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APPLYING RIGHTS-BASED APPROACHES

A practical how-to note on integrating principles of empowerment into almost any development activity



November 2018

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ABBREVIATIONS AND ACRONYMS

ABA ROLI	American Bar Association Rule of Law Initiative
APEA	Applied Political Economy Analysis
CDCS	Country Development Cooperation Strategy
CSO	civil society organization
DO	development objective
DRG	Democracy, Human Rights, and Governance
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German development agency)
HRBA	human rights-based approach
HRSM	Human Rights Support Mechanism
IR	Intermediate Result
KAP	knowledge, attitudes, and practices
NGO	non-governmental organization
OECD	Organisation for Economic Cooperation and Development
PMELP	performance, monitoring, evaluation, and learning plan
PROGRESS	Protecting Global Rights through Sustainable Solutions
RBA	rights-based approach
RF	Results Framework
TA	technical assistance
UN	United Nations
UPR	Universal Periodic Review
USAID	United States Agency for International Development
USG	United States Government
WHO	World Health Organization

I. INTRODUCTION AND HOW TO USE THIS GUIDE

This guide was prepared by Pact in collaboration with USAID's Center of Excellence on Democracy, Human Rights, and Governance (DRG) under the USAID-funded, Freedom House-led Human Rights Support Mechanism (HRSM). The purpose of the guidance is to help USAID staff understand, adopt, and implement rights-based approaches (RBAs) across a range of sectors. Using practical tips, case studies, and program examples, this brief guide explains how to integrate human rights approaches into other sectors, such as health, education, food security, the environment, and economic growth.

The primary audience for this guide is DRG officers who are interested in cross-sectoral integration as a way to improve development outcomes and strategically address rights issues. The secondary audience is technical officers from other USAID offices who are coordinating with DRG officers to integrate a rights focus into their programming. This document is not intended to serve as comprehensive guidance on how to implement an RBA, but rather to introduce the key concepts and provide practical tools for planning an RBA.

The guide includes the following sections:

- Defining an RBA to development, including why it matters, where it comes from, and what the evidence says
- Determining if an RBA is right for your project or activity, including why to use it and how to frame it
- Applying an RBA in USAID's program cycle, from the Country Development Cooperation Strategy (CDCS) stage to the program/activity design and implementation stage to monitoring, evaluating, and learning throughout a project

Resources annexed to the guide are:

- suggested program approaches and corresponding examples from members of the PROGRESS Consortium
- sample RBA program indicators

2. A RIGHTS-BASED APPROACH TO DEVELOPMENT AND WHY IT MATTERS

2.1. What is a “rights-based approach”?

An RBA is a conceptual framework anchored in the protection and promotion of rights, that seeks to address inequalities and injustices that hinder development. It is built on the understanding that in any society or country context, there exists a set of civil, political, economic, social, and cultural rights codified in national and sub-national laws and policies to which citizens are entitled. These rights may be ignored due to domestic political reasons, or national governments may lack the technical or financial capacities to make good on their commitments. As such, an RBA is premised on the idea that sustainable development solutions that foster self-reliance require not only meeting citizen needs, but creating systems in which governments are willing and able to guarantee their constituents’ basic rights, just as citizens understand and are able to demand those very rights.

BOX 1: BEYOND POLITICAL RIGHTS

Many may associate an RBA with advancing core civil-political rights, such as the freedoms of expression and assembly. While these political freedoms are central to a robust and representative political system, most governments similarly guarantee a range of economic, social, and cultural rights. Many constitutions enumerate rights to education, health, housing, and clean water. In other countries, various laws and policies establish governmental commitments to provide universal primary education or free basic health care services. These public guarantees provide direct entry points for constructive RBA interventions.

An RBA works by fostering **accountability** between governments and other authorities on the one hand and citizens on the other hand. An RBA is built on the understanding that development assistance provides an opportunity to build the capacity of “**duty-bearers**” (typically governments) to meet their legal obligations and of “**rights-holders**” (typically individual citizens¹) to claim their rights. It is an approach that seeks to empower citizens, primarily by framing public goods and services as entitlements prescribed by the law. Going further, such an approach aims to help citizens understand and claim their rights, often working constructively with the appropriate public institutions charged with fulfilling those legal obligations. RBA interventions may similarly focus on overcoming government capacity and “political will” challenges, as well as other social, cultural, economic, and geographic barriers to rights being met.

BOX 2: RBA AS A DEVELOPMENT APPROACH













RBA represents a distinct approach that can be contrasted with other formal or informal development models. USAID and other development agencies are well beyond the crude **charity (or generosity) model**, which views development as the direct transfer of largely material goods to individuals and communities. However, many governments and political entrepreneurs find it advantageous to propagate the paternalistic notion that development is something to be given (or withheld). By contrast, much development assistance necessarily operates within a **needs-based framework**, which takes the identification of development needs and similar socio-economic gaps as the basis for development assistance activities. Needs-based approaches *can* promote

¹ Throughout this guide, “citizens” is used to denote individuals who have legal rights and protections under the law. Although refugees, migrants, asylum-seekers, and stateless populations, especially marginalized groups, may be excluded from rights afforded only to citizens, they are entitled to certain universal rights (to which many states have committed). The term “citizen” was chosen rather than “rights-holders” to emphasize that all citizens are rights-holders.

citizen empowerment and support systemic solutions that target and leverage the resources of a range of actors. However, they also can place insufficient attention on government agents' responsibilities and the agency of individuals and groups as *citizens*. By contrast, a **rights-based approach** squarely views broad and sustainable development as fundamentally requiring empowered citizens (not beneficiaries) to mobilize for and accountable governments and other authorities to deliver services.²

Figure 1 displays some examples that compare these development approaches across three sectors.

Figure 1: Comparison of how rights-based, needs-based, and charity approaches can be applied across the health, water and sanitation, education, and agriculture sectors

EXAMPLES:	HEALTH	WATER/SANITATION	EDUCATION	AGRICULTURE
CHARITY MODEL	 Providing medical equipment or supplies	 Digging wells or building latrines	 Building schools and providing textbooks	 Supplying farm groups with seeds and fertilizers
NEEDS-BASED FRAMEWORK	 Establishing or streamlining data management systems	 Promoting behavior change related to sanitation and hygiene	 Expanding and upgrading in-service teacher training and providing direct training	 Providing farm groups with technical assistance in agricultural production
RIGHTS-BASED APPROACH	 Supporting the ministry of health to remove barriers to health care that disproportionately affect marginalized groups	 Generating citizen demand for sanitation services in line with their constitutional rights to clean water and proper sanitation	 Organizing parents to push for greater investment in basic education and services	 Developing the capacity of farm groups to negotiate with duty-bearers to ensure non-discriminatory access to resources, such as agricultural land, water, seeds, and fertilizers

2.2. What are the key characteristics of an RBA?

An RBA represents a flexible set of approaches that can be used to engage a diverse range of actors operating across nearly any sector. There are several traits of an RBA worth underscoring.

RBAs see citizens as entitled to having their basic rights fulfilled. Central to an RBA's framing is the understanding that citizens should not receive services or goods that fulfill their basic rights simply because they deserve them, but because these rights are guaranteed to them. When a government guarantees a right, it has a duty to respect (i.e., refrain from violating or interfering), protect (i.e., ensure others do not violate), and fulfill (i.e., facilitate enjoyment) that right.

RBAs view empowerment as equally important to addressing needs. While most development approaches implicitly understand that the *process* can matter as much as the outcome, this is particularly important with RBAs. Empowering individuals to understand and use the law to their benefit has implications far beyond any one particular intervention; indeed, a citizen who can effectively claim his/her rights to, for example, health services may be able to similarly mobilize for rights to education, clean water, or other domains.

