

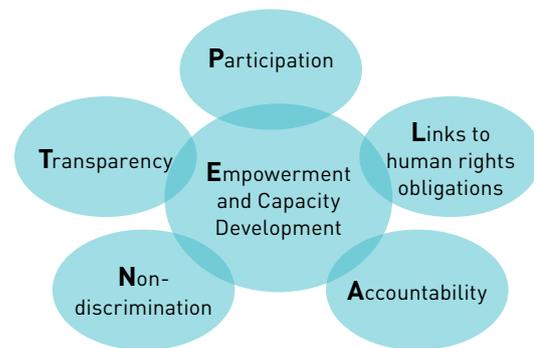
**This Technical Note (TN) is part of a series of thematic TNs that aims to support Sida staff and partners to apply the human rights-based approach (HRBA). The TN begins with a short introduction to the HRBA and Sida's PLANET tool. It then explains how human rights norms and standards underpin the thematic area. The TN goes on to demonstrate how PLANET can guide staff in planning, assessing and monitoring of an intervention through a series of guiding questions and examples. Finally, it provides a simple model for empowerment and capacity development analysis and a list of additional resources to explore.**

## ABOUT HRBA AND PLANET

The HRBA builds on the norms and principles outlined in the Universal Declaration of Human Rights, and the subsequent legally binding UN treaties, which forms the basis for all development cooperation. Application of the HRBA contributes to effective development cooperation processes and sustainable development outcomes. It challenges unequal power relations and social exclusion that deny people their human rights and often keep them in poverty and oppression. Sweden is committed to the HRBA through the Swedish Policy for Global Development, the EU Consensus on Development agreement, and the UN common understanding of a HRBA.

The HRBA places people living in poverty and oppression (rights holders) at the centre. It is about:

- Empowering rights-holders to enable them to take action to address their situation and to claim their rights individually and collectively.
- Developing capacities and interests of duty-bearers to fulfil their obligations to respect, protect and fulfil human rights



**PLANET** is a tool that guides staff on the practical application of the HRBA. It has six elements:

**Participation** = Do all stakeholders engage actively, in a way which allows rights-holders to contribute meaningfully and influence processes and outcomes?

**Links to human rights obligations** = How are relevant human rights standards and recommendations from human rights mechanisms identified and used to advance processes, outcomes and objectives?

**Accountability** = Who are the duty bearers on various levels, and do they have sufficient capacity and interest to be accountable to rights holders??

**Non-discrimination** = Are rights holders and the root causes of their lack of human rights identified and taken into account, particularly those most subjected to discrimination, marginalisation and vulnerability?

**Empowerment and capacity development** = How does the intervention contribute to the empowerment of rights holders to claim their rights, as well as capacity development of duty bearers to uphold their responsibilities and of other relevant stakeholders to contribute to positive outcomes?

**Transparency** = What measures are put in place to ensure that all stakeholders are able to access relevant information and knowledge regarding the contribution?

Learn more about HRBA and PLANET at [Human Rights Based Approach – rättighetsperspektiv | Sida](#) and [Thematic method support – human-rights-based-approach \(sida.se\)](#)

## DEMOCRATIC GOVERNANCE AND HUMAN RIGHTS

Democratic Governance and Human Rights is Sida's largest thematic area, representing between 25 and 30 % of the total annual disbursements. It encompasses programmes and projects in a number of sub-areas such as elections, political institutions, media, public administration, civil society, human rights defenders, access to justice, rule of law. The common denominator of these programmes and projects is that they all have as their principal objective to contribute to democratic development and increased respect for human rights.

While all these interventions clearly focus on achieving human rights outcomes, they do not necessarily apply a human rights-based approach (HRBA) in processes. For example, it is not a given that an Election Management Body or a Human Rights Organisation allows all relevant rights-holders to participate meaningfully and influence outcomes, that the most marginalised groups are included or that all stakeholders are able to access relevant information about the intervention. Marginalised rights holders might be even more disempowered, when well-meaning organisations speak on their behalf and when donor agencies favour already well capacitated organisations. To achieve sustainable development outcomes, application of a HRBA to Democratic Governance is as important as to apply it to other sectors of Sweden's development cooperation.

