three levels of intervention (individual training, organizational systems-building and policy framework development).
Recommendation 9: UNICEF should provide specific guidance and assistance to staff in interpreting and applying HRBAP when dealing with difficult country contexts.

As was the case with the application of HRBAP in the different Focus Areas, Finding 30 indicated that they need better guidance and support when seeking to apply HRBAP principles while dealing with difficult country contexts. In particular, staff cited difficulties in addressing sensitive issues regarding the inclusion and participation of stigmatized populations, as well as promoting transparency and accountability.

In order to provide appropriate guidance, UNICEF should identify and/or develop specific guidance and tools addressing different challenges related to country context (political, social and/or cultural).

UNICEF should also reassess the mechanisms through which it provides advice and support to staff working in contexts that are not well disposed to the promotion of HRBAP. This may include stronger dedicated support through the ROs and/or from HQ.

Recommendation 10: UNICEF EMOPS and the GRU should prepare guidelines for the application of HRBAP in humanitarian situations.

Despite good documentation that shows conceptual linkages between HRBAP, IHL and the humanitarian imperative, there is a lack of practical understanding on the ground regarding what HRBAP means in humanitarian situations, particularly in the response and early recovery phases. As shown in Findings 31 to 33 as well as in Finding 14, there are a number of frameworks already applied in humanitarian responses, and the nature of humanitarian interventions implies that saving lives during crises takes precedence in practice. Nevertheless, there is room for an increased package of guidance tools to inform UNICEF staff of what is reasonably achievable in different humanitarian contexts with regard to HRBAP. It is recommended that this package be developed by EMOPS with inputs from the GRU, and shared more broadly with IASC and other humanitarian actors.

Enabling environment

Recommendation 11: UNICEF should examine the cost and benefits of different organizational staffing options to strengthen the ability of its staff to implement HRBAP. Integrating the Competency Framework on HRBAP is one way to identify potential trainers and future leaders in-house.

As detailed in Finding 43, UNICEF staff need and are seeking additional coaching and support on the implementation of HRBAP. Consulted stakeholders made several suggestions on how to accomplish this, including:

- Adding dedicated staff responsible for coaching and oversight of HRBAP at HQ, ROs or COs;
- Adding HRBAP to the responsibilities of staff who are responsible for mainstreaming other issues such as equity (Note: while stakeholders mentioned child protection officers as appropriate staff to take on this role, UNICEF made a deliberate choice in 2002–2003 to not use them, as there are in-house resources that can be used to do the job.);
- Including HRBAP in job responsibilities;
- Developing a roster of HRBAP advisers for each Focus Area; and
- Bridging the distance between the GRU and Programme Division.
While it was beyond the mandate of this evaluation to conduct a cost analysis or feasibility study of any of these options, UNICEF could and should base its final decision on (i) its overall mainstreaming strategy; (ii) the financial implications; and and (iii) the likelihood of obtaining funding.

**Recommendation 12:** UNICEF should make deliberate efforts to recruit, select, train and coach CO Representatives and Regional Directors as champions of the HRBAP.

CO Representatives and Regional Directors have the greatest potential to influence the implementation of HRBAP at the country level (see Findings 46 and 49). UNICEF should consider this in its recruiting and selection and should ensure that all Representatives and Regional Directors receive formal training and coaching on human rights-based approaches. Furthermore, the experience on the ground suggests that, especially in sensitive contexts and when addressing sensitive issues, the leadership and support of the Regional Directors is key. The GRU should provide more direct consultation and support to the Regional Director to this end, particularly in terms of responding to sensitive rights situations. In recruiting CO Representatives and RO Directors, human rights-based competencies should be considered and attention to human rights-based approaches in post-recruitment stages should be strengthened.

**Recommendation 13:** UNICEF should improve the quality of HRBAP training by identifying core competencies, developing a training curriculum and ensuring that the facilitators of PPP have sufficient background in HRBAP to deliver quality training.

As shown in Findings 40, 41 and 43, the evaluation found some gaps in level of familiarity on the part of UNICEF staff with HRBAP principles and their application throughout the project cycle. All UNICEF programming staff should receive general training on HRBAP, and some specialists should receive more advanced training.

The HRBAP training module, when delivered as part of the PPP induction training, is sometimes rather ad hoc, and is moreover delivered by a range of willing but not always experienced facilitators. Consulted staff feel the quality is inconsistent and could be improved. At the same time, stand-alone HRBAP training sessions have become increasingly less frequent in the organization. As such:

- UNICEF should enforce compulsory HRBAP training for all programming staff as part of the PPP, taking into account the functions and roles of staff at various levels;
- UNICEF may also wish to promote its online training (at <www.promotingchildrights.org>) as a way to give new staff some initial background information on HRBAP until the next training session in the region or CO occurs;
- UNICEF should identify the skills and experience required for HRBAP facilitators (including those who facilitate this module in PPP training and any other HRBAP training delivered outside of PPP training);
- UNICEF should identify the core HRBAP competencies (including equity and gender) that participants are expected to gain through training, and develop a curriculum to meet these expectations. This can be done using the existing HRBAP competency framework;
- HRBAP training should not only address Focus Areas but also explain how the principles of HRBAP can be implemented. For instance, what does participation mean in terms of duty bearers and rights holders? How does one address the accountability of duty bearers in a country where government structures are weak?; and
• To validate the training, UNICEF should test participants following training sessions.