RBAs derive legitimacy and focus from countries' human rights commitments and domestic laws, rather than donor strategies. As the development community increasingly prioritizes country ownership and local solutions, RBAs are a natural extension of that movement

² According to CBM, an international development organization focused on improving the quality of life of people with disabilities, the UN Convention on the Rights of Persons with Disabilities provides a compelling example of shifting the paradigm from a charity model ("persons with disabilities as 'objects' of charity, medical treatment and social protection") to an RBA ("persons with disabilities as 'subjects' with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent"). See <https://www.cbm.org/United-Nations-CRPD-256097.php>.

because they focus on holding duty-bearers accountable to their own expressed commitments, rather than to priorities imposed by donors, technical experts, or the international community. This focus on domestic commitments is increasingly important as some countries retreat from their international commitments.³

RBAs emphasize constructive engagement with governments. When we think of human rights programs, we often envision risky or adversarial activities focused on civil and political rights, such as supporting human rights or justice defenders who take personal risks to document or expose abuses of life and liberty that governments are eager to keep hidden. While those types of interventions are important, they are highly sensitive and may not always be issue or context appropriate. RBAs tend to encourage constructive engagement with government and other authorities through their balanced support to rights-holders and duty-bearers, as well as their concern for less politically sensitive issues, such as economic, social, and cultural rights.

RBAs fit with almost any development intervention. Most USAID-supported sectors correspond with human rights norms that are largely reflected in countries' international commitments and domestic laws. From the rights to primary education to an adequate standard of living, many investments are amenable to an RBA. Furthermore, at the national level, most host country partners have laws and policies that define the rights guaranteed to citizens in the areas in which USAID invests, creating additional opportunities for a "rights-holder" and "duty-bearer" framework.

2.3. What does the evidence say?

There is a strong and growing body of evidence that suggests positive correlations between respect for human rights and development outcomes. For example, entrenched inequities tend to frustrate economic growth and achievement of development objectives (DOs), while violations of political and civil rights correspond with lower economic growth.⁴ While the case studies presented in box 3 suggest that an RBA could have positive impacts on sector outcomes and DOs, more systematic research and evaluation on RBA effectiveness in programming are both needed and possible.

BOX 3: EXAMPLES AND RESULTS OF RBAS IN ACTION

RBAs improved women's and children's health, according to evidence presented in a World Health Organization (WHO) multi-country assessment.

WHO⁵ found that including a rights focus in program approaches contributed to increased access to emergency obstetric care in Nepal, increased access to modern contraception in Brazil, reduced early childhood mortality in Malawi, and increased vaccination coverage in Italy.

Applying RBAs directly contributed to increased access to health services in Cambodia, according to a Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) review of its assistance programs.

Specifically, a lack of awareness of health rights and responsibilities contributed to a lack of trust in the health system and, thus, an underuse of health services. To address these challenges, GIZ worked with the Ministry of Health to create, adopt, and disseminate a health charter that enumerated health rights and standards. Following

³ For more on domestic legitimacy of civic activists, see Carnegie Endowment for International Peace. 2018. *Examining Civil Society Legitimacy*. Available at <https://carnegieendowment.org/2018/05/02/examining-civil-society-legitimacy-pub-76211>.

⁴ Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee. 2007. *DAC Action-Oriented Policy Paper on Human Rights and Development*. Available at <http://www.oecd.org/development/governance-development/39350774.pdf>. pg. 7.

⁵ Flavia Bustero and Paul Hunt. 2013. *Women's and Children's Health: Evidence of Impact of Human Rights*. Available at http://apps.who.int/iris/bitstream/10665/84203/1/9789241505420_eng.pdf?ua=1.

its adoption, patients experienced a noticeable improvement in services, which increased demand for services. Increased rates of service use and demand generated revenues for the Ministry to further improve care.⁶

RBA promoted empowerment of poor and marginalized people, as CARE International documented in a multi-country study.

In Bangladesh, CARE developed the negotiation capacity of sharecropper organizations so they could claim their rights and entitlements from landowners. According to CARE, “members of the Sharecroppers’ Associations are receiving more of their entitlements [and] farmers are increasing their leadership, networking and negotiation skills, as is evident in their willingness and confidence to talk with landowners, organise press conferences, and raise issues with the Agricultural Minister.” And, because of their knowledge of social justice and human rights, sharecropper organizations also are increasingly recognized at the village level as mediators of local conflict.⁷

2.4. Where does an RBA come from? How is it distinct?

An RBA is closely related to a **human rights-based approach (HRBA)** to development, which evolved over the last two decades and is often associated with European donors and United Nations (UN) implementing agencies. An HRBA takes as its point of departure the understanding that development assistance should advance agreed upon international human rights commitments. For example, a 2003 United Nations Development Group statement noted: “All programs of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.”⁸

Both an HRBA and an RBA define development in terms of strengthening the rights-holder-duty-bearer relationship. The primary—and subtle—distinction made here between the two approaches is the extent to which each focuses on international human rights commitments. A hallmark of a well-considered RBA is that it identifies not only those rights enshrined in a treaty to which a government is party, but rights that the same government has further expressed in domestic constitutions and laws. Put another way, an RBA is concerned with international human rights commitments to the extent that a country’s international treaty obligations have been domesticated and form the basis of governments’ commitments to their citizens and the operating social contract within a given society.

⁶ GIZ. 2014. *Health: A patients’ rights charter in Cambodia*. Available at http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/EZ_Promising_Practices/prom-practices_health_a_patients_rights_charter_cambodia.pdf.

⁷ CARE International UK. 2005. *Principles into Practice: Learning from Innovative Rights-Based Programmes*. Available at https://www.crin.org/en/docs/Principles_into_Practice_CARE_International_UK.pdf.

⁸ United Nations Development Group. 2003. *The Human Rights Based Approach to Development: Cooperation Towards a Common Understanding Among UN Agencies*. Available at <https://undg.org/document/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies/>; World Bank and OECD. 2016. *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*. Available at <http://documents.worldbank.org/curated/en/330771484198697118/pdf/111914-WP-IntegratingHumanRightsIntoDevelopmentThirdEdition-PUBLIC.pdf>. pg. 53.

BOX 4: RBA VERSUS THE LEGAL EMPOWERMENT FOR THE POOR APPROACH

The “legal empowerment for the poor” approach is “a process of systemic change through which the poor and excluded become able to use the law, the legal system, and legal services to protect and advance their rights and interests as citizens and economic actors.”⁹ This movement’s ethos shaped and informed the RBA, particularly in emphasizing helping people access and use domestic laws as critical tools for fulfilling their own aspirations, asserting their rights, resolving disputes, and advancing social change, shaped and informed the RBA described in this guide. The RBA, which could fairly be described as an alternate framing of the legal empowerment approach, is also inspired by other prominent legal empowerment advocates, including the efforts of groups like Namati,¹⁰ and reflects previous USAID efforts to provide technical guidance on this issue, such as USAID’s 2007 *Legal Empowerment of the Poor: From Concepts to Assessment*.¹¹ Support for legal empowerment coupled with expanding access to justice are fundamental to USAID’s RBA to strengthening justice and security for all.

⁹ Commission on Legal Empowerment of the Poor and United Nations Development Programme. 2008. *Making the Law Work for Everyone*. Available at http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/legal-empowerment/reports-of-the-commission-on-legal-empowerment-of-the-poor/making-the-law-work-for-everyone---vol-ii---english-only/making_the_law_work_II.pdf.

¹⁰ Namati is a global movement of grassroots legal advocates and convenes the Global Legal Empowerment Network, which is made up of over 1,000 groups from all over the world. See more at <https://namati.org/>.

¹¹ <https://www.usaid.gov/sites/default/files/documents/1866/Legal%20Empowerment%20for%20the%20Poor%20Guide.pdf>

3. DETERMINING IF A RIGHTS-BASED APPROACH IS RIGHT FOR YOUR PROJECT OR ACTIVITY

3.1. Why use a rights-based approach?

A wealth of literature provides normative or intrinsic justifications for using RBAs, focusing on the inalienability of core human rights. We focus here on how using RBAs might instrumentally lead to better development outcomes.

