OUTCOME EVALUATION OF OUTCOME 3
"Strengthened Capacity of Institutions to Promote and Protect the Right to Development to Include a Gender Perspective on Development"
Conducted by the Ateneo Human Rights Center
Attys. Sarah Lou Arriola, Sedfrey M. Candelaria,
Carlos P. Medina, Jr. and Amparita Sta. Maria

PART ONE. Context of the UNDP Project

Sometime in January 1998, UNDP introduced a policy document entitled, "Integrating Human Rights with Sustainable Human Development." This policy paper outlined UNDP's strategy for integrating human rights into sustainable development and called for a universal and holistic approach, stressing the indivisibility and interrelatedness of all human rights – economic, social, cultural, civil and political. One of the implications of this policy is the attention given to UNDP capacity development for integrating human rights in key focus areas, as well as the development of tools and methodologies enhancing UNDP programming modalities. Through HURIST, one of the program objectives is to develop tools for human-rights based programming. UNDP Philippines has adopted the rights-based approach to development (hereinafter "RBA") by way of developing a right-based training manual for the UNCT, conducting rights-based training for the UNCT and some UNDP program staff, initiating an evaluation of the Philippine Human Rights Plan, advocacy of the rights-based approach to development partners, and working to build capacities of national human rights institutions and the judiciary to protect, promote and fulfill human rights.

PART TWO. Objective of the Outcome Evaluation

The Outcome Evaluation is expected to improve the effectiveness of UNDP and its partners in implementing programs/projects to achieve intended outcome within the Results Based Management Framework.

Specifically, the Outcome Evaluation aims to accomplish the following:

1. **Determine the mechanisms by which outputs of programs/projects led to the achievement of specified outcome.**
2. **Determine if and which program processes, e.g. strategic partnerships and linkages were critical in producing the intended outcome.**
3. **Identify the factors which facilitated or hindered the progress in achieving the outcomes, both in terms of the external environment and**

those internal to the portfolio projects(s) including: **weaknesses in design, management, human resource skills, and resources.**
4. **Document lessons learned in the development and implementation stages of the project.**
5. **Recommend mid-stream changes, if necessary, in the implementation of the programs and projects.**

PART THREE. Methodology

There were three members of the Ateneo Human Rights Center (namely: Atty. Sarah Lou Y. Arriola, Atty. Sedfrey M. Candelaria and Atty. Amparita Sta. Maria), who conducted separate interviews of the heads/representatives of the UNDP partners implementing various programs/projects. Sometime in December, 2003, AHRC requested for a FGD with some of the partners but only Mr. Red Battario responded. Later, a UNDP level validation meeting was conducted on January 23, 2004. Validation exercises were also carried out with the participation of program partners on April 27, 2004.

MATRIX OF PROJECTS, CONTACT PERSONS/INTERVIEWEES, AND SCHEDULE OF VISITS

PROJECT TITLE	CONTACT PERSONS/INTERVIEWEES	SCHEDULE OF VISITS
CLUSTER 1: INSTITUTIONAL STRENGTHENING OF HUMAN RIGHTS INSTITUTIONS		
Preliminary Findings on the Philippine Human Rights Plan Evaluation	Antoinette Virtucio Development Academy of the Philippines Tel. Nos. 631 2132 / 631 2146	Sarah Lou Y. Arriola January 2004
Rights-Based Governance Review Report	Antoinette Virtucio Development Academy of the Philippines Tel. Nos. 631 2132 / 631 2146	Sarah Lou Y. Arriola January 2004
CLUSTER 2: HUMAN RIGHTS CAPACITY-BUILDING		
Rights-Based Approach to Development Programming	Ms. Amparo Tomas E-mail: amparo.tomas@undp.org Ms. Maria Socorro Diokno Telefax No. 914 3821 E-mail: flag@flag.com.ph Ms. Jean Ilo IPC, Ateneo de Manila University	Amparita Sta. Maria December 2003