Legislation, policies, plans, budgets and monitoring mechanisms are the most important steering processes and instruments of governments in trying to promote human rights. In many countries, lack of popular support (or knowledge of) for new laws/policies, absence of a functional, formal justice and monitoring systems and/or lack of budget allocations to finance reforms hinder enforcement. The budget process is a particularly powerful steering instrument. Therefore, improving transparency, accountability, participation and non-discrimination in budget systems and processes is of key importance. It is necessary also to work both at national and sub-national levels of government.

In addition to the legally binding human rights instruments outlined in (L) below, some other international agreements are of great importance for this sector.

- [Agenda 2030 and especially SDG 16](#) - At the core of the 2030 Agenda lies a clear understanding that human rights, peace and security, and development are deeply interlinked and mutually reinforcing. Through its entirety, the importance of enhancing access to justice, ensuring safety and security, and promoting human rights for sustainable development are reflected, while Sustainable Development Goal 16 marks the intersection between sustaining peace and the 2030 Agenda. Most importantly, this sector engages with the targets of strengthened democratic institutions and the rule of law.
- The [Paris Principles](#), which require National Human Rights Institutions (NHRIs) to be **independent** in law, membership, operations, policy and control of resources. They also require that NHRIs have a broad mandate; pluralism in membership; broad functions; adequate powers; adequate resources; cooperative methods; and that they are accessible to all rights holders and engage with international bodies.
- The commitments towards the [Global Development Effectiveness Agenda](#), which entails: a) Ownership by partner countries b) A focus on results c) Inclusive partnerships d) Transparency & mutual accountability.
- The [Global Standard for CSO Accountability](#) and the [Istanbul Principles](#) for CSO development effectiveness, which entail e.g.: Respect and promote human rights and social justice; Embody gender equality; Focus on people's empowerment, democratic ownership and participation; Promote environmental sustainability; Practice transparency and accountability; Pursue equitable partnerships and solidarity; Create and share knowledge and commit to mutual understanding; Commit to realizing positive sustainable change.

These non-binding agreements and standards are all based on the legally binding human rights commitments and can be translated into sector and actor specific context and language.

## APPLYING PLANET TO DEMOCRATIC GOVERNANCE INITIATIVES

The PLANET letters can be applied in any order that works for the context. The outline below starts with identifying human rights deficits/violations and the usefulness of linking up with human rights commitments to inform programming and enhance

outcomes (L). It then discusses how to identify the rights holders concerned, especially the most marginalized (N), how to identify and engage with duty bearers (A), how to ensure meaningful participation (P) and how to communicate and inform stakeholders to give them opportunities to engage (T). Finally, a tool is presented on how to identify possible change makers and their need for empowerment and capacity development (E).

### Linking to Human Rights commitments and core obligations (L)

In a wide thematic area such as Democratic Governance and Human Rights, all UN Conventions are of importance – but most importantly the Covenant on Political and Civil Rights and the Covenant on Economic and Social Rights. Using these instruments and the reports and recommendations from the respective Committees and Special Rapporteurs, should be the first step in assessing/preparing context analyses and the design of interventions. The [OHCHR | Home](#) web page provides a portal for search of country and thematic specific information. There are also special rapporteurs ([special procedures](#)) on specific themes and countries (mostly countries with violent conflicts and gross human rights violations). These reports are also a very useful source.

#### Guiding questions

- Which national, regional and/or international human rights laws or treaties are relevant, and have they been adopted/ratified by the State/s?
- Is the contribution backed up by these legal human rights obligations whenever possible?
- Have relevant observations and recommendations, from regional or international monitoring bodies' sessions with State/s and civil society representatives, been used to inform the design or monitoring of the contribution?
- Could the contribution include support to the reporting to regional or international treaty bodies?
- Could civil society be supported to provide alternative reports to regional or international treaty bodies?
- Are potential risks and challenges of exposing gaps and weaknesses in States' fulfilment of human rights obligations taken into consideration?