RBAs encourage us to focus on power dynamics, which helps address the underlying drivers of poverty and leads to more durable results. As we know, poverty is a complex issue, not strictly economic, and is often perpetuated by power imbalances, structural barriers, and a lack of access to or control over resources. Intentionally applying a rights lens to development challenges encourages practitioners to view their programs as more than technical interventions and to recognize how power and marginalization affect access to given rights. By grappling with issues of power, program teams can design interventions that address issues such as inequality and discrimination and that better target and support those who lack power or agency.¹²

RBAs transform our conceptualization of those we serve from passive “recipients” into active “change-agents,” creating a multiplier effect beyond any single intervention. By seeing “beneficiaries” as citizens who are empowered to demand or claim their rights, programs using RBAs can establish skillsets and perspectives that are transferrable to other aspects of how citizens engage duty-bearers. For example, a project that empowers a community to successfully mobilize for legally mandated free neonatal services may be better equipped to push for other service commitments from government within and beyond the health sector.

RBAs can advance a culture of democracy and lawfulness—without necessarily calling it that—which helps citizens drive their own development. USAID views constructive and equitable citizen-state relationships as a key driver of long-term self-reliance. And, while USAID invests in standalone DRG programs, many of the principles that contribute to and nurture democratic culture can, and should, be advanced in more subtle and mainstreamed ways. RBAs provide an opportunity to underscore the notion of active citizenship or the idea that the law is not just a tool for the powerful by demonstrating how citizens can affect their own lives through civic engagement. Such an approach sows the seeds of wider public participation, which is critical for helping citizens demand investments in education, health, and economic growth over time.

BOX 5: PROGRESSIVE DOMESTIC COMMITMENTS

Countries like Kenya, South Africa, Tunisia, and Zimbabwe have constitutions enumerating progressive economic, social, and cultural rights, such as the right to education, health, and housing, among other public services and goods. These protections provide an opportunity for projects and local advocates to frame their efforts to achieve sectoral outcomes in constitutional terms.

RBAs help partner governments deliver on their own obligations, creating incentives for cooperation. By matching development assistance to a partner government’s treaty obligations and

¹² There are many current threads in USAID’s development practice that seek to get at issues of power, from an emphasis on “political economy analysis” to “thinking and working politically,” among others. RBAs fall within that family, similarly committed to context-driven analysis, but distinguished by their orientation around citizens or end-users.

domestic laws, RBAs create an opening to provide technical assistance (TA) to enable partner governments to fulfil those commitments. For example, Tunisia passed a new constitution in 2014 that guaranteed the right to health for all citizens. That created opportunities for citizens, as rights-holders, to demand improved health services, but it also placed a high priority on helping the government fulfill those commitments and provided a good entry point for assistance programs.

BOX 6: OPENING FOR DRG PROGRAMS

In some restrictive environments, using an RBA may allow civil society to continue working on rights issues. By broadening their focus from political/civil rights to include economic, social, and cultural rights that are less politically sensitive, CSOs can strengthen their rights-advocacy skills and contribute to efforts to preserve civic space.

Figure 2: Making the case for RBAs

ARGUMENT	RESPONSE
<p>“Human rights are just too sensitive in this country. We can’t afford to rock the boat with the host government right now.”</p>	<p>“An RBA is framed around the host government’s stated priorities and commitments (e.g., education, economic growth) and emphasizes collaboration over confrontation.”</p>
<p>“We can’t talk about ‘the right to health.’ The health care debate in the United States is ongoing, and there is no consensus that health care is a right or entitlement. How can we promote that here as a human right?”</p>	<p>“As a technical assistance agency, USAID’s role is to help host country governments fulfill their own treaty obligations, not those of the United States. The United States Government’s decision on whether to ratify an international treaty and, in turn, whether to recognize a right has no bearing on USAID’s ability to help host countries fulfill their own obligations.”</p>
<p>“Why go through the trouble? If we’re investing in education here regardless, why risk politicizing that with this rights-based argument?”</p>	<p>“While it may add a degree of risk, if USAID is truly committed to helping countries become more self-reliant, we must empower citizens to understand their rights, work collaboratively with governments to improve public services, and hold public institutions accountable for their commitments.”</p>

3.2. How should rights-based approaches be framed?

A key question programs must grapple with is: **How explicit does an RBA need to be?** An RBA is defined by what it does, not by what it is called or to what extent it outwardly brands itself as a rights-related activity. As long as the approach fundamentally aims to link whatever good or service being targeted by assistance to a legal mandate and encourages project stakeholders to understand it as such (from the demand and/or supply side), the activity can be considered an RBA.

In many contexts, particularly those where engaging on civil or political rights may be very sensitive, practitioners may want to take a more implicit approach. In those environments, the activity may focus on conveying the importance of legal empowerment to rights-holders and provide them the tools to understand and access their legal entitlements, while not outwardly emphasizing the rights-related angle or directly engaging government stakeholders as duty-bearers. For more on Do No Harm considerations, see section 4.2.

BOX 7: FRAMING RBAS IN LOCAL REALITIES

Programs should frame their RBAs in ways that fit the country context, using the following key considerations.

Evaluate the efficacy of using explicit versus implicit “rights language.” If the context allows, use explicit rights language in the formulation of goals and objectives, noting the specific right(s) to be emphasized and how the activity will impact rights-holders and duty-bearers. If the context is too sensitive, frame the project/activity around softer language that still identifies rights-holders and duty-bearers. For example, “demands” is more acceptable in Sudan than “rights.”

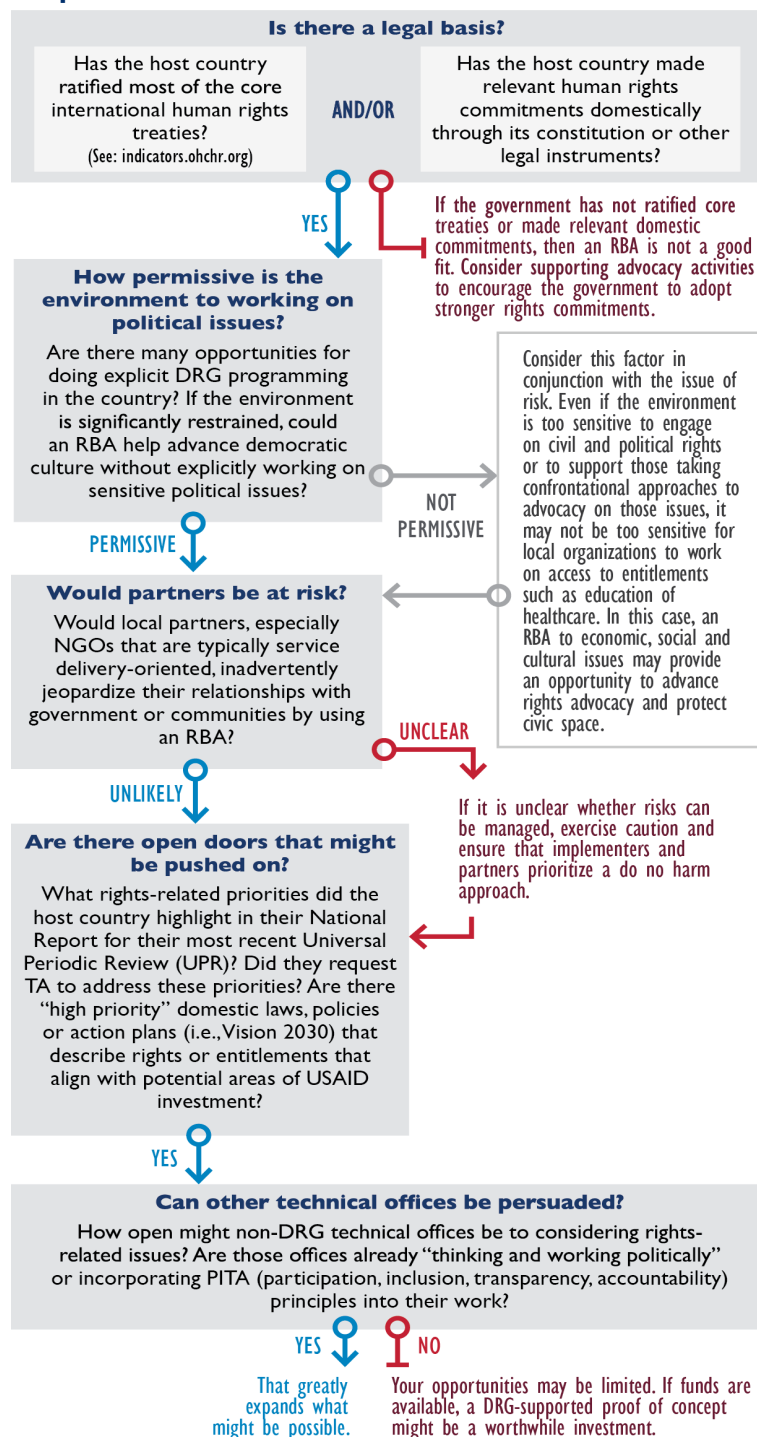
Vernacularize rights language. Rights language may not resonate with citizens or may unnecessarily increase risk for implementers. Support local partners to identify terms that are easily understood by stakeholders and citizens beyond government and civil society.¹³