Recommendation 14: UNICEF should increase accountability for HRBAP at all levels of the organization (country, regional and global levels) and track costs and resources allocated to HRBAP.

Findings 44 and 48 showed that accountability for HRBAP is not sufficiently institutionalized at UNICEF and is dependent on individual leadership and commitment at the country level. In addition, the evaluation found that the costs and resources of HRBAP are not well tracked or analysed.

Accountability structures should give due consideration to the country context in which the office is working.

• UNICEF should ensure that results frameworks for the organization and for each Focus Area include indicators to measure the application of HRBAP;
• UNICEF projects/programmes should report on those indicators, and the project management system should facilitate the roll-up of data on HRBAP to inform decision-making;
• Staff roles, expectations and incentives for the integration of HRBAP should be clearly articulated, and staff performance reviews should include the integration of HRBAP, particularly for senior staff in COs and ROs;
• Financial resources allocated to HRBAP should be tracked more systematically and shared with ROs and COs to identify patterns in expenditures, such as increased spending on advocacy and research versus data collection.
Appendix I List of findings

Finding 1: There is coherence across key UNICEF and United Nations policies and strategies with regard to HRBAP. Key UNICEF documents also demonstrate that the organization has responded to a changing external environment for HRBAP.

Finding 2: There is a clear linkage across key UNICEF strategies and policies regarding HRBAP, as defined in the MTSP and gender policies and articulated in the PPP Manual and in manuals focused on equity. This is highlighted by an increased focus on disparities, the marginalized and excluded groups within UNICEF’s rights language and equity discourse. Yet the equity aspect of HRBAP omits the language of duty bearers and rights holders as a basis for analysing capacities.

Finding 3: While a majority of UNICEF staff members perceive human rights as the foundation of their development work, there is considerable variation in their familiarity with, and understanding of, HRBAP.

Finding 4: HRBAP does not appear to be applied according to particular regional models during the period examined. Instead, UNICEF COs are adaptable and pragmatic in applying the principles of HRBAP in different country and regional contexts.

Finding 5: United Nations coherence and supporting systems and mechanisms present both opportunities and challenges for UNICEF’s effective engagement in HRBAP on the ground.

Finding 6: HRBAP and equity are potentially mutually reinforcing, interdependent and reconcilable. However, this evolving understanding remains to be fully realized among staff.

Finding 7: While HRBAP and Results-Based Management (RBM) are compatible frameworks for programming and fully consistent with discussions about sustainability of results, UNICEF staff note practical obstacles to their mutual application.

Finding 8: UNICEF has played and continues to play a leadership role with regard to HRBAP at the global level, particularly through its core role in promoting the understanding and supporting the implementation of the CRC and its two Optional Protocols.

Finding 9: UNICEF global advocacy work for the CRC and its Optional Protocols shows the extent to which it supports these treaty body procedures as well as generates knowledge of and views on children’s rights across various platforms.

Finding 10: UNICEF has demonstrated effective leadership on HRBAP within the United Nations system.

Finding 11: While UNICEF’s engagement with human rights mechanisms has been appreciable, it could benefit from more structured engagement with certain United Nations human rights actors.
Finding 12: UNICEF has played a notable role in integrating HRBAP in key humanitarian and emergency frameworks.

Finding 13: UNICEF has fulfilled its role in relation to a number of Security Council resolutions, thus fulfilling key accountability roles to the wider United Nations.

Finding 14: The CO Assessment found that UNICEF’s adherence to the principle of normativity in terms of the CRC, CEDAW and other human rights instruments is the best-applied principle across the organization.

Finding 15: The CO Assessment found mixed application with regard to participation, with poor standardization and lack of explicit references to how participation of rights holders affects programme strategies.

Finding 16: The CO Assessment rated non-discrimination as satisfactory to weak, revealing some important constraints in meeting the evaluation standard for the principle. These are due in part to data collection and disaggregation challenges, leading to overly generic descriptions.

Finding 17: The CO Assessment revealed a largely satisfactory score for accountability, with the principle hampered by lack of documentation on accountability mechanisms as well as systems of redress within government or UNICEF programmes.

Finding 18: The CO Assessment ranked transparency as satisfactory to weak, with some commendable and often successful efforts to build capacity to support the transparency of government systems, as well as to provide information regarding UNICEF’s own programmes.

Finding 19: There are established, rights-based methodologies for the programme preparation stage in UNICEF, and these are well applied, with minor challenges.

Finding 20: Important challenges in disaggregated data collection tend to undermine the full identification of vulnerable groups in the SitAn/CCA, and therefore the planning of appropriate programmes.

Finding 21: Where UNICEF, other United Nations agencies, government and other partners reach a consensus on priority issues for development cooperation, as well as on a broad distribution of roles and responsibilities, planning documents such as UNDAFs, CPAPs and CPDs have done a good job of integrating HRBAP.

Finding 22: At the programme implementation stage, some exclusion of key vulnerable groups occurs across UNICEF regions, focus areas and contexts, in spite of commendable efforts to mitigate this; there does not appear to be a systematic way to ensure that UNICEF programming is fully inclusive.

