

Report of the Human Rights and Gender training workshop held for the UN Country Team on 13-14 October 2005, Pretoria, South Africa.

Background

Placing human rights at the centre of activities of the United Nations in pursuing world peace, security, economic prosperity and social equity has been an important priority of the Secretary-General's UN reform agenda that began in 1997.

In this regard, the Office of The High Commissioner for Human Rights (OHCHR) has been mandated to provide assistance in building capacity of UN country teams. Towards this end the UNCT in South Africa recently organized a workshop on human rights, gender and the rights based approach to development programs for the UN program staff, especially looking at how this exercise could be of assistance in the review of the current Common Country Assessment (CCA) in order to better inform the preparation of the UNDAF and to strengthen the UNCT common approach in mainstreaming human rights in its programs.

The purpose of the workshop

Overall, the purpose UNCT training workshop was to carry forward the Secretary General's reform program in a more practical way by ensuring that all members of the UN country program team understand the human rights approach to program development and incorporate it into their daily activities and in particular in the drafting of the CCA/UNDAF.

Specifically, the objectives were to:

- Develop a common understanding of the inter-linkages between human rights and development issues;
- Raise awareness of the main human rights principles and mechanisms in the context of UN programming in SA;
- Acquire a better understanding of how to integrate and implement human rights into plans and programs and how to better initiate joint programs with the HRBA within the UNCT;
- Examine and better understand the human rights and gender dimension of HIV and AIDS;

The outcome of the workshop

At the end of the workshop, participants were expected to have gained:

- An increased awareness of the value of the Rights Approach and linkages between human rights and development;
- A better understanding of the linkages between MDGs and Human Rights;
- An understanding of how to incorporate a HRBA in CCA/UNDAF process;

Participants' profile

Participants comprised program staff from the UN country team.

The workshop was jointly organized by OHCHR and UNICEF with additional support from ILO, UNIFEM, UNAIDS and the RC's office. Facilitators were from OHCHR, UNICEF, ILO and the RC's office. In addition, UNIFEM had deputed an external gender expert to facilitate the gender session; UNAIDS had deputed the NGO, AIDS Law Project to run the session on HIV and AIDS and OHCHR had deputed an external human rights expert to conduct the session on international and national human rights frameworks.

Executive Summary

The workshop was held over two days in Pretoria, South Africa. The Resident Coordinator of the UN System in South Africa opened the workshop and focused on the criticality of adopting the rights based approach in UN country programs in South Africa. Thereafter the workshop focused on the themes of international, regional and national human rights frameworks and mechanisms and how these are relevant to country programming. In this regard, the principle of inter-relatedness and indivisibility of rights was emphasized. The mandate of the Office Of The High Commissioner For Human Rights was then shared

with the participants following which the participants were introduced to the context and notions of the Human Rights Based Approach to programs.

The subsequent sessions dealt with the importance of human rights issues related to HIV and AIDS, the role of gender mainstreaming in a rights based approach to development, labor rights and standards with regard to rights based notions of decent work, and the linkages between the rights based approach and MDGs. All this was discussed in the context of and in relation to national, regional and international norms and standards.

On the second day participatory approaches and exercises were used to familiarize participants to the rights based approach to development programming and its implementation in addressing development challenges. Participants were familiarized with various aspects of the approach such as equality and non discrimination, accountability and responsibility, integrating human rights norms and standards into development objectives, focusing on the identification and capacity building of both duty bearers and claims holders and applying concepts of participation both as process and as outcome. Also discussed were imperatives of involving local human rights and development NGOs and national human rights bodies and disaggregating data that would inform about the vulnerable and marginalized. The need to refer to human rights instruments and declarations, Treaty Body reports and recommendations as well as treaty-based advocacy and policy dialogue, in the CCA process and country programs analysis was emphasized.

The workshop ended with participants sharing and discussing some recommendations that could inform the way forward in mainstreaming the rights approach in UN country programs in South Africa.

Day 1

OPENING SESSION

The Resident Coordinator (RC) of the UN system in South Africa, Scholastica Sylvan Kimaryo, inaugurated the workshop and taking the lead from the RC, participants introduced themselves by name, agency and nationality. The RC then addressed her opening remarks to the participants.