Consider whether confrontational or conciliatory approaches will work best. The most effective approach for rights advocacy depends on the political environment and the issue at hand. In some cases, confrontational tactics (e.g., strikes, protests) may produce the desired results in some cases, while in others, compromising or conciliatory tactics (e.g., research, lobbying) are most effective.

Be intentional. Even if you cannot be explicit about rights in your framing, be intentional about rights when designing an RBA program. Doing so opens the possibility of making critical connections between programs and advancing inter-related rights.

Be specific. Focus on rights as they apply to a particular issue area rather than using generic rights language. Achieving DOs and addressing underlying rights issues are often more possible through a focus on concrete issues that matter to communities and citizens.

Figure 3: Thinking through whether to implement an RBA



¹³ For more on translating human rights discourse to local vernacular, see Chenoweth, et al. 2017. *Struggles from Below: Literature Review on Human Rights Struggles by*

Domestic Actors. Available at <https://www.iie.org/Research-and-Insights/Publications/DFG-DU-Lit-Review-Publication>.

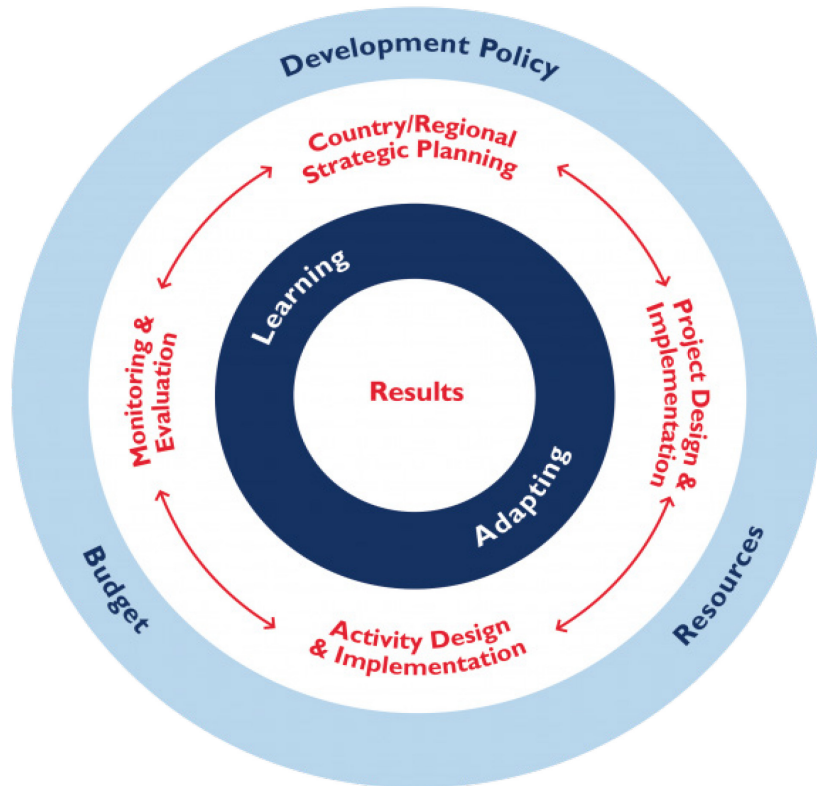
4. APPLYING RIGHTS-BASED APPROACHES IN USAID'S PROGRAM CYCLE

RBA provides practitioners with an analytical framework through which to examine the power dynamics that may affect development outcomes in a given context. This framework can be applied at every stage of USAID's program cycle: developing a CDCS, designing projects and activities, and monitoring and evaluating programs.

4.1. Country/regional strategic planning

The CDCS guides the Mission's sectoral priorities and shapes the approach for achieving its DOs, thus setting the foundation for all development interventions supported in a country. Applying a rights-based lens to pre-CDCS consultations and analyses can help ensure that the CDCS and its resulting Results Framework (RF) are rooted in a strong understanding of how different groups are affected by certain issues and where sector-specific outcomes may be improved with an increased focus on rights. The RF is a snapshot of the Mission's strategy and provides a critical visual representation of the Mission's goal and intended results.

Figure 4: USAID program cycle, per ADS 201



4.1.1. How can a rights-based lens inform CDCS development?

BOX 8: KEY QUESTIONS TO CONSIDER IN PRE-CDCS ANALYSIS

- Why are certain rights not respected, protected, or fulfilled?
- Who is being left behind?
- Who are the rights-holders, and what are their claims?
- Who are the duty-bearers, and what are their responsibilities?
- Which commitments are most meaningful to duty-bearers?

At the outset of the CDCS planning process, rights-based analysis is key to understanding the gaps and opportunities related to how rights are understood or experienced in a country and how empowerment and accountability are defined in that context. This consultative and analytical period is a time for developing a textured, complete picture of the state of human rights at national and sub-national levels. There is a tendency to consider human rights in isolation from key sectoral issues; however, Missions should consider broadening the scope of their inquiry to examine the broader rights landscape. Identifying these contextual features early in the planning process can help shape the strategy, as well as the resulting RF.

Missions should explore how rights around issues such education, land and property, health, or voting manifest or the extent to which certain groups like women and girls, ethnic or religious minorities, or indigenous peoples are able to claim their rights to the same degree as other citizens. At the strategic planning phase, this can help identify less-obvious areas of focus that the partner government may prioritize or where USAID's interests align with government rights-related priorities.

To the extent possible, rights-related issues should be built into and prioritized in planned analyses, such as the mandatory Gender Analysis, which is perhaps the most inherently rights-based USAID tool because it examines the rights guaranteed to males versus females, the inequalities between males and females and their root causes, and the patterns of power and decision-making in a specific context. Additionally, sector-specific analysis such as Applied Political Economy Analysis (APEA) can explore why some groups face specific barriers to accessing their rights.

BOX 9: KEY RESOURCES FOR PRE-CDCS ANALYSIS

In addition to the Department of State Country Reports on Human Rights Practices, Missions can make use of existing country and sub-national analyses that review the state of human rights in key domains.

Universal Periodic Review (UPR) reports:¹⁴ UPR reports provide: 1) a government's self-assessment of the fulfillment of its human rights obligations, 2) stakeholders' assessment of the government's performance in these areas, and 3) recommendations from other states that a government has accepted and committed to improve. Thus, UPR reports can inform and justify assistance strategies that will bolster the partner government's stated human rights priorities.