### Non-discrimination (N)

Promotion of democracy and human rights must depart from issues at heart of members of poor and marginalised individuals and groups. It requires that these individuals and groups (rights holders) can meet, organise, share experiences, form a vision, and take concrete actions to address their issues. It also requires accommodating legislative and budgetary conditions. Democracy pre-assumes that equality of all citizens is embedded in policy and practice. Discriminatory attitudes towards people living in poverty, ethnic minorities, children, women, persons with disabilities, people living with HIV/AIDS, lesbian, gay, bisexual, transsexual and intersexual (LGBTI) persons lead to exclusion from their rights. Often these vulnerabilities overlap (intersectionality).

Sida/donors could, depending on the context, in the dialogue with governments, include requirements of

- Freedom of association and capacity support to organisation of discriminated groups of rights holders.
- Special measures (affirmative action) to ensure the inclusion of discriminated groups in development budgets and plans and explicitly ensuring to solicit the views and experiences of persons who may have limitations in literacy and/or agency, language, mobility, seeing, hearing or understanding.
- Establishment of a complaint mechanism or ombudsman function for marginalised groups, staffed by people from their own group.
- Free legal aid services to bring cases to court.
- Challenging prejudice through exposure of respected role models that disprove of and challenge existing harmful/discriminating norms and practices.

#### Guiding questions:

- Are the most marginalised and discriminated groups identified?
- Are there explicit measures, goals and budgets to include them in the contribution and its processes?
- Are there disaggregated monitoring indicators to enable follow up of results for these groups?
- Is existing non-discrimination legislation and Human Rights Institutions used to underpin the contribution?
- Are the rights holders aware of their human rights? Are they supported to meaningfully participate in the planning, implementation and monitoring of the contribution?

- What are the root causes of the rights holder discrimination or inequality, and does the contribution aim to reduce or eliminate those?
- Are rights holders organised and do they have sufficient power to engage for change?
- If not, are measures taken to support rights holders to take individual and collective action?
- Does the contribution take into account risks and challenges of working with the human rights of rights holders, and include plans to mitigate those?

### Accountability (A)

The credibility of democratic governance depends on the effectiveness of the government's response to people's political, social and economic demands. Sida/donors could in their dialogue with governments promote the setting up of performance control mechanisms at all levels of the administration. Systems for rewards and sanctions must be in place. When private sector actors are subcontracted by the government to provide services or develop systems or infrastructure, governments must clearly stipulate in contracts that the human rights responsibilities are also subcontracted. Governments should use concrete human rights indicators and develop its capacity to monitor performance and ensure compliance, both at central and local government level.

Each sector has its special needs, but some general recommendations include:

- establish indicators on access to justice and resource allocation for legal aid to marginalised groups
- set up [monitoring mechanism on public expenditures](#) from a gender, children and disability perspective (e.g. disaggregated data for public spending in different sectors, etc.)
- set up monitoring mechanisms to supervise performance of financial management that enable budget tracking, involving the participation of local councils, civil society and media actors
- establish indicators of women's influence and participation in the justice system and public financial management
- set up monitoring mechanisms to track governments ratification and domestication of international and regional human rights instruments, including measures taken by governments to report on progress to human rights mechanisms and to disseminate information on citizens' human rights.

### Guiding questions

- Are the duty bearers at various levels identified along with their capacity to fulfil their obligations?
- What do monitoring bodies of those laws and treaties say in observations and recommendations



Migrant workers in Cambodia learn about their rights to be able to claim their rights. Diakonia's programme in Cambodia, supported by Sida. Photo: Kalle Bergbom.

regarding the obligations of the duty bearers, and has that been taken into account?

- To what extent do the duty bearers know and recognise their obligations to promote, protect and fulfil the human rights in question?
- Are there explicit measures to address the capacity gaps that are identified?
- Are there participation or complaints mechanisms in place for rights holders and other stakeholders to contribute with knowledge and hold the duty bearers to account?
- Is civil society involved in accountability work on or with government, and could further development of their capacity lead to increased accountability of duty bearers?