Summary of RC's opening remarks

Human rights are the pillars of the UN and our common agenda. In this context this workshop is very important to inform the way we do business in South Africa. UNCT must avail of OHCHR technical resources in its ongoing efforts to mainstream rights in programs.

The Rights Approach puts people at the centre of the development process. Which is necessary in the development of people everywhere and more so in a country like South Africa, where the Government has vision, structure, and programs – all framed within the normative approach of human rights. Our programs need to reflect and support this perspective of human rights and gender.

South Africa is not only trying to transform itself but it is seen as a regional role model and indeed has regional responsibilities – SADC, NEPAD, etc. But in South Africa, the fact that the government has been focusing on human rights does not mean that the rights of all members of the citizenry are fulfilled.

People have little awareness of their rights and even less access to means of claiming them.

One of the ways of opening access is through Chapter 9 institutions. But in and of themselves, the existence of Chapter 9 institutions does not imply that HR awareness is widespread.

In this context, it is important to break down silos and build knowledge and partnership networks. It will also give us the opportunity to identify areas where joint programming on human rights is possible and to analyze existing tools and how they can help us to better integrate human rights in our work.

Some key issues raised in discussions:

- Capacity of Chapter 9 institutions to fulfill their mandate: appointment of commissioners to positions in Chapter 9 institutions was negotiated as part of process of independence and that is a challenge because many commissioners are political appointees.
- Poor access of most marginalized people to basic services. How can the government be supported to address this?

- Can the CCA/UNDAF support the processes of democracy in South Africa by supporting and setting parameters of service delivery?

Topic: Introduction of the Workshop

Facilitators: Lopa Banerjee, Jennifer Joni

Following upon the RC's introduction the facilitators used an energizer exercise to set up participants' expectations of the workshop and participants' obligations.

Exercise

Participants were asked to each specify the first thing they were going to do when they went back home that evening.

They responded by mentioning activities like eating, reading, etc.

They were then asked: Suppose the first thing you would do when you went home tonight would be to talk about the workshop. What would this workshop have to be (within reason) that would excite you enough to do that?

In continuation of the above what would you have to do to achieve your expectations?

Responses of participants were used to formulate the expectations of the workshop and participants' obligations in it. These were put up as statements on charts.

SESSION 1: Global Rights, Local Rights

Topic: International HR Instruments & Mechanisms, overlap with SA institutions

Facilitator: Shadrack Gutto (Centre for African Renaissance Studies, University of South Africa)

The facilitator presented a brief summary of the evolution of the framework of human rights within the spectrum of civil liberties and natural rights and vertical and horizontal relations of power and privilege between people. He then spoke of the various international human rights instruments, the principles underlying human rights and the recent global developments on human rights such as the Vienna and Copenhagen declarations. He then set up the context of the African regional human rights mechanisms and the national South African human rights framework.

Presentation summary:

Understanding and contextualising human rights

Human rights and civil liberties are interconnected. It is important to focus on the equality, interrelatedness and interdependence of rights, freedoms and responsibilities.

The 3 non-hierarchical spheres of human rights articulation (including complementarities and mutual influences) are

- The international sphere
- The regional sphere (CA-AU, NEPAD, ACHPR and Protocols, ACRWC, OAU Refugee Convention, etc)
- The national/domestic sphere (the SA Bill of Rights, chapter 9 institutions and sections 234 and 235 of the Constitution)

Overview of the International Human Rights Instruments, the South African Constitution and the legal and policy environment:

A. The UN Charter and the "International Bill of Rights"

B Specialised **thematic** and **group-specific** international instruments:

- Convention on the Prevention and Punishment of the Crime of **Genocide** (1948)
- Convention against **Torture** and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- International Convention on the Elimination of All Forms of **Racial Discrimination** (1965)
- Convention on the Elimination of All Forms of Discrimination against **Women** (1979)
- Convention on the Rights of the **Child** (1989)
- Geneva Convention Relating to the Status of **Refugees** (1951) and Protocol Relating to the Status of **Refugees**, 16 December (1966).

C. Human rights standards specific to specialized agencies and other multilateral institutions:
For example: ILO, WHO, WTO, WIPO, UNESCO, UNICEF, UNHCR, UNOHCHR, e.t.c.