UN treaty body reports:¹⁵ The UN convenes a body of independent experts (a "treaty body") to formally review the extent to which party states are meeting their commitments under each international human rights treaty. States' reports to these bodies and the treaty bodies' concluding observations delineate issues that UN treaty bodies and experts identify as gaps and opportunities, which USAID can then align to its investments.

Special Rapporteur Reports:¹⁶ The UN Human Rights Council also appoints Special Rapporteurs¹⁷ to examine country or thematic issues and to offer expert analysis, reporting, and recommendations.

Regional human rights body reports: Regional human rights bodies, such as the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights, issue reports that can give insights into a country's self-assessed human rights performance and identify rights commitments that the country's peers believe are not being met.

Human Rights NGOs: Advocacy organizations like Human Rights Watch and Amnesty International analyze human rights commitments and performance for every country and often provide actionable recommendations for the host government to address shortfalls. Many local NGOs and think tanks also produce rigorous, country-specific human rights analysis.

¹⁴ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>; <https://www.upr-info.org/en>

¹⁵ <https://www.ohchr.org/EN/HRBodies/Pages/Overview.aspx>

¹⁶ <https://www.ohchr.org/en/issues/migration/srmigrants/pages/annualreports.aspx>

¹⁷ <https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>

BOX 10: METHODS FOR PRE-CDCS ANALYSIS

Missions may find that the following methods can help them identify rights-related issues at the heart of development challenges.

Capacity gap analysis: In some instances, rights may not be realized due to specific constraints, barriers, or capacity limitations. Tools such as Pact’s Integrated Technical and Organizational Capacity Assessment (ITOCA)¹⁸ can help identify the technical and organizational capacity gaps of both rights-holders (e.g., civil society organizations [CSOs], trade unions, social movements) and duty-bearers (e.g., ministries, agencies, sub-national governments). These participant-driven tools assess both an organization’s and/or network’s technical and organizational management capacities and can be tailored to assess areas like knowledge or awareness of rights, legal barriers, or resource limitations.

De jure-de facto gap analysis: The domestic and international legal obligations that governments have toward their citizens often are not exercised in reality. Tools like ABA ROLI’s Status of Women Assessment Tool¹⁹ may be useful for identifying gaps between de jure and de facto realization of rights and the barriers accounting for these gaps. Similarly, the Access to Justice Assessment Tool²⁰ provides a comprehensive framework for assessing access to justice needs from both the citizen perspective (demand side) and the government and service provider perspective (supply side). Such tools provide interdisciplinary, legal, and social science perspectives on the structural factors influencing RBA design.

Causality analysis: As part of other sector- or demographic-specific analyses, assess the immediate, underlying, and root rights-related issues at the heart of development challenges. Using tools like gender analysis or APEA, identify how key barriers to improving outcomes in areas such as health, education, or economic growth might be rooted in weak rights protections. Go beyond understanding what is taking place in a particular geography or sector, or even how things are taking place, to instead seek to understand the underlying causes for why a particular set of conditions exist.

4.1.2. How can rights-based analysis shape the CDCS and RF?

When developing the CDCS and RF, consider analyses of rights-related issues, including what the government views as its priorities as a duty-bearer or any challenges or opportunities for rights-holders. There is no one-size-fits-all approach to integrating RBAs into the final RF. However, three general options are taking an explicit approach, using proxy language, and embedding references to human rights within the CDCS narrative.

Taking an explicit approach

Directly integrating rights-focused language into the RF itself at the goal or DO levels provides the clearest articulation of the Mission’s interest in strengthening the duty-bearer-rights-holder relationship and provides the most direct invitation for rights-focused programming. Missions must weigh numerous competing priorities in establishing their goals and DOs.

As of yet, only one Mission has opted to take such an explicit approach to addressing rights: USAID/Malawi, in its 2013–2018 CDCS (figure 5).²¹ The CDCS explained the Mission’s rationale in terms of helping rights-holders claim or demand their rights and holding duty-bearers accountable:

¹⁸ <https://www.pactworld.org/library/pact%E2%80%99s-organizational-capacity-assessment-facilitator%E2%80%99s-guide>

¹⁹ <https://www.americanbar.org/content/dam/aba/publications/roli/status-of-women-assessment-tool-one-pager.pdf>

²⁰

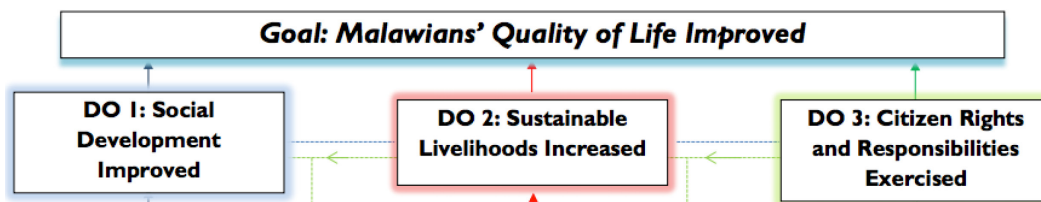
https://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_i_access_to_justice_assessment_manual_2012.authc_heckdam.pdf

²¹ https://www.usaid.gov/sites/default/files/documents/1860/CDCS_Malawi_September_2019_rev508comp.pdf

“The Mission’s 2011 Democracy and Governance (DG) Assessment highlighted the weakness of institutions and agents of democratic accountability as the major challenges to democratic stability and participatory development. In particular, it identified an inability to restrain executive authority, and a lack of adequate opportunities for citizens to effectively engage the government to demand quality services and hold duty bearers accountable.”

While adding a DO on helping citizens “exercise” their rights might be seen by some as a “DRG” objective, that language also creates openings for justifying or arguing that investments across USAID/Malawi’s portfolio should be framed inside an RBA.

Figure 5: Snapshot of goal and DOs from USAID/Malawi’s 2013–2018 CDCS



In fact, USAID/Malawi drafted this CDCS during a two-year period when its DRG budget had been zeroed out. The deliberate rights-based framing of DO3 sought to create opportunities for integrating a good governance and rights-based frame across the Mission’s portfolio and signaled alignment with other institutional donors in Malawi, who often used a rights-based frame. While the DRG budget remained a challenge for USAID/Malawi’s DRG team for the bulk of this CDCS timeframe, officers who served there believe this language did influence both DRG and non-DRG activities. For example, the National Democratic Institute’s work on decentralization in Malawi under this CDCS emphasized citizens’ right to information and informed its focus on public expenditure tracking to hold local government accountable.

Using proxy language

Rather than explicitly reflecting the importance of human rights in an RF, Missions may determine that a more subtle or embedded approach to integrating human rights within their development strategy is most strategic. At first glance, USAID/Kenya’s 2014–2018 CDCS (figure 6)²² does not appear to have a strong focus on rights, with DOs related to devolution, health and human capacity and economic growth. However, the framework also includes multiple Intermediate Results (IRs) that use proxy language compatible with or even inviting rights-based programming. This includes multiple references to “empowerment” and using the language of “ownership.” Three IRs that stand out are:

- 1.3: Informed and empowered citizens participate in county affairs
- 2.1: Increased Kenyan ownership of health, education, and social systems
- 2.3: Youth empowered to promote their own social and economic development

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<https://www.usaid.gov/sites/default/files/documents/1860/USAID%20Kenya%20CDCS%20Public%20Full%20Color%20May%202014.pdf>

Figure 6: USAID/Kenya’s 2014–2018 CDCS



These IRs are highly amenable to RBAs. For example, the notion of “informed and empowered” implies that citizens view participation not as something they are being invited or allowed to do, but something they have the right to do. Similarly, youth empowerment is not simply an exercise of motivation or skill transfer, but is also underpinned by the idea that young people have rights that, when exercised, might increase their power or agency. Furthermore, the notion that Kenyans have “ownership” of their education, health, and social systems implies that a set of commitments exist that government is responsible for and citizens can claim. In that regard, USAID/Kenya’s CDCS establishes a strong foundation for pursuing rights-based programming.