#### **In order to hold duty bearers accountable, civil society organisations must**

- Have a **legitimate mandate** to speak on behalf of a certain group of rights holders
- Have a **clear vision** about their role, their objectives and their strategies to achieve these objectives
- Have **communication skills** and **knowledge** on both subject and procedures to be able to influence duty bearers and monitor their performance
- Have the **financial and managerial capacity** to sustain and develop their operations in a transparent and inclusive manner

### **Participation (P)**

Participation in decision making through the right to vote and stand for election is a cornerstone of democracy. Institutions that uphold these rights, for example independent election management bodies, have proven central to democratic governance. Participation is however not only about formal voting rights or representation in politics. Meaningful participation of rights-holders in planning, implementation and monitoring of development interventions is also a way to improve quality of interventions and to create ownership, which is key to sustainable development. One of the central pillars in the Paris Declaration and Accra Agenda on Aid Effectiveness is local ownership and a bottom-up approach to development. Decentralisation efforts and social accountability programmes provide new opportunities for rights holder engagement. However, there are many challenges in making participatory processes inclusive and meaningful. Capacity of duty-bearers and other stakeholders to engage in constructive dialogue is one of these. They must know the facts (and the fake news) and they must have a mandate to engage in dialogue and to translate ideas and proposals of the rights-holders into action. They

need to consider that the most marginalised groups may have low literacy skills, have disabilities that need to be accommodated, be restricted by culture to raise their voices or leave their homes etc.

Participation can take the form of focus groups, surveys, interviews, SMS feedback, in depth learning, community score cards, public hearings, joint analyses, or engagement in committees, boards, working groups, etc.

#### **Guiding questions**

- Do the duty bearers have mechanisms in place that are sustainable over time, through which rights holders and those working for their rights can contribute with ideas, knowledge and complaints in a meaningful way?
- Are there explicit and budgeted measures taken to prepare rights holders for meaningful participation e.g. provision of accessible information (context-specific, timely and available through languages they understand and channels that reach them) and support to preparations (e.g. time and safe spaces to prepare, understand and discuss implications)?
- To what extent are rights holders (including the most marginalised), duty bearers and other key stakeholders participating meaningfully in the context analysis, design and monitoring of the contribution?
- Does the contribution take into account risks and challenges to increased participation of stakeholders and include plans to mitigate or eliminate those?

### **Transparency (T)**

Through a combination of dialogue and support measures, Sida/donors could support governments to develop understanding among decision-makers and civil servants at different levels of the gains of being transparent in policy decisions, plans and budgets. Possible indicators of commitment to transparency could be:

- Existing and updated information on community/city and/or provincial level on policy decisions, budget, council meeting agendas and readiness and efficiency to provide information to the public
- Special measures for information accessibility for people with disabilities, language minority groups, children and illiterate population groups, especially women of all ages

- Public disclosure of parliamentary votes and parliamentary debates
- An enabling legislation according to e.g. [AU Convention article 9](#)
- [Publicising public expenditure](#) per sector and district
- Public disclosure of the [actions taken to fight corruption](#), including in the financial systems and the judicial institutions
- Accessible and understandable information on how the justice system works and how the structures of decentralised power function

In authoritarian, conflict or post-conflict contexts special attention needs to be paid to the risk of exclusion of e.g. ethnic, religious or political groups. These groups may be excluded from their right to information, and security measures may limit the transparency of government systems and services.

Considering how disempowering corruption is to a rights-based policy implementation, special attention needs to be paid to this aspect. Sida/donors could support government to:

- work to increase awareness among public officials and actors in the private sector of the social costs of corruption in general and for already discriminated groups in particular
- promote public discussion on corruption reform and facilitate dialogue between actors from government, civil society and private sector
- continue to develop public expenditure tracking studies, which include specific analyses of how money and programmes reach women, children, marginalised and people living in poverty.
- enable civil society organisations, parliament, and the media to exercise control of the implementation of anti-corruption policies

Read more on [Sida help desk on anti-corruption](#).