Finding 23: Some UNICEF COs have been unusually innovative in their efforts to reach excluded children.

Finding 24: UNICEF has adopted some good practices to facilitate M&E of programming with respect to HRBAP.
Finding 25: While an effort has been made in recent years to integrate human rights principles and standards into programming related to Focus Area 1, Young Child Survival and Development, in most cases the application of such principles and standards is not evident.

Finding 26: Focus Area 2, Basic Education and Gender Equality, demonstrates a strong HRBAP focus and has performed strongly in the application of normativity and participation, with some challenges remaining in terms of transparency, accountability and non-discrimination.

Finding 27: Focus area 3, HIV and AIDS and Children, demonstrates some effort at the integration of HRBAP, especially with respect to sensitive issues. However, more needs to be done to fully integrate HRBAP.

Finding 28: Compared with other Focus Areas, Focus Area 4 – Child Protection from Violence, Exploitation and Abuse – is seen as more intrinsically HRBAP-oriented given its foundation in several of the approach’s norms and standards. This has resulted in an overall perception within UNICEF of the Child Protection unit as de facto HRBAP leaders.


Finding 30: Various dimensions of the country context frame and influence the application of HRBAP at the CO level, but do not dictate or determine its application. These include the levels of development, income and institutionalization of the state and civil society, as well as the leadership of the CO.

Finding 31: Within the humanitarian sphere, HRBAP is applied more in the preparedness phase than in the response and early recovery phases.

Finding 32: Within UNICEF’s work in conflict states, there is coherence in the conceptual integration of HRBAP into humanitarian programming, but less clarity in the guidance provided.

Finding 33: In humanitarian situations, the HRBAP framework is one of several frameworks being applied. Although the linkages between these frameworks are sound, at the operational level their joint application remains challenging.

Finding 34: The external environment, particularly a country’s receptivity to addressing human rights issues, affects the implementation of HRBAP at the country level.

Finding 35: UNICEF’S mission statement and Executive Directive for mainstreaming human rights provide a solid foundation for the implementation of HRBA in programming services. UNICEF compares favourably with other members of the UNDG-HRM mechanism, the majority of which do not have a specific policy or directive to that effect.

Finding 36: The 1998 Executive Directive is supported by a policy and procedure manual and a strategic plan, but neither provides sufficient guidance for operationalizing HRBAP.
Finding 37: The GRU is the focal point at HQ for gender and human rights. The GRU is presently located in the DPP. This organizational arrangement creates some distance between policy and programming.

Finding 38: HRBA competencies are considered in fewer than half of recruitments, and there is even less attention given to HRBA in critical post-recruitment stages.

Finding 39: By and large, UNICEF staff are integrating HRBAP concepts in their projects, but in many cases this is based on their own understanding rather than on knowledge of the organizational theory and principles of HRBAP and its application in different sectors.

Finding 40: The need for HRBAP training and overall capacity building has been a long-standing demand in both UNICEF and the United Nations in general. Many of the recommendations of the 2003 evaluation of HRBAP highlighted the need for more training. UNICEF has addressed these recommendations to some extent, often through complementary actions.

Finding 41: In principle, but most definitely not in practice, all UNICEF staff members participate in PPP training, which includes a module on HRBAP. A significant percentage of staff has not yet received any HRBAP training.

Finding 42: Most UNICEF staff consulted feel that existing HRBAP training, tools and guidance are not adequate or sufficiently adapted to sector-specific application. Yet most UNICEF staff are neither aware of nor accessing tools and guidance collected and managed by a United Nations inter-agency HRBAP body.

Finding 43: UNICEF staff raised some concerns about the quality of HRBAP training, as well as the lack of clear guidance on where to turn for support in understanding HRBAP.

Finding 44: Accountability for HRBAP is not included in the MTSP and is reflected unevenly in the UNICEF Strategic Plan.

Finding 45: Reporting on the implementation of HRBAP is not done systematically or according to the MTSP indicators.

Finding 46: Accountability for implementing HRBAP is strong but remains informal at both the country and individual levels.

Finding 47: Effective implementation of HRBA ranks low in the present supervision and performance review system of UNICEF.

Finding 48: The lack of accountability for HRBAP is aggravated by the difficulties in tracking what resources go into HRBAP. While programming with a rights-based approach involves more resources (time, human and financial) than programming without such an approach, it is difficult to identify UNICEF’s overall investment in mainstreaming HRBAP.

Finding 49: There are mixed views as to whether the leadership to drive HRBAP as a corporate foundational pillar was strong during the period examined. What appears to have been underestimated is the importance of Regional Directors and Country Representatives in championing the application of HRBAP at the country level.
Appendix II List of recommendations

Recommendation 1: UNICEF should develop an HRBAP policy to replace the 1998 Executive Directive. This policy should reflect important changes in the normative environment, the external environment and the aid environment that affect HRBAP, thus providing a single and clearly expressed conceptualization of HRBAP for the whole organization.

Recommendation 2: UNICEF should, at the highest level, take action to develop an overall strategy for applying a human rights-based approach (along with gender) as the ‘foundation strategy’ for its work.

Recommendation 3: UNICEF should provide staff with further practical guidance on how to link HRBAP and results-based management.