Embedding references to human rights within the CDCS narrative

The CDCS narrative provides an opportunity to flag broad human rights commitments that might frame or guide USAID’s strategy in a sector. As such, the strategy’s narrative provides an optimal place to weave in key findings of rights-focused pre-CDCS analysis. For example, USAID/Jordan’s 2013–2019 CDCS,²³ which included a Special DO on gender equality and female empowerment (figure 7), makes specific reference to Jordan’s human rights treaty obligations in its CDCS narrative under the header of “Gender Equality:”

“Despite Jordan’s ratification of the U.N. Convention on the Elimination of Discrimination Against Women (CEDAW), violations of women’s rights continue to be tolerated within families, society, and the state. Policies, laws, and social practices still do not recognize women’s rights based on the principles of equality and social justice. While positive policy and regulatory reforms have taken place during the past several years, enforcement remains weak and advocacy is fragmented.”

According to a USAID/Jordan Program Officer and Gender Advisor, linking USAID investments in women’s political and economic empowerment to specific Jordanian treaty commitments positioned the Mission to better justify and explain those strategic choices and to hold Jordan accountable to supporting those efforts.

4.2. Project/activity design and implementation

As the document that defines and frames a Mission’s approach, the CDCS provides the starting point for formulating programs and activities. Designing and implementing an RBA program is enabled when the CDCS is not silent on the question of rights, but Missions can formulate RBA programs to fit any DO.

Figure 7: Snapshot of DO and IRs from USAID/Jordan’s 2013–2019 CDCS



BOX 10: APPLYING AN RBA TO EXISTING PROGRAMS

An activity working on improving basic education in rural areas in Country X might focus on training community-based teachers, paying their salaries, and improving the availability of local language textbooks. While keeping the core of the program approach in place and without adding much in the way of additional resources, this activity could use an RBA by making sure community members are made aware that all citizens are entitled to primary education by law and that the Ministry of Education’s community-based education model is the government’s attempt to fulfill that obligation. If Country X is an environment where rights issues are very sensitive (e.g., Ethiopia, Sudan, Kazakhstan), the project could add those components with little fanfare or branding. However, if Country X is a context where the government routinely acknowledges its obligations to citizens (e.g., Kenya, South Africa, Ukraine, Moldova), the rights-based angle could be much more pronounced.

When identifying the specific goals and objectives for activities or projects that use RBAs, the same principles that strengthen any development assistance program’s design and implementation apply equally, if not sometimes more critically.

Think globally, act locally. When linking host country obligations to international treaties, we must emphasize during design that the role of assistance is to help partners realize those high-level

²³

https://www.usaid.gov/sites/default/files/documents/1883/Amended_Jordan_Country_Development_Strategy_November_2016_1.pdf

commitments through national or sub-national laws, policies, and processes. Consider a complementary approach that focuses on strengthening these policies.

Account for both rights-holder and duty-bearer needs. Balance activities that aim to improve rights-holders' awareness of their legal guarantees and their ability to claim those rights with activities that help duty-bearers fulfill those claims.

Consider new or unconventional partners. Leverage the strengths of existing sector-specific partners while building new, cross-sectoral partnerships with rights-focused actors. Cultivate partnerships with artists and social movements who may offer different perspectives, networks, and approaches to help bridge the gap between sectoral programming and human rights programming.

BOX 11: UNCONVENTIONAL PARTNERSHIP MODELS

Arts and culture: Pact's USAID-funded Enhance Non-Governmental Actors and Grassroots Engagement (ENGAGE) project collaborated with Ukrainian Fashion Week (UFW) to promote inclusion and create equal opportunities for persons with disabilities. Models who were marginalized or excluded from the fashion industry due to age, disability, or gender identity were photographed by a famous fashion photographer, and the images were displayed throughout the February 2018 UFW. Through this unconventional partnership that employed a mixture of exposure and education, Pact Ukraine was able to promote values of inclusion.

Social movements: Inuka Kenya Ni Sisi! Ltd is an NGO that is mobilizing and organizing under the Ni SiSi social movement in Kenya. The movement works across sectors to inform citizens about their duties and responsibilities and to transform them into engaged citizens who demand accountability. Ni Sisi! partners with online and offline activists to amplify work on hyper-local issues that are important to citizens, such as a ban on plastic bags (which eventually was adopted nationally) and a campaign against tribalism in higher education. Ni Sisi!'s work provides a model through which sector-specific civic actors can partner with social movements.

Emphasize development impacts that the activity/project will achieve. For example, if the activity will emphasize the right to education, the results should focus on improving education outcomes. While using an RBA may have second-order effects of improving civic engagement around other rights, the activity's primary focus should be to help individuals realize their rights through improved access to services and public goods.

BOX 12: SAFETY AND SECURITY CONSIDERATIONS IN RESTRICTIVE ENVIRONMENTS

- **Meeting location:** When meeting with members of marginalized or at-risk groups, ask them where and under which circumstances they would feel safe meeting.
- **Psycho-social needs:** Tread carefully in collecting data from human rights violation survivors to ensure sensitivity to the informants' psycho-social needs. When in doubt, consult with experts, such as psychologists or social workers, to ensure appropriateness of questions and lines of inquiry.
- **Data security:** Ensure that marginalized or at-risk groups' identities and involvement are protected. In highly sensitive contexts, data collected from marginalized groups may need to be anonymized and should be protected with the most current data security protections appropriate to the local context and project.

Do no harm. The introduction of concepts like rights, obligations, or commitments to public dialogue can create tensions between rights-holders and duty-bearers, between spoiler and champion duty-bearers, and between rights-holders from different groups. RBA implementers have a duty to seriously consider these programs' repercussions and consequences using all the tools at their disposal and to change the interventions as needed to not increase risk to any individual or group. When designing programs to support the inclusion of marginalized groups, implementers also have an obligation to consult with those groups to understand their needs, priorities and risks.

BOX 13: SUGGESTED RBA ACTIVITIES TO ADDRESS SELECT ISSUES

The program approaches used in an RBA activity can be tailored and combined to address a range of needs. Examples of issues and corresponding programmatic activities are outlined below. Annex I provides examples of how these activities have been used in programming to good effect.

Issue	Activities
The public believes that it lacks rights or that its rights have been violated.	<ul style="list-style-type: none"> • Craft civil society-led public awareness campaigns using creative methods such as community theatre. • Hold community dialogue around rights and responsibilities, leveraging existing social structures, such as youth groups and village savings and loans associations. • Improve media coverage of legal entitlements. • Support legal aid or support services, such as paralegal networks, to help individuals ensure that their rights are protected through legal education, advice, and assistance.
Right-holders and their entitlements are not specified by law.	<ul style="list-style-type: none"> • Support government, civil society, policy centers, and other stakeholders to conduct legal and policy analysis and to develop draft legislation, policies, and regulations that address identified gaps. • Build support for legislative and policy reform through a combination of policy dialogue and direct advocacy.
Rights-holders lack the skills or tools to build broad coalitions, conduct targeted advocacy, or lead effective campaigns on rights issues.	<ul style="list-style-type: none"> • Use approaches such as Collective Impact²⁴ to build the capacity of “anchor” organizations capable of driving networking and to support network members to develop shared approaches to monitoring these organizations’ impact. • Foster linkages between civic advocates and public relations experts capable of crafting and testing messages, then foster linkages between civic actors and media. • Use social network analysis to help both existing and nascent networks to determine the extent of their connectivity and existing communication patterns. • Build the capacity of CSOs, local think tanks, and academicians to conduct research that can form the basis of evidence-based advocacy.
Rights-holders are systemically prevented from claiming their rights or seeking redress.	<ul style="list-style-type: none"> • Conduct barrier analysis or APEA to systematically map and understand existing structural barriers and leverage points for driving change. • Support civil society to document the denial or violation of rights • Strengthen legal services for those whose rights have been denied or violated. • Build strategic litigation capacities among local actors to pursue court cases that have the potential to set legal precedent and reduce structural barriers.
Technical, management, and resource constraints prevent duty-bearers from fulfilling claims.	<ul style="list-style-type: none"> • Facilitate partnerships between individual government agencies and civil society to collectively advocate for increased resources. • Establish or strengthen accountability mechanisms for government agencies to process claims and respond to citizen demands. • Provide TA to officials to improve their knowledge of constitutional or legal entitlements and how to deliver them.
Insufficient opportunities exist for rights-holders and duty-bearers to interact constructively.	<ul style="list-style-type: none"> • Strengthen existing, formal mechanisms for engagement between rights-holders and duty-bearers, such as public hearings or other social accountability mechanisms. • Build the capacity and confidence of rights-holders to engage in these mechanisms and support duty-bearers to understand how they can benefit politically from engagement with their constituents. • Where formal mechanisms for engagement are absent or insufficient, support CSOs to facilitate opportunities for engagement using approaches, such as public meetings, or constructive social accountability processes, such as community scorecards.