#### Guiding questions:

- Is information available and accessible to those concerned, including rights holders, duty bearers and other relevant stakeholders?
- Are there explicit efforts to reach rights holders who may not be able to read, hear, see and understand messages, depending on e.g. low levels

of education, disability and age by e.g. providing information through cartoons, theatre, role play, storytelling, sign language, plain language etc?

- Are stakeholders aware of their right to access information?
- Is relevant information shared with stakeholders through channels and in physical locations they can easily access e.g. via village committees, local CSOs, radio, TV, mobile phones, websites, printed publications or other?
- Is the information concrete and truthful enough about implications to enable qualitative decision-making?
- Does the contribution take into account risks and challenges of working with transparency, and include plans to address misinformation?
- Can stakeholders access and share information without fear of reprisal?



Enhancing youth participation in Local Governance in Zimbabwe – Diakonia’s programme in Zimbabwe, supported by Sida. Photo: Peeter Kaaman (Embassy of Sweden, Zimbabwe).

## Empowerment and capacity development (E)

### In order to claim their rights men/boys, women/girls (rights holders) must

1. Be empowered and **know their rights**
2. Have opportunities and tools to **express their claims**
3. Be able to **take action** against violations and to make complaints to a mandated body

### In order to fulfil their obligations government representatives (duty bearers) must

1. Understand and **accept his/her responsibility** to promote and protect the rights of all citizens without discrimination
2. **Be afforded the authority** to carry out his/her obligations.
3. **Have the capacity** e.g the access and control over financial, human and institutional resources required to carry out his/her obligations

Democratic governance is about the use of power and how state institutions and citizens relate to each other to make change happen. In its efforts to assist governments to become more democratic and respectful of human rights Sida needs to combine measures to a) support duty bearers to fulfil their obligations and b) empower rights holders to claim their rights.

The role of both individuals and organised groups is crucial to strengthen and monitor the relationship between those in power and those claiming their rights; therefore in a democratic context the civil society organisations have a particular place, along with an active Parliament and a free media. Sida's support must be based on an analysis of these interlinked

aspects and how they differ depending on the context and national challenges.

Strategically selecting whom to engage with is a vital element of HRBA. A stakeholder analysis helps to assess what power, capacity and interest different stakeholders have to contribute to the realisation of the desired outcomes. This is often done in the multi-dimensional poverty analysis (MDPA), but also needs to be specific to each contribution.

In order to complete a stakeholder analysis, there is a need to identify all relevant stakeholders that could support or work against the desired outcome/s. The rights holders were identified in the section on non-discrimination and the duty bearers in the section on accountability. Other stakeholders can be UN agencies, CSOs, religious leaders, bilateral donors, private companies, and in fragile contexts humanitarian actors, etc.

### Mapping questions:

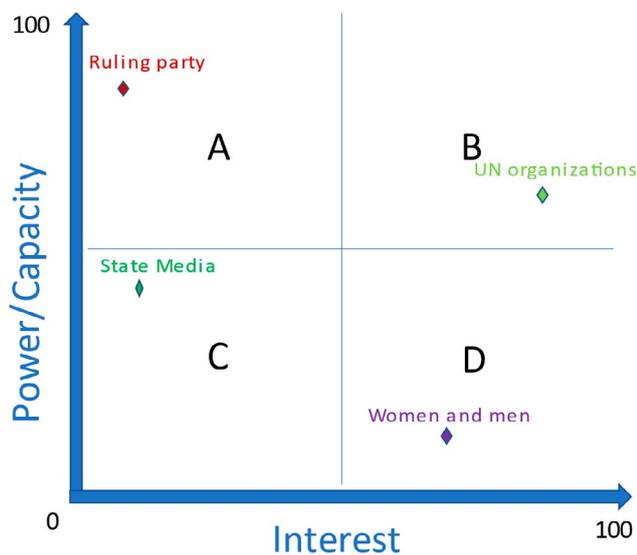
- Who are the most important stakeholders?
- Are they rights holders (RH), duty bearers (DB), or others (including UN agencies, CSOs, religious leaders, bilateral donors, humanitarian actors, etc.)?
- What is their current power or capacity to improve human right/s?
- What is their current interest in improving the human right/s?