Recommendation 4: UNICEF DPP and the Programme Division should clarify the linkages between HRBAP and the equity approach in terms of the use of the term ‘equity’, as well as of how the terms ‘rights holder’ and ‘duty bearer’ will be used within the focus on equity.

Recommendation 5: The UNICEF GRU should continue to lead and engage in both inter-agency and internal policy discussions to bring clarity and coherence with respect to HRBAP into the current programming environment.

Recommendation 6: In its application of HRBAP at the global level, the UNICEF GRU Geneva should take a more systematic approach to its engagement with special procedures and other human rights mechanisms.

Recommendation 7: UNICEF should take appropriate steps to ensure that all HRBAP principles are implemented equally strongly throughout its programming, as well as at all stages of the project cycle.

Recommendation 8: UNICEF should assist staff in interpreting and operationalizing HRBAP in each Focus Area by ensuring that they have access to appropriate relevant guidelines and tools.

Recommendation 9: UNICEF should provide specific guidance and assistance to staff in interpreting and applying HRBAP when dealing with difficult country contexts.

Recommendation 10: UNICEF EMOPS and the GRU should prepare guidelines for the application of HRBAP in humanitarian situations.

Recommendation 11: UNICEF should examine the cost and benefits of different organizational staffing options to strengthen the ability of its staff to implement HRBAP. Integrating the Competency Framework on HRBAP is one way to identify potential trainers and future leaders in-house.

Recommendation 12: UNICEF should make deliberate efforts to recruit, select, train and coach CO Representatives and Regional Directors as champions of the HRBAP.

Recommendation 13: UNICEF should improve the quality of HRBAP training by identifying core competencies, developing a training curriculum and ensuring that the facilitators of PPP have sufficient background in HRBAP to deliver quality training.
Recommendation 14: UNICEF should increase accountability for HRBAP at all levels of the organization (country, regional and global levels) and track costs and resources allocated to HRBAP.
Appendix III HRBAP milestones

The following table outlines various milestones in HRBAP, with a particular focus on