²⁴ <http://www.collaborationforimpact.com/collective-impact/>

4.3. Performance monitoring, evaluation, and learning

RFs and performance, monitoring, evaluation, and learning plans (PMELPs) for RBA programs should be designed to measure both the development outcomes that flow from the intervention and the rights outcomes. Development outcomes are measured in the same way regardless of whether they are achieved under an RBA program or a sectoral program. But, through techniques such as Outcome Harvesting and quasi-experimental evaluations, we can demonstrate how an RBA improves those development outcomes. On the other hand, measuring rights-related outcomes can be complex because they are less tangible and sometimes take longer to achieve than other development outcomes.

BOX 14: MEASURING RIGHTS CONTEXT IN SENSITIVE ENVIRONMENTS

In societies in which an explicit focus on rights is too sensitive, implementers can still measure changes in rights-related context indicators at the local, sub-national, or national levels. For example, perception polling can be done through unconventional means, such as anonymized online surveys or interactive voice response surveys. Similarly, confidential interviews with key stakeholders can, in certain sensitive contexts, elicit useful information about outcomes that give better context to quantitative indicators.

4.3.1. How should we monitor RBA projects and activities?

In many cases, RBA implementers can borrow techniques, approaches, and indicators for measuring development outcomes from sector programs and for measuring rights outcomes from traditional DRG programs. Designing an RBA PMELP that emphasizes both sector-specific and rights outcomes is critical for getting buy-in from other technical offices and for building an evidence base that RBAs help achieve durable, sector-specific results. When monitoring an RBA program, consider the following.

Use complementary indicators to triangulate changes. By tracking outputs, outcomes, and potentially impact indicators, combined with other methods that retrospectively assess unintended and intended outcomes (like Outcome Harvesting), we can trace the changes in knowledge and, ultimately, behaviors. By tracking changes in knowledge, attitudes, and practices (KAP) of demand-side actors and complementing that with data from supply-side actors, we can understand the full picture of change and potential sustainability of that change. Sample indicators for RBA programs are included in Annex 2.

Use knowledge, attitudes, and practices surveys. A KAP survey can measure rights-holders' awareness of a specific rights issue, understanding of how to demand/claim that right, and willingness or interest in demanding/claiming that right and collect examples of instances in which they have done so. On the duty-bearer side, a KAP survey can measure individuals' understanding of a specific right and level of respect for that right and can collect examples of how they have changed their behavior to fulfill their obligations. The self-reported nature of this data presents limitations, but KAP surveys offer an opportunity to examine low-level, short-term outcomes.

Track sentinel or context indicators. Through a combination of methods, including APEA, media monitoring, and public opinion surveys, capture context-level political, social, or economic changes. By determining which conditions are necessary to create an enabling environment for development outcomes or policy changes, then systematically tracking changes in those conditions, RBA programs can adapt activities to improve sustainability of development outcomes.

4.3.2. How should we evaluate RBA projects and activities?

Evaluating an RBA provides USAID and implementers with the opportunity to probe into the relationship between rights outcomes and development outcomes and to determine the extent to which an RBA improves or contributes to the sustainability of those outcomes. Meaningful evaluation of RBA

programs will require different approaches than evaluations of sector programs. When evaluating an RBA program, consider the following.

Plan for long-term evaluations. The extent to which development outcomes are sustainable is difficult to measure during a typical project cycle. Build in mechanisms that will allow you to evaluate sustainability and multiplier effects after the life of project or at least to forecast beyond the life of the project.

Conduct comparative or quasi-experimental impact evaluations. While there is a growing body of literature that examines the efficacy of RBAs, more evidence about the extent to which RBAs improve development outcomes is needed. Consider comparing development outcomes of RBA programs and non-RBA programs to examine where outcomes are better. If suitable to your programming approach, another quasi-experimental approach is to study the “dosage effect” of an RBA. This can include comparing areas where the project undertook a more intense RBA versus a less intense RBA and compare the outcomes. This gap in impact evaluations by funders presents an opportunity for USAID to contribute to the global dialogue on development approaches.

Examine multiplier effects. RBA evaluations should examine the extent to which citizens who are empowered with rights-based knowledge and attitudes in one sector (e.g., access to education) claim their rights in other sectors (e.g., access to health services) or the extent to which knowledge and skill sharing by sector impacts outcomes in new geographic areas. Consider following a panel of project stakeholders through the life of the project, using repeated KAP surveys or applying other techniques listed in this document.

Use complexity-aware measurement approaches. Given the complexity of governance systems, traditional evaluation techniques may not be applicable in an RBA. For example, rather than trying to determine an activity’s unpredictable outcomes at the outset, an Outcome Harvesting approach looks at changes that have occurred, then evaluates what, if any, role the program’s activities played in that change. Outcome Harvesting helps us understand the process through which the change occurred and to evaluate unintended outcomes. Other complexity-aware measurement approaches include Stakeholder Feedback, Most Significant Change, Outcome Mapping, and Process Monitoring of Impacts. For more on this, see USAID’s Complexity-Aware Monitoring Discussion Note.²⁵

BOX 15: DRG LEARNING AGENDA

When planning evaluations or developing learning questions for RBA programs, consider aligning your evaluation and learning questions with the latest DRG Learning Agenda.

BOX 16: OUTCOME HARVESTING CASE STUDY: WORLD BANK INSTITUTE (WBI)

WBI’s Constitutional Mandates in Health initiative aimed to improve the level and distribution of health outcomes by applying rights-based principles to health policy in Latin America. At the conclusion of the project, WBI mapped the relevant outcomes (e.g., Uruguayan judiciary and health actors use databases to inform decisions, seven countries formed regional steering committee of judiciary and health officials), how the outcomes were related, and “how [WBI] had contributed... by catalyzing or empowering the change agents to take new actions.”²⁶

²⁵ <https://usaidlearninglab.org/library/complexity-aware-monitoring-discussion-note-brief>

²⁶ World Bank. 2014. *Cases in Outcome Harvesting: Ten pilot experiences identify new learning from multi-stakeholder projects to improve results*. pp. 51–57. Available at <https://openknowledge.worldbank.org/bitstream/handle/10986/20015/901720WP0Box380n0Outcome0Harvesting.pdf?sequence=1&isAllowed=y>.

ANNEX I: PROGRAM OPTIONS AND APPROACHES

Many different tools and activities can be used in an RBA. The following table lays out several of the most prominent ones to consider, as well as examples of where those have been used to good effect.