D. Intersection between international human rights and international criminal law
The ICC, ad-hoc criminal tribunals and courts:

- Crimes against humanity
- War crimes
- Genocide
- Aggression

Enforcement and implementation mechanisms for human rights instruments require:

- technical assistance (e.g. public awareness; capacity, expertise and institutions building in public and civil society)
- judicial interpretation and enforcement;
- monitoring (e.g. the “Chapter 9 Institutions” in South Africa)
- treaty and non-treaty based mechanisms (inter-state and individual communications);
- country and thematic special rapporteurs;
- fact-finding missions;
- mediation;
- individual applications/complaints;
- inter-state complaints; and
- periodic reports by states.

Basic requirements: ratification/accession; domestication (legislative, judicial, policy making and implementation).

Topic: Mandate and programmes of OHCHR

Facilitator: Sihaka Tsemo (OHCHR)

The facilitator introduced the United Nations Office of the High Commissioner for Human Rights (OHCHR), its mandate and functions. The facilitator also spoke of the renewed emphasis on human rights mainstreaming within the UN system and the role of OHCHR in that context.

Presentation summary:

The United Nations Office of the High Commissioner for Human Rights

Mission: To protect and promote all human rights for all.

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and human rights instruments, and the 1993 Vienna Declaration and Programme of Action, the promotion of universal ratification and implementation of human rights treaties is at the forefront of OHCHR activities

Mandate

- OHCHR aims to ensure practical implementation of universally recognized human rights norms
- OHCHR is committed to promoting the realization of the right to development and to strengthening a rights-based approach to development
- OHCHR provides advisory services and technical assistance as requested, and encourages governments to pursue the development of effective national institutions and procedures for the protection for human rights

Topic: Human Rights Based Approach (HRBA)
Facilitator: Sihaka Tsemo (OHCHR)

Participants were introduced to the rights based approach to development programming and its value in addressing development challenges. The relationship between, human rights norms and principles (national, regional and international) and the obligations of duty bearers (e.g. the State, the UN and non-State actors such as NGO's, private sector and civil society) and the rights of claims holders (the citizenry) was discussed.

Presentation summary:

The Human Rights Based Approach

Human rights is the mission of the entire UN System. Today there is common understanding of the linkages between human rights and development actions. Therefore UN Country assistance frameworks need to systematically build upon human rights norms and principles in analysis, programming, implementation and evaluation.

In HRBA, the assumption is that rights and development are matters of obligation and right, not discretion or charity. Rights-based programming strengthens capacities of human rights duty-bearers to fulfill their duties and human rights claim-holders to make their claims.

Principles of RBP

- Set objectives to contribute to realization of human rights goals after assessment and a causality analysis
- Set specific strategies after a duty bearer and role/pattern analysis
- Design actions after a capacity analysis
- Review objectives, strategies, and actions according to progressive realization of human rights goals
- Monitoring process should enhance human rights capacity and culture

HRBA: advantage to UN System

- More programmatic / strategic interventions
- Clearer role, focus and coherence of supported programs
- More ownership / sustainability
- Better coordination / partnership of external support

More organizational accountability and better corporate learning

SESSION 2: Human Rights Based Approach in programs

Topic: HR and HIV and AIDS
Facilitator: Mark Heywood (AIDS Law Project)

The facilitator highlighted the fact that HIV and AIDS challenges us to fundamentally deal with rights issues - HIV is a consequence of the failure of people to realize their rights. It is today a pandemic precisely because fault lines have developed where people's rights such as gender rights, labor rights, right to health, etc. have not been adequately protected. It is because people are not adequately able to claim their rights that they get infected and having contracted the virus are then subject to a whole slew of other rights violations.

Presentation summary:

HIV and AIDS and Human Rights

Effects of discrimination on HIV prevention: Deters HIV testing; Deters openness & disclosure; Deters people from seeking treatment.

“The AIDS paradox”:

The AIDS paradox arises from a reflection on the nature of this epidemic and the features of the virus. By a paradox, one of the most effective laws we can offer to combat the spread of HIV which causes AIDS is the protection of persons living with AIDS, and those about them, from discrimination. This is a paradox because the community expects laws to protect the uninfected from the infected. Yet, at least at this stage of the epidemic, we must protect the infected too. We must do so because of reasons of basic human rights. But if they do not convince, we must do so for the sake of the whole community, which has a common cause in the containment of the spread of HIV.