Milestones in HRBAP in UNICEF

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Nations Charter (1945)</td>
<td>The United Nations Charter is often pointed to as the starting point for the discussion of human rights in the context of development. The Charter was adopted on 26 June 1945 in San Francisco, and came into force on 24 October 1945; it outlines four major organizational goals: peace, justice, freedom and human rights. It is incumbent upon all United Nations entities to abide by the Charter, and thus by the fundamental principles of rights and justice.</td>
</tr>
<tr>
<td>The Universal Declaration of Human Rights (1948)</td>
<td>The bedrock instrument on human rights is the Universal Declaration of Human Rights, which was adopted in 1948. The Declaration states that: “The recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” The Declaration is generally considered to have acquired the status of a universally recognized norm of customary international law that is binding upon all Member States of the United Nations. It affirms that the realization of human rights is a necessary condition for each of the other three pillars, that is, freedom, justice and peace in the world. It is the foundation for the human rights work of the United Nations.</td>
</tr>
<tr>
<td>The International Bill of Human Rights (1948 – 1966)</td>
<td>As Jonsson (2007) points out, economic, social and cultural rights were originally promoted as equal to civil and political rights, but this position provoked political resistance from some United Nations member countries. More particularly, the Cold War period saw the human rights debate dominated by the East-West dispute regarding whether civil and political rights should be given priority over economic, social and cultural rights, or vice-versa. Although the United Nations has always insisted that both types of rights are equally important and that they represent an indivisible whole, this dispute resulted in the creation of two separate covenants: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which were both adopted by the General Assembly in 1966 and entered into force in 1976. The International Bill of Human Rights consists of the Universal Declaration of Human Rights and the two Covenants.</td>
</tr>
<tr>
<td>International Year of the Child (1979)</td>
<td>The year 1979 was proclaimed International Year of the Child as a way of giving greater prominence to children’s rights and to violations of those rights, as well as to rally public opinion for protecting them. It played a key role in galvanizing the process of formally recognizing and protecting children’s rights, through the Declaration of the Rights of the Child.</td>
</tr>
<tr>
<td>CEDAW (1979)</td>
<td>CEDAW is concerned with the principle of non-discrimination against women, a principle that flows from the Universal Declaration of Human Rights’ first article: “All human beings are born free and equal in dignity and rights”. CEDAW is composed of a preamble and 30 articles that prohibit what represents discrimination against women, as well as an agenda for national action to put an end to abuses against women. It was adopted by the General Assembly in 1979, and came into force on 3 September 1981. To date, 183 state parties have ratified the convention. UNICEF’s Executive Board has declared that CEDAW underpins the mandate and mission of the organization.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Declaration on the Right to Development (1986)</td>
<td>The 1986 Declaration on the Right to Development defined the right to development as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.” According to the Declaration, the right to development included: full sovereignty over natural resources, self-determination, popular participation in development, equality of opportunity and the creation of favourable conditions for the enjoyment of other civil, political, economic, social and cultural rights. It identified the human person as the beneficiary of the right to development, as of all human rights, and noted that the right to development can be invoked both by individuals and by peoples. The Declaration imposed obligations both on individual states – to ensure equal and adequate access to essential resources – and on the international community – to promote fair development policies and effective international cooperation.</td>
</tr>
<tr>
<td>CRC (1989)</td>
<td>The CRC is the most comprehensive human rights treaty and legal instrument for the promotion and protection of children’s rights; it is also the most ratified human rights treaty in history. Although there are provisions protecting child rights in other international human rights instruments, the Convention is the first to articulate a complement of rights relevant to children – economic, social, cultural, civil and political. It is also the first international instrument to explicitly recognize children as social actors and active holders of their own rights. In 1996, the Executive Board of UNICEF declared that the CRC was the frame of reference for the organization, a move that led to a rapid integration of children’s rights into its development activities.</td>
</tr>
<tr>
<td>African Charter on the Rights and Welfare of the Child (1990)</td>
<td>The African Charter of Human and Peoples’ Rights of 1981 contains only a brief, albeit sweeping, specific reference to children. This lacuna was made up for with the 1990 adoption of the African Charter on the Rights and Welfare of the Child, which is comprehensive in covering the spectrum of civil, political, economic, social and cultural rights for children. But the latter document has only been ratified by 27 of the 53 states which could become parties to it, thus greatly reducing its effectiveness as an instrument for improving the rights of the continent’s children.</td>
</tr>
<tr>
<td>World Summit for Children (1990)</td>
<td>UNICEF initiated an important meeting point of human rights and development discourse when it organized a World Summit for Children in 1990. The Summit enhanced the profile of children’s rights issues generally, mobilized support for the CRC, began the process of setting targets for evaluating countries’ performance, and put in place a regular review process.</td>
</tr>
<tr>
<td>Vienna World Conference on Human Rights (1993)</td>
<td>The 1993 Vienna World Conference on Human Rights marked the culmination of a long process of review and debate regarding the status of human rights machinery in the world, as well as the beginning of a renewed effort to strengthen and further implement the body of human rights instruments. As part of this latter effort, it articulated a common plan for the strengthening of human rights work around the world through the Vienna Declaration and Programme of Action, and by providing for the establishment of the post of UN High Commissioner for Human Rights. The Conference also examined the links between development, democracy and economic, social, cultural, civil and political human rights, and evaluated the effectiveness of United Nations methods and mechanisms related to human rights. Finally, the Conference sought to particularly promote and protect the rights of women, children and indigenous peoples; with regard to children, it called for the universal ratification of the CRC by the year 1995.</td>
</tr>
<tr>
<td>Beijing World Conference on Women (1995)</td>
<td>The Beijing World Conference on Women produced the Beijing Declaration and the Beijing Platform for Action. The latter is an action plan to achieve greater equality and opportunity for women. More particularly, it aims to empower women by fostering active participation in economic, social, cultural and political decision-making in public and private life.</td>
</tr>
<tr>
<td>Stockholm Conference on the Commercial Exploitation of Children (1996)</td>
<td>In 1996, governments, NGOs and others groups came together for the first time in Stockholm to work on a global basis against the commercial sexual exploitation of children. This conference led to the adoption of an international Action Plan against the Commercial Sexual Exploitation of Children, which was endorsed by United Nations agencies, NGOs and many governments.</td>
</tr>
<tr>
<td>UNICEF Mission Statement (1996)</td>
<td>UNICEF’s Mission Statement, approved by its Executive Board in 1996, declares that “UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children’s rights, to help meet their basic needs and to expand their opportunities to reach their full potential.” The Executive Board further declared that the CRC was the frame of reference for UNICEF, and that CEDAW underpinned the mandate and mission of the organization.</td>