Problem	Approaches	Examples
The public believes that it lacks rights or that its rights have been violated.	<ul style="list-style-type: none"> • Craft civil society-led public awareness campaigns using creative methods such as community theatre. • Hold community dialogue around rights and responsibilities, leveraging existing social structures, such as youth groups and village savings and loans associations. • Improve media coverage of legal entitlements. • Establish or support legal aid or support services, such as paralegal networks, to help individuals ensure that their rights are protected through legal education, advice, and assistance. 	<ul style="list-style-type: none"> • In Zimbabwe, Pact supported networks of CSOs to carry out campaigns aimed at raising awareness of new constitutional rights following adoption of the 2013 Constitution, including supporting events such as community dialogues on how to demand economic, social, and political rights from the government and local leaders; establishing safe spaces for women and youth to dialogue on constitutional issues affecting them; and creating information centers in public places like clinics and schools. • In Tunisia, Internews facilitated engagement between civil society, lawyers associations, and the media around increasing public awareness and understanding of new justice sector reforms, institutions, and processes and strengthened media capacity to report on how reforms affected specific population segments, ultimately increasing public access to the judiciary.
Right-holders and their entitlements are not specified by law.	<ul style="list-style-type: none"> • Support government, civil society, policy centers, and other stakeholders to conduct legal and policy analysis and to develop draft legislation, policies, and regulations that address identified gaps. • Build support for legislative and policy reform through a combination of policy dialogue and direct advocacy. 	<ul style="list-style-type: none"> • In Mexico, Freedom House worked with civil society to advocate for legislation on enabling Article 73 of the Constitution to provide the Office of the Special Prosecutor for Crimes Against Freedom of Expression the power to prosecute cases of attacks on the press under local jurisdiction. A similar approach is also being taken in Honduras with a human rights defenders protection mechanism.
Rights-holders lack the skills or tools to build broad coalitions, conduct targeted advocacy, or lead effective campaigns on rights issues.	<ul style="list-style-type: none"> • Use approaches such as Collective Impact to build the capacity of “anchor” organizations capable of driving networking and to support network members to develop shared approaches to monitoring these organizations’ impact. • Foster linkages between civic advocates and public relations experts capable of crafting and testing messages, then foster linkages between civic actors and media. • Use social network analysis to help both existing and nascent networks to determine the extent of their connectivity and existing communication patterns. 	<ul style="list-style-type: none"> • In Zimbabwe, Pact supported groups like the Bulawayo Progressive Residents Association to carry out action research that formed the basis of a successful “No to Prepaid Water Meters” campaign. • In Cameroon, Internews convened and trained activists from Anglophone and Francophone regions to increase their understanding of and capacity to advocate for their digital

Problem	Approaches	Examples
	<ul style="list-style-type: none"> • Use of methodologies, such as Future Search to support visioning and collective planning among network members. • Build the capacity of CSOs and other actors like local think tanks and academics to conduct research (including action research at the community level) that can form the basis of evidence-based advocacy. 	<p>rights and internet freedom in the context of country's freedom of information and expressions laws.</p>
<p>Rights-holders are systemically prevented from claiming their rights or seeking redress.</p>	<ul style="list-style-type: none"> • Conduct barrier analysis or APEA to systematically map and understand existing structural barriers and leverage points for driving change. • Support civic actors to push for formal mechanisms, such as quotas, designed to overcome rigid structural barriers (particularly social-cultural barriers) that keep certain groups out of public processes. • Use “positive deviance” methodologies to identify, document, and share cases where rights-holders found leverage to restructure the systems that prevented them from claiming rights or seeking redress. • Support civil society to document the denial or violation of rights. • Strengthen or establish legal services for those whose rights have been denied or violated. • Support strategic litigation efforts and build strategic litigation capacities among local actors to pursue landmark court cases that have the potential to set legal precedent and reduce structural barriers. 	<ul style="list-style-type: none"> • In Mauritania, ABA ROLI's local partners provide legal assistance to current and former victims of hereditary, caste-based slavery and other vulnerable populations, accompanying victims as they navigate the legal system, educating them on their rights, and helping them obtain legal identity documents that help them exercise their rights to vote, get married, and access basic services like education and healthcare.
<p>Technical, management, and resource constraints prevent duty-bearers from fulfilling claims.</p>	<ul style="list-style-type: none"> • Facilitate partnerships between individual government agencies and civil society to collectively advocate for increased resources. • Establish or strengthen accountability mechanisms for government agencies to process claims and respond to citizen demands. • Provide TA to officials to improve their knowledge of constitutional or legal entitlements and how to deliver them. 	<ul style="list-style-type: none"> • In South Africa, Freedom House supported a Cape Town-based organization to build an interactive platform to report service delivery gaps directly to the municipal government and for the government to provide updates to the claimants, which improved the quality of services delivered in the target townships.
<p>Insufficient opportunities exist for rights-holders and duty-bearers to interact constructively.</p>	<ul style="list-style-type: none"> • Strengthen existing, formal mechanisms for engagement between rights-holders and duty-bearers, such as public hearings or other social accountability mechanisms. • Build the capacity and confidence of rights-holders to engage in these mechanisms and support duty-bearers to understand how they can benefit politically from engagement with their constituents. • Where formal mechanisms for engagement are absent or insufficient, support CSOs to facilitate opportunities for engagement using approaches, such as public meetings, or constructive social accountability processes, such as community scorecards. 	<ul style="list-style-type: none"> • In Malawi, Pact has used its Local Governance Barometer to facilitate dialogue between community-based fisheries organizations and local government, using the sessions to establish common understanding of legal and policy provisions within the National Fisheries Act. • In Ukraine, Freedom House plans to support a local partner in creating Expert Centers that enable civil society and the Government of Ukraine Security Services to engage at the local level through human rights platforms to identify and address urgent systemic problems in the various regions.

ANNEX 2: SAMPLE RBA PROGRAM INDICATORS

Indicator (Output/ Outcome/Impact)	Definition (D) Unit of Measure (U)	Data Source (S) Disaggregation (D)	Collection Frequency (F)
% of resolutions that respond positively to community demands (Outcome)	D: Positive resolutions are defined as those aligned with community demands. A resolution may be changes to practice, service delivery, or policy. Community demands may be voiced at dialogues with duty bearers or oversight mechanisms. Numerator: # of resolutions to community demands Denominator: # of resolutions made U: positive resolutions	S: survey, social accountability monitoring (scorecards) D: district, sector	F: baseline, midterm, and endline
% of citizens who know their rights and responsibilities (Outcome)	D: Numerator: # of respondents reporting knowledge on at least 10 of 13 questions about citizens' rights and responsibilities Denominator: # of total respondents U: citizens	S: civic engagement poll D: gender, age, district	F: annually
# of rights-holders engaged in advocacy or oversight mechanisms with partners (Output)	D: Advocacy mechanisms are defined as established processes for individuals, constituencies, or organizations to shape public agendas, change public policies, and influence other processes that impact their lives. Oversight mechanisms are defined as new or existing community structures that have a role in linking communities with the government on community issues. Rights-holders will be engaged at different levels, which may include: i) participation, ii) involvement in advocacy design and implementation, and iii) developing interventions (qualitative and quantitative). U: citizens	S: partner monitoring records D: gender, age, district	F: quarterly

Relevant Standard Foreign Assistance Indicators

DR.1.3-1 Number of judicial personnel trained with USG Assistance

DR.2.4-2 Number of mechanisms for external oversight of public resource use supported by USG Assistance

DR.3.1-3 Number of consensus building forums (multi-party, civil/security sector, and/or civil/political) held with USG Assistance

DR.3.2-5 Number of individuals receiving civic education through USG-assisted programs

DR.4-1 Number of USG-supported activities designed to promote or strengthen the civic participation of women

DR.4.2-2 Number of civil society organizations (CSOs) receiving USG assistance engaged in advocacy interventions

DR.4.3-1 Number of USG-assisted civil society organizations (CSOs) that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees

DR.4.5-1 Number of independent worker organizations supported by USG to promote international labor standards

DR.6.1-1 Number of USG-supported national human rights commissions and other independent state institutions charged by law with protecting and promoting human rights that actively pursue allegations of human rights abuses during the year

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