- Hon Justice Michael Kirby, 1993

The UNGASS Declaration of Commitment on HIV/AIDS states that:

- Realisation of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV/AIDS
- Respect for the rights of people living with HIV/AIDS drives an effective response”

In this context how do we implement and monitor the human rights approach?

1. Identify areas where human rights may be violated (and where law is relevant). For example:

Employment

- Discrimination

Access to Treatment

- Patents

Medical practice

- Confidentiality
- Privacy

Access to public services

- Education

Gender

2. Identify Sources of law (that may protect or violate rights). For example:

Constitutional

- South Africa Constitution

Legislative

- Sexual Offences Act

Common law

- Privacy

Customary law

- Inheritance

Religious law

International law

- TRIPS

3. Understand and promote the International Human Rights framework. For example:

- Universal Declaration of Human Rights

International Covenants on: Civil and Political Rights (ICCPR)

Economic, Social and Cultural Rights (ICESCR)

- African Charter on Human and Peoples’ Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child

4. Use the International Guidelines on HIV/AIDS and Human Rights (Issued by the Office of the High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS in 1998 and 2002)

Summary of the Guidelines

- Establish an effective national framework
- Consult at community level and enable community organisations to operate
- Ensure public health laws are in line with human rights
- Ensure criminal laws are in line with human rights
- Ensure non-discrimination—vulnerable groups, PLWAs, people with disabilities
- Regulate HIV-related goods, services and information
- Implement and support legal support services
- Address underlying social prejudices and inequalities
- Promote wide and ongoing distribution of education, training and media programmes
- Develop codes of conduct for government and private sector
- Monitor and enforce rights
- Co-operate with UN bodies, including UNAIDS

Conclusion

- Human rights are inherent and universal
- Respect for Human rights improves HIV prevention and take-up of care and treatment
- Human rights are not a contradiction to public health. A climate of openness and non-discrimination is a public health strategy
- Understanding HIV/AIDS is an imperative for proper application of human rights relating to the epidemic

Topic: questions and discussions in the Plenary

Facilitators: Mark Heywood, Shadrack Gutto, Sihaka Tsemo

Participants' questions and discussions centered on the following issues:

- Conflict of rights – the differences between inherent rights and circumstantial rights; customary rights and fundamental rights – the measures of evaluation and when rights can be limited
- Rights are not absolute and need to be considered in a social context and mediated through ethics and social norms
- One's individual rights need to be considered in the context of society and the notion of greater good

Topic: Gender mainstreaming and HRBA

Facilitator: Elize Delport (University of Pretoria)

The facilitator set up the background to the gender responsiveness of the South African Constitution. She then drew attention to the points of convergence between South African and international frameworks such as the Beijing Platform and regional protocols such as the African Charter.

She highlighted the fact that though gender laws and frameworks were in place, and women's representation and participation in government was impressive, gender equity in South Africa was still a distant goal.

Presentation summary:

Gender Mainstreaming

Gender mainstreaming is: “....The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels... an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality”

- ECOSOC, 1997/2

South African gender mechanisms include: Commission on Gender Equality; Committee on the Quality of life and Status of Women; Parliamentary Women’s Caucus; Office on the Status of Women and Gender Focal Points in various departments.

South African National Framework includes: Constitution; Promotion of Equality and Prohibition of Discrimination Act; Domestic Violence Act; Labour Relations Act; Basic Conditions of Employment Act; National Gender Policy; Sector-specific Gender Policies.

UN Framework includes: CEDAW; BPFA+10; UN Security Council Resolution 1325; MDGs and Others (eg. UNGASS Declaration).