</tr>
<tr>
<td>Event</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Amsterdam Child Labour Conference (1997)</td>
<td>The most abusive forms of child labour were unanimously condemned by delegates to the Amsterdam Child Labour Conference. The Conference helped to draw attention to the issue of abusive child labour, and highlighted the need for increased information gathering and more empirical research to help inform the effort to eradicate it.</td>
</tr>
<tr>
<td>Oslo International Conference on Child Labour (1997)</td>
<td>Like the Amsterdam Child Labour Conference, the Oslo International Conference on Child Labour drew attention to the need to work to eradicate abusive child labour. The inter-agency programme Understanding Children’s Work was initiated by the ILO, UNICEF and the World Bank as one of the responses to the recommendations of the Amsterdam and Oslo conferences; it aimed to combat child labour by improving statistical information on the phenomenon, as well as compiling details on policy responses.</td>
</tr>
<tr>
<td>United Nations reform (1997)</td>
<td>Upon taking office, United Nations Secretary-General Kofi Annan outlined his vision and proposals for United Nations reform. One key aspect was an emphasis on human rights and the need to integrate human rights into all principal United Nations activities and programmes. This was an outgrowth of his concern with ‘sustained and sustainable’ development and his insistence on the United Nations’ key role in promoting development, understood conventionally and in relation to peace, democracy, good governance and human rights. His proposals led to organizational changes at the United Nations, and legitimized and supported the move towards a human rights-based approach to development approaches in the United Nations.</td>
</tr>
<tr>
<td>UNICEF Executive Directive (1998)</td>
<td>In response to the call by the Secretary-General, UNICEF issued a directive giving guidance on the use of human rights principles in guiding its programme processes and on applying them in its programme sectors. It emphasized the principles of universality, indivisibility, accountability and participation, as well as the principles of the CRC. It also acknowledged that outcomes would take longer given the new human rights focus, and that greater advocacy efforts and increased participation by stakeholders would be needed.</td>
</tr>
<tr>
<td>Worst Forms of Child Labour Convention (1999)</td>
<td>In 1999, the International Labour Conference adopted the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (known as the Worst Forms of Child Labour Convention for short). It marked a major step forward in the international battle against the phenomenon, since it committed countries to taking immediate action to prohibit and eliminate the worst forms of child labour. As of May 2011, 174 out of the ILO’s 183 member countries had ratified the Convention.</td>
</tr>
<tr>
<td>Two CRC Optional Protocols (2000)</td>
<td>In 2000, the United Nations General Assembly adopted two Optional Protocols to the CRC. The first, known as the Optional Protocol on the Involvement of Children in Armed Conflict, set the minimum age for compulsory recruitment at 18, and required states to do everything they could to prevent individuals under the age of 18 from taking a direct part in hostilities. The second was known as the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. It drew attention to the criminalization of these serious violations of children's rights and emphasized the importance of fostering increased public awareness and international cooperation in efforts to combat them.</td>
</tr>
<tr>
<td>2000 Human Development Report</td>
<td>The UNDP’s 2000 Human Development Report highlighted the need for innovative thinking, strategic planning and cultivating new partnerships in programme formulation and implementation. It featured a conceptual framework by prize-winning economist Amartya Sen, as well as a chapter by Sen that has greatly influenced subsequent debates about the human rights approach to development. The preface set the direction for the future of the organization and of the United Nations system in general by insisting that the report was “intended to help promote practical action that puts a human rights-based approach to human development and poverty eradication firmly on the global agenda.” The Report showed how human rights and development share a common vision and a common purpose: to secure, for every human being, freedom, well-being and dignity. The Report looked at human rights as an intrinsic part of development, and at development as a means to realizing human rights. It also showed how human rights bring principles of accountability and social justice to the process of human development.</td>
</tr>
<tr>
<td>Event</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>MDGs (2000)</td>
<td>The Millennium Declaration of September 2000 committed governments to take action on a variety of fronts; with respect to human rights, it enjoined them to “strive for the full protection and promotion … of civil, political, economic, social and cultural rights”. In order to translate the Declaration into action, eight ambitious MDGs revolving around reducing poverty and improving lives were formulated. The goals include halving the proportion of people living on less than US$1 a day and greatly reducing the proportion without access to water and basic sanitation by 2015; eliminating gender disparity in primary and secondary education, preferably by 2005, and at all levels by 2015; ensuring that children everywhere are able to complete primary schooling by 2015; and ensuring a significant improvement in the lives of at least 100 million slum dwellers. Governments committed to report regularly on their progress towards achieving the goals. With six of the eight goals relating to children, UNICEF plays a key role in informing discussion around the goals and in helping to articulate them.</td>
</tr>
<tr>
<td>Inter-Agency Workshop, Princeton University (2001)</td>
<td>UNICEF, UNDP and OHCHR, as well as several other United Nations agencies, organized an inter-agency workshop on the implementation of a human rights approach in the context of United Nations reform. The workshop also reviewed what various United Nations agencies were doing to implement the human rights approach with a view to reaching agreement on the key elements of the human rights-based approach.</td>
</tr>
<tr>
<td>UN Special Session on Children (2002)</td>
<td>The Special Session was convened to review progress made since the World Summit for Children in 1990 and to re-energize the global commitment to children's rights. At the conference, delegates committed themselves to a series of goals to improve the situation of children and young people.</td>
</tr>
<tr>
<td>Strengthening of the United Nations: An agenda for further change (published 2002)</td>
<td>The 2002 report of the Secretary-General entitled Strengthening of the United Nations: An agenda for further change emphasized the promotion and protection of human rights as “a bedrock requirement for the realization of the Charter’s vision of a just and peaceful world.” It was followed by the Action 2 Plan of Action, which was designed to further integrate human rights throughout all United Nations humanitarian, development and peacekeeping work, based on an HRBAP.</td>
</tr>
<tr>
<td>UNICEF Informal Global Consultation on HRBAP, United Republic of Tanzania and Quito, Ecuador (2002–2003)</td>
<td>The purpose of the consultations in the United Republic of Tanzania and in Quito, Ecuador, was to identify key components and aspects for an updated Executive Directive and PPP Manual, and to develop programme guidance and organizational learning materials. The Global Consultation recognized that a number of internal developments had influenced the development of HRBAP, including UNICEF’s 2000 adoption of the Core Corporate Commitment in situations of humanitarian crisis, as well as external developments, including the MDGs and the UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming among the UNG member agencies. Accumulated experiences since then had produced an understanding that programming in such situations demands a more consistent response based on a human rights-based approach. The importance of gender equality in operationalizing HRBAP was also recognized, and ultimately there was an understanding that the approach is about both outcome and process and, consequently, that it makes results-based management essential.</td>