### Outcome: The Zimbabwean people are able to candidate and participate freely in the elections

Who are the stakeholders?	Are they rights holders (RH), duty bearers (DB), or other?	What is their current power or capacity to influence outcomes?	What is their current interest in improving the outcomes?
Women and men, from all ethnic groups, in rural and urban areas, including emigrants and those with disabilities	RH	10	65
Political Party (opposition)	DB	20	80
Political Party (ruling)	DB	80	10
Local government bodies	DB	40	80
The National Electoral Commission	DB	95	20
National Human Rights Commission	Other	40	90
UN organization	Other	60	85
State Media	Other	45	15

In order to facilitate the overview of each stakeholder, you can make an assessment of their current power and capacity to engage as well as their willingness and interest to improve the issue. You can facilitate the assessment by rating this for each stakeholder, using a scale of 1=negative/nonexistent to 100=very high (or any other scale that is more practical).

Contributions do not usually involve all stakeholders. A selection of stakeholders to engage with can be made by plotting all the stakeholders in a graph like the one below to assess how much power/capacity they have to influence or fulfil human rights outcomes – and how much interest, political will, commitment etc.) they have in these human rights outcomes.



Actors in squares B and D normally have a high interest in realising the desired human rights outcome. Actors in D could need empowerment or capacity support to be able to engage in a way that influences the outcome. Actors in square C may or may not be worth the effort to involve since they currently have both low interest and power/capacity to contribute to the desired change - unless they present an essential obstacle to achieving the outcomes.

**Guiding questions:**

- Could empowerment of identified key rights holders advance outcomes?
- Could capacity building of key duty bearers advance outcomes?
- Could capacity building of other key stakeholders advance outcomes?
- Could the above stakeholders’ interest in advancing the outcome be increased?
- .... , and if so in what way should that be done in the specific context of the contribution?

Working with HRBA entails contributing to changes in stakeholders’ powers, capacities and interests in a way that advances outcomes. Such changes are referred to as “transformative”. The contribution needs to clearly describe how it will support or influence the key stakeholders to move towards increased power, capacity or interest. A broad toolbox is needed to select the best ways to impact the power/capacity and interest of stakeholders. Remember that it is not always knowledge/awareness that is lacking. You need to consider a range of support measures.

- Incentives and resources
- Facilitation of networking and increased participation of certain stakeholders
- Using legal frameworks, or links between the contribution and existing human rights recommendations
- Facilitation of transparency and accountability for certain stakeholders

Finally, it cannot be over-emphasized that there are risks of doing harm when working to change power, capacity and interest dynamics. Identifying those risks and including key stakeholders with knowledge and experience on conflict prevention and mitigation in the context from the very start can make a difference.

## USEFUL LINKS AND REFERENCES

The United Nations 'Practitioners Portal on HRBA' :  
[www.hrbportal.org](http://www.hrbportal.org)

UN Treaty Bodies, General Comments: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

For resources on governance performance: [Home | Mo Ibrahim Foundation](#), [www.afrobarometer.org](http://www.afrobarometer.org) or the Global Integrity Index (GII) [www.globalintegrity.org](http://www.globalintegrity.org). See also the Varieties of Democracy Institute, [V-Dem](#)

UN Human Rights Office (OHCHR) online database with jurisprudence from the UN treaty bodies:  
<http://juris.ohchr.org>

An overview of Human Rights instruments and their status per country can be found on [www.claiminghumanrights.org](http://www.claiminghumanrights.org)

To read more on budget transparency and indexes <http://www.internationalbudget.org/> and <http://www.openbudgetindex.org/>

[Sida help desk on anti-corruption](#)

Useful resources on human rights and democratic governance are

- [Transparency International](#)
- [Open budget reports](#)

On disability and the SDGs: <http://www.washingtongroup-disability.com/> , Disability Statistics by Washington Group on Disability Statistics, UN city group established under the United Nations Statistical Commission