African Regional Framework includes: AU Constitutive Act; African Charter on Human and Peoples’ Rights (ACHPR); Protocol to the ACHPR on the Rights of Women; Solemn Declaration on Gender Equality in Africa; NEPAD; SADC Declaration on Gender Equality; Addendum on Violence Against Women

Gender Mainstreaming -analytic approach

- Ask questions about responsibilities, activities, priorities and interests
- Question assumptions about “families”, “people”, “households” etc.
- Obtain sex-disaggregated data
- Seek input from men as well as women
- Pay attention to activities where women are numerically dominant
- Do not assume that all women or all men share the same needs

General issues and trends

- Inequalities in political power
- Inequalities within households
- Differences in legal status and entitlements
- Gender divisions of labour within economy
- Inequalities in domestic/ unpaid sector
- Violence against women
- Discriminatory attitudes

South African Challenges

- Disconnect between aims and implementation
- Capacity building of institutions
- Increase effectiveness of National Machinery
- Poverty
- HIV/AIDS
- The lack of energy and leadership of the women’s movement
- Lack of advocacy and awareness raising on violence and related issues
- Negative stereotypes of family and gender

Topic: Decent work and HRBA
Facilitator: Judica Makhetha (ILO)

The facilitator presented the ILO mandate and discussed the tripartite framework (between the employee, employer and trade unions) within which ILO functions. She then elaborated on the concept of decent work and the rights standards that need to be observed for decent work.

Presentation summary:

Decent Work and Human Rights

ILO supports the concept of Social Justice through the mechanism of Social Dialogue.

It has :

- 178 Members
- All decisions on tripartite basis
- Each country represented by : Government representatives; Most representative organization of workers; Most representative organization of employers

ILO Decent Work Agenda

Four main pillars of Decent Work: Fundamental principles and Rights at work; Employment and income opportunities; Social protection ; Social dialogue and tripartism

- Cross cutting: gender and HIV/AIDS

Core human rights standards

- Freedom of association
- Collective bargaining
- Forced labour
- Child labour
- Equality of opportunity and treatment

Integrating standards in Decent Work

- Emphasis on the essential message, or operational priorities, in each group of standards
- Distil the core provisions, or basic principles, in each cluster of standards
- Use advocacy to bridge the gap between current national capacities and the provisions of standards

Standards implementation: where do we stand?

- Set operational targets to serve as objectives and benchmarks for the evaluation of outcomes -
- Standards country profiles giving snapshot of national situation can serve as a basis for consultations and the setting of national priorities
- Respect-ratify-implement cycle
- Integration in DWCP
- Build capacity of participants in social dialogue and participatory processes (including PRSPs)
- Need for empirical studies making the economic case for standards
- Need for examples of best practices

Topic: questions and discussions in the Plenary
Facilitators: Judica Makhetha, Elize Delpont

Participants discussed the following issues:

- Clarifications were sought on why gender equity is not more widespread considering the activism of women in the struggle for independence and within ANC. Possible reasons could be that women ceded the momentum prematurely, once gender equity frameworks were in place, mistakenly assuming that implementation would naturally follow.
- Implementation of gender equity is the big issue today and momentum for that needs to be regained.
- It is necessary to start social dialogue on women's rights, once again and a consolidated regional and national voice is required for that. The region looks to South Africa to set the norms in this regard.
- The AU needs to advocate introducing gender into national university curricula and awareness needs to be created for African gender instruments, which exist but are unknown.
- Gender mainstreaming and RBA are complementary processes – in that context is it necessary to have separate institutions dealing with human rights and gender rights? Capacity building should include complementarities between gender and HR and across Chapter 9 institutions and gender and human rights commissions.
- All laws should be examined from a gender lens.
- Chapter 9 institutions are being reviewed through the Department of Public Administration – can the UN participate in this process and advise on rationalization and harmonization?
- Can ILO's experience in gender auditing be used for a gender audit of South African labor?

SESSION 3: Linkages between HRs, MDG's

Topic: HRBA and MDGs presentation, followed by discussion in the Plenary
Facilitator: Sihaka Tsemo (OHCHR)

The facilitator set up the human rights context within which the MDGs can be reviewed and supported and highlighted the links between MDG goals and human rights goals.

Presentation summary:

MDGs and Rights

These are interdependent and mutually reinforcing commitments.

- Human rights provide normative basis for the MDGs
- Common ultimate objective and commitment to promoting human well-being
- Similar guiding principles: participation, empowerment, national ownership
- Resource constraints relevant to the realization of both MDGs and human rights
- Rights framework provides tools to hold governments accountable – rely on a process of periodic reporting and accountability at national and international level

Integrating the MDGs and Human Rights

Challenge: no automatic respect for human rights in development cooperation activities.