</tr>
<tr>
<td>‘A Human Rights-Based Approach to Development Programming’ (published April 2003)</td>
<td>Former senior UNICEF staff member Urban Jonsson’s ‘A Human Rights-Based Approach to Development Programming’ set out the conceptual basis for HRBAP, as well as the programming implications of a human rights approach. This paper played a key role in theorizing and articulating a human rights approach within UNICEF.</td>
</tr>
<tr>
<td>Inter-Agency Workshop, Stamford, Conn. (October 2003)</td>
<td>This second inter-agency workshop sought to gauge the mainstreaming of human rights in the work of United Nations agencies and to determine how to harmonise the work of UNCTs in implementing the human rights based approach. The workshop found that the capacity of UNCTs to use the approach needed to be strengthened; it also underlined the need for HRBA training for UNCTs and senior staff, as well as for government officials and NGOs. With the goal of strengthening human rights in United Nations activities at country level, it recommended that the organisation’s staff be held accountable for the implementation of human rights-based approaches. Finally, it recommended that each agency should assess its strengths, weaknesses and constraints in implementing the approach, and seek help in building staff capacity to apply it.</td>
</tr>
<tr>
<td>Event</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| **UN Common Understanding (2003)** | The Common Understanding on a Human Rights-Based Approach to Development Cooperation agreed at the Stamford workshop was approved by UNDG and became part of the inter-agency dialogue on human rights. There are three areas of common understanding:  
- All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.  
- Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.  
- Development cooperation contributes to the development of the capacities of ‘duty bearers’ to meet their obligations and/or of ‘rights holders’ to claim their rights. |
<p>| <strong>2005 World Summit</strong> | The 2005 World Summit saw world leaders reaffirm that human rights, development, and peace and security are three interlinked pillars of the United Nations. They also gave explicit support to the integration of human rights within the United Nations system, as well as into their national policies. |
| <strong>IASC Operational Guidelines on Human Rights and Natural Disasters (2006)</strong> | To promote and facilitate a rights-based approach to disaster relief, the IASC adopted Operational Guidelines on Human Rights and Natural Disasters in 2006. The Guidelines are a major contribution to the promotion of a rights-based approach in situations of natural disasters. Following the receipt of feedback from the field-testing of the Guidelines, lessons learned were incorporated into a revised version of them. This revised version also expands the rights-based approach to include preparedness measures. |
| <strong>United Nations Convention on the Rights of Persons with Disabilities (2006)</strong> | The United Nations Convention on the Rights of Persons with Disabilities, along with its Optional Protocol, was the first United Nations human rights treaty of the 21st century. The Convention promotes, protects and ensures the equal rights and fundamental freedoms of all persons with disabilities, including millions of children, worldwide. It pays special attention to the particular vulnerabilities faced by children with disabilities, including the right to participation, protection from violence, access to information and play. It requires governments to provide support and services to families of children with disabilities to reduce the likelihood of abandonment, segregation and concealment. |
| <strong>UNICEF MTSP (2006–2009)</strong> | The MTSP emphasized the centrality of HRBAP to UNICEF, stating that applying the approach and promoting gender equality were ‘foundation strategies’ for the organization’s work and would help to improve and sustain the results of development efforts to reduce poverty and reach the MDGs. Doing so would also ensure a focus on supporting parents, caregivers and families to meet their responsibilities vis-à-vis their children, as well as on such highly vulnerable groups as orphaned and disabled children. Finally, applying the approach and promoting gender equality would contribute to empowering parents, caregivers, women, families and civil society to hold states accountable for the quality of services and availability of resources for children. |
| <strong>TCPR (2007)</strong> | The 2007 General Assembly resolution on the TCPR provided further context for United Nations operational activities for development, by recognizing “that development, peace and security and human rights are interlinked and mutually reinforcing, and reaffirming that development is a central goal in itself and that it constitutes a key element of the overarching framework for the United Nations operational activities for development.” |
| <strong>Third inter-agency meeting on implementing HRBAP (2008)</strong> | This meeting provided an opportunity for substantive review and future guidance on HRBAP. It sought to assess mainstreaming experiences, explore options for advancing cooperation within the common UNCT programming framework, and develop proposals for coordination arrangements on human rights mainstreaming. |</p>
<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA (2008)</td>
<td>Part of the Aid Effectiveness Agenda that began with the 2005 Paris Declaration, the AAA explicitly included human rights language in its final statement: “We need to achieve much more if all countries are to meet the Millennium Development Goals. Aid is only one part of the development picture. Democracy, economic growth, social progress, and care for the environment are the prime engines of development in all countries. Addressing inequalities of income and opportunity within countries and between states is essential to global progress. Gender equality, respect for human rights, and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men, and children. It is vital that all our policies address these issues in a more systematic and coherent way.” The final statement also declared that: Developing countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability. The explicit recognition of human rights as the objective of development assistance in article 13(c) of the AAA represented a reaffirmation by the development community of the centrality of the human rights agenda.</td>
</tr>
<tr>
<td>UNDG-HRM established (2009)</td>
<td>The UNDG-HRM was established to further institutionalize the mainstreaming of human rights into United Nations operational activities for development. It sought to do so by further strengthening system-wide coherence, collaboration and support on human rights mainstreaming, as well as by strengthening the coherence of United Nations responses to national priorities, thus ensuring strong national ownership and capacity to fulfil human rights obligations. The UNDG-HRM supports strategic activities at global, regional and country levels that ultimately contribute to transformational change and/or impact at the country level.</td>
</tr>
<tr>
<td>Refocus on Equity (2010)</td>
<td>For UNICEF, equity means that all children have an opportunity to survive, develop and reach their full potential, without discrimination, bias or favouritism. Based on the emerging data and analysis that increasingly confirmed that deprivations of children’s rights were disproportionately concentrated among the poorest and most marginalized populations within countries, reaching the poorest and most vulnerable became an even more important mission of the organization. This was defined as the refocus on equity within UNICEF.</td>
</tr>
<tr>
<td>UNICEF Gender Policy (2010)</td>
<td>UNICEF’s 2010 Gender Policy mandates that all of its programming, including its work in emergencies, should contribute to gender equality. The document series ‘Operational Guidance for Gender Equality in UNICEF-supported Programming’ gives staff practical advice on how to address inequality and discrimination, and proposes mechanisms to monitor progress in this area.</td>
</tr>
</tbody>
</table>
Appendix IV Previous UNICEF HRBAP-related reviews and assessments