Integration dependent on:

- Recognition of relationship between MDGs and human rights
- MDGs should be subject to human rights impact assessment
- Need for human rights capacity building
- Mainstreaming at all stages (needs assessments, planning, implementation, monitoring and evaluation)

In the question and discussion session, participants raised the following issues:

- There should be better scrutiny of the evaluation parameters of the MDGs to reflect real and qualitative gains. For example, in the goal related to universal primary education, the evaluation criteria should not only reflect enrolment but also retention, which in turn will provide some indicator of quality of education
- MDG goals need to be domesticated and informed by national priorities.

Day 2

OPENING SESSION

Topic: Reflections on day 1, Introduction of day 2

Facilitators: Neville Josie, Zibuyile Mbambo (UNICEF)

Participants were introduced to the technique of Visualization In Participatory Programming (VIPP) and the facilitators used VIPP tools (such as color cards, drawings and charts) to get feedback on the previous day's sessions and also to capture the knowledge development in the first day's sessions.

Exercises

Participants were asked to write simple statements on VIPP cards:

What are Rights?

What are Needs?

Principles of Rights, etc.

Their responses were shared and discussed as a refresher of the previous day's proceedings.

There was general consensus that the previous sessions had been illuminating, necessary and that the workshop content was new and enlightening. However participants also expressed reservations about the volume of information that they were exposed to and expected to absorb in a limited amount of time.

Feedback was as follows:

- There was too much information given in too short a time
- Issues discussed were complex and needed many more practical exercises
- There should have been more case study examples used to explain concepts
- More clarity was needed on practical implementation of RBA and lessons learnt from implementation
- Need better understanding on Rights in context of Responsibilities
- Need practical applications of gender mainstreaming
- There was a lot of new and exciting information

SESSION 4: Implementing a Human Rights Based Approach in Common Country Programming

Topic: Human Rights Approach and its relevance to UNDAF

Facilitator: Philip Browne (RC's Office)

The facilitator highlighted how the concepts of human rights and the concepts of development are linked and how they play out in the UNDAF. Reference was drawn to the previous UNDAF and the forthcoming one.

Presentation summary:

Human Rights and UNDAF

In the 2002-2006 UNDAF, the priority objectives were:

1. Managing the HIV/AIDS pandemic

- Stem rate of new infections
- Create enabling environment for the protection, care and support of those infected and affected by HIV/AIDS
- Reduce the overall impact of HIV/AIDS on socioeconomic development

2. Regional Integration

- Support SA's contribution towards regional peace, stability, democracy and good governance
- Enhance capacity for articulating relevant economic policies for poverty alleviation in the region
- Provide effective and efficient support to enhanced regional responses to HIV/AIDS interventions and partnerships
- Encourage policies aimed at promotion of indigenous knowledge systems in the region

3. Integrated Sustainable Rural Development

- Create an enabling environment for ISRD to eradicate poverty
- Build capacity for local governance to enhance service delivery
- Promoting social cohesion by supporting the enhancement of rural communities' capacity to engage in sustainable development

4. Common platforming and joint programming to:

- Enhance programme integration and coherence
- Embed crosscutting issues like human rights and gender in programmes
- Align programmes in integrated manner with government priorities
- Reinforce the right to development

The New UNDAF 2007 – 2011 is mandated to:

- Profile the rights based approach and reinforce the UN's normative responsibility to foreground human rights within pro-poor agenda.
- Embed the Rights based approach in new UN Development Assistance Framework and Country Programmes
- Design new joint programmes within context of rights based approach
- Ensure programmes add value to SA's national vision and development frameworks

Topic : Implementing Human Rights Approach in CCA/UNDAF

Facilitator: Sihaka Tsemo (OHCHR)

The facilitator spoke of the normative framework of the rights approach and of how it can inform the CCA development and assessment processes.