This evaluation is informed by previous assessments of HRBAP within UNICEF. These include:

- Harding, ‘An Assessment of UNICEF Staff Capacity in HRBAP’, 2010. This survey and accompanying analysis provided an excellent foundation for some of the responses sought by this evaluation, including knowledge of the various elements of HRBAP by staff, as well as elements of capacity development and enabling environment for HRBAP.
Overall ratings of CO application of HRBAP

Table 1 summarizes the findings of the CO Assessment, illustrating the number of ‘good’, ‘satisfactory’ and ‘weak’ ratings attached to each CO in this exercise. It shows that the CO Assessment found that the majority of COs apply HRBAP in a satisfactory manner, with 31 of the 38 COs assessed receiving a majority of ‘good’ or ‘satisfactory’ ratings.

The following tables provide more detail as to the distribution of these ratings in terms of the application of each of the principles of HRBAP, Focus Areas, UNICEF regions and country context.

**Table 1: CO ratings on application of the five HRBAP principles**

<table>
<thead>
<tr>
<th>Principle</th>
<th>Good</th>
<th>Satisfactory</th>
<th>Weak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normativity</td>
<td>20</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>Participation</td>
<td>11</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>Non-discrimination</td>
<td>9</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>Transparency</td>
<td>2</td>
<td>22</td>
<td>14</td>
</tr>
<tr>
<td>Accountability</td>
<td>8</td>
<td>21</td>
<td>9</td>
</tr>
</tbody>
</table>
Table 2 illustrates the distribution of ratings by HRBAP principle. It shows that there is some variation in the application of each of the five principles. The ratings for normativity are appreciably better than for the other four principles, with non-discrimination and transparency faring less well.

### Table 2: Ratings of COs by Focus Area and HRBAP principle

<table>
<thead>
<tr>
<th>FOCUS AREA</th>
<th>FA1 (9 COs)</th>
<th>FA2 (11 COs)</th>
<th>FA3 (10 COs)</th>
<th>FA4 (8 COs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normativity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Weak</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Participation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Weak</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Non-discrimination</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Weak</td>
<td>3</td>
<td>6</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Transparency</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Weak</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Accountability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Weak</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 3 illustrates the distribution of ratings for each of the five principles by Focus Area.

The COs assessed for Focus Area 1 received good to satisfactory ratings on normativity, but rated less well on the other four principles, with transparency receiving the weakest ratings.

COs assessed for Focus Area 2 received the majority of their good and satisfactory ratings for the application of the principles of normativity and participation, with their weakest ratings for transparency and non-discrimination.

The COs assessed for Focus Area 3 received their best ratings for the application of the principles of normativity and accountability, whereas their ratings were weakest for transparency.

COs assessed for Focus Area 4 received their strongest ratings for the principles of normativity, non-discrimination and accountability, with transparency receiving the weakest rating.

All Focus Areas received mostly ‘good’ and ‘satisfactory’ ratings for the principle of normativity, Focus Area 3 being the exception with a majority of ratings of ‘satisfactory’. The application of the principle of transparency, overall, received the smallest proportion of ‘good’ ratings. In contrast, the principle of non-discrimination received the highest proportion of ‘weak’ ratings.
Table 3: Ratings of COs by country context and HRBAP principle

<table>
<thead>
<tr>
<th>Country context</th>
<th>Landlocked developing (19 COs)</th>
<th>Fragile states (13 COs)</th>
<th>Low income (17 COs)</th>
<th>Lower MICs (15 COs)</th>
<th>Upper MICs (7 COs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normativity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>11</td>
<td>7</td>
<td>11</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Weak</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Participation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>5</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>9</td>
<td>6</td>
<td>8</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Weak</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Non-discrimination</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>4</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>6</td>
<td>4</td>
<td>6</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Weak</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Transparency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>14</td>
<td>5</td>
<td>12</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Weak</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Accountability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>5</td>
<td>3</td>
<td>6</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>7</td>
<td>7</td>
<td>6</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>Weak</td>
<td>7</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 3 illustrates the distribution of ratings by country context. It shows that there is considerable variation in the application of each of the five principles, depending on the level of institutionalization of the state and income level, although these factors do not appear to be overly deterministic.