Presentation summary:

Human Rights in the CCA process

The CCA should assess the following:

- Patterns of HR violations and level of country compliance with national, regional and international HR standards
- Capacity of the National HR Institutions (Commission/Ombudsman) and other national promotion and protection systems;
- Capacity of local courts and law enforcement institutions to respect and handle HR violations
- Capacity of duty bearers and claim-holders; HR awareness and redress mechanisms at all levels

Implementing HRBA into CCA:

- Programmes should be developed on the basis of a situation analysis
- Role or stakeholder analysis is necessary for programme development and evaluation
- Ensure people's participation in assessment and analysis
- Identify the rights most at risk
- Note the major manifestations of the lack of the fulfillment of the rights identified and focus on those manifestations
- Identify the immediate, underlying and basic causes of the manifestations
- Note the key causes and the synergy of causes between levels
- Ensure that manifestations and causes are identified as specifically as possible
- Partnership building is important for the success of attaining programme and project objectives
- Monitoring of both process and outcome is important

Linkages between HRBA and Results Based Management:

- Programs and projects aimed at strengthening capacities: link obligations, roles and gaps to impact
- Outcome: fill the gaps in capacities of duty bearers and claim holders: expected improvement in performances of duty bearers and in the role of claim holders
- Output: change in one or several elements (responsibility, authority, resources, etc.)
- Impact: better realisation of rights

HR in CCA/UNDAF: how to integrate:

- Involve local HR/Development NGOs and official HR bodies;
- Establish a HR theme group and/or HR expert in steering committees;
- Disaggregate data further;
- Reference to HR conventions and declarations;
- Reference to reports to/of treaty bodies recommendations on reports submitted and CHR;
- Treaty-based advocacy and policy dialogue;
- Include HR institution building in country programmes.

HRBA and evaluation:

- HRBA should become integral part of evaluation
- Evaluation should become integral part of HRBAP

Topic : Discussions in the Plenary

Facilitators: Sihaka Tsemo (OHCHR), Philip Browne (RC's Office)

In discussions in the plenary, participants suggested that they should report back to their agencies and form an advocacy group, which can lobby with their agencies to ensure that capacity development on HR is part of program process on a sustained basis.

Topic: Community Capacity Development

Facilitators: Neville Josie, Zibuyile Mbambo (UNICEF)

The facilitators used VIPP cards and charts and exercises to help participants through a practical session on developing a rights based CCA. Participants divided into groups and worked together on the following concepts:

- Identifying claims holders and duty bearers
- Understanding Community Capacity Development
- Triple A (Assessment, Analysis and Action)
- Issue identification and manifestation
- Causality Analysis
- Role pattern analysis
- Capacity/Resource Analysis
- Area for action based on gaps identified

Topic: Incorporating HR approach in the CCA: The way forward
Facilitator: Sihaka Tsemo

In this last session, participants discussed their views on what they saw as the way forward from the workshop, in terms of incorporating the rights approach in the new CCA/UNDAF. Participants suggested that a brief report of the HR Training workshop be prepared and recommendations from it be circulated with CCA papers, to inform the CCA process at the Symposium and after. The facilitator then closed the workshop with a vote of thanks.

Final recommendations of the HR training workshop

- Workshop report and recommendations to be circulated within UNCT
- Like staff undergo security briefing, so also HR training must be seen as an imperative orientation for program staff
- Even beyond the CCA process, program staff must have more opportunities for training and hands-on engagement with the HR approach
- Workshop should be for 3 days – otherwise it is an information overload in 2 days
- As a follow up workshop to this one, consider a longer, out-of –town, team building and bonding HR training workshop
- Human rights should be integrated at different levels of program development, such as design, implementation and monitoring and evaluation.
- Policies and priorities and assessment of their implementation should be from a human rights perspective
- Establish human rights and gender theme groups in steering committees
- Disaggregate data to clearly identify where the gaps in vulnerability are
- Assess how far national, regional and international human rights provisions and declarations are referred to and incorporated in programs
- Ensure that civil society participates in the development process, especially in the CCA
- In partnership with civil society, assess how it has performed, both as duty bearer and claims holder in forming creative partnerships in various programs with government and UN.
- UN agencies should ensure that capacity development on human rights is part of program processes on a sustained basis
- Interrogate the new CCA from a normative perspective and incorporate rights based language in its articulation
- Include findings from poverty hearings in South Africa to inform the forthcoming CCA/UNDAF
- The CCA/UNDAF should focus on capacity development of local government in terms of skills training and motivation training
- A multi agency task force should be set up with OHCHR as part of it, to ensure that the Rights Based Approach comprehensively informs the development of the new CCA/UNDAF.