Mobilizing Media Engagement for Mainstreaming the Rights-Based Approach to Development Through Awareness Building and Popularization Strategies	Mr. Red Battario Center for Community Journalism and Development Telefax No. 644 9928	Sedfrey M. Candelaria December 2003
Human Rights Governance and Elections Trainers' Training Module and Kit	Armando Paragat Task Force Detainees of the Philippines Tel. No. 437 8045 / 911 3643 Nerissa Piamonte Commission on Human Rights Tel. Nos. 925 3884 / 927 2199	Amparita Sta. Maria December 2003
Rights-Based Approach Capacity-Building Seminar for the Commission on Human Rights Officers and Employees	Nerissa Piamonte Commission on Human Rights Tel. Nos. 925 3884 / 927 2199 Maria Socorro Diokno Telefax No. 914 3821 E-mail: flag@flag.com.ph	Sarah Lou Y. Arriola January 2004 Carlos P. Medina, Jr. December 2003
Trainors' Training on Rights-Based Approach to Development	Nerissa Piamonte Commission on Human Rights Tel. Nos. 925 3884 / 927 2199 Maria Socorro Diokno Telefax No. 914 3821 E-mail: flag@flag.com.ph	Sarah Lou Y. Arriola January 2004 Carlos P. Medina December 2003
CLUSTER 3: JUSTICE AND JUDICIAL REFORM		
Strengthening the Other Pillars of Justice: Reform in the Department of Justice (Phase 2)	Mr. Nestor U. Venturillo Program Management Office Supreme Court Tel. Nos. 552 9578 / 552 9588	Sedfrey M. Candelaria December 2003
Access to Justice Component: Baseline Studies	(same)	Sedfrey M. Candelaria December 2003
Jail Decongestion Project	(same)	Sedfrey M. Candelaria December 2003
Freedom and Death Inside the Jail: A Participatory Research on Members of the Quezon City Jail Community	(same)	Sedfrey M. Candelaria December 2003

QUESTIONS FOR THE INTERVIEW OF
UNDP PROJECT IMPLEMENTORS

1. What was your understanding of a rights-based approach to development when you accepted this project?

2. What specific tools or mechanisms did you use to incorporate the rights-based approach to development in the context of this project?

3. Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?

4. On the constituencies
    Who were the constituencies?
    How did you tap them?
    Was there gender balance?
    Was it difficult to tap the constituencies due to the rights-based approach of the project?

5. What were the factors which facilitated the implementation of the project?
    Identify the internal and external factors.

6. What were the obstacles encountered in the implementation of the project?
    Identify the internal and external factors.

7. What changes did you make during the project?

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?
    What happened?

9. What was the over-all impact on the right to development of the project in terms of the:
    a. Objectives?
    b. Constituents?

10. How do you envision sustaining and replicating the project?
    What were the lessons learned in the project?
    What are your recommendations?

11. What is unique in your project?

PART FOUR. Findings and Results of the Activities

CLUSTER 1
Institutional Strengthening of Human Rights Institutions

I

Project Title:
**PRELIMINARY FINDINGS ON THE
PHILIPPINE HUMAN RIGHTS PLAN EVALUATION**

Agency to be Evaluated:
Commission on Human Rights (CHR)

Independent Evaluator:
Development Academy of the Philippines

Interviewee:
Ms. Antoinette Virtucio

Nature of the Project

The Development Academy of the Philippines (DAP) was engaged to assess the implementation of the Philippine Human Rights Plan (PHRP).

The Evaluation of the Philippine Human Rights Plan (1996-2000) has two main objectives: to review the PHRP implementation and status, and to assess PHRP institutional arrangements. Using the key informant technique as the main methodological tool, several representatives from the sixteen (16) vulnerable groups as well as some officials and staff of the Commission on Human Rights, have been interviewed on the dimensions of the PHRP implementation. Progress of each PHRP sectoral plan was reviewed and analyzed examining the PHRP Action Agenda.

The study situates the PHRP within the international commitments on human rights leading to the standards set for each sector. The PHRP is based on the Vienna Declaration and Program of action, which states in paragraph 71 of its Declaration: "The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights." Under the leadership of the Commission on Human Rights (CHR), a series of consultations at the regional and sectoral levels were implemented as preparatory activities in the formulation of a long term PHRP.

The fundamental purpose of a national human rights action plan is to improve the promotion and protection of human rights in a particular country. It does this by placing

human rights improvements in the context of public policy, so that governments and communities can endorse human improvements as practical goals, engage all relevant sectors of government and society and allocate sufficient resources.

Sectors Interviewed:

1. Women
2. Children
3. Youth
4. Elderly
5. Indigenous Cultural Communities (ICC)
6. Muslims
7. Persons with Disabilities
8. Mentally Disabled Persons
9. Prisoners and Detainees
10. Private Sector Labor
11. Public Sector Labor
12. Internally Displaced Persons
13. Migrant Workers
14. Urban Poor
15. Informal Labor
16. Rural Workers

INTERVIEW ANSWERS OF MS. ANTOINETTE VIRTUCIO

PROJECTS IMPLEMENTED:
 - **Preliminary Findings on the Philippine Human Rights Plan Evaluation**
 - **Rights-Based Governance Review Report (the project is still ongoing)**

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

When the PHRP Evaluation was contracted, they had no idea about the RBA. They just used the CHR framework.

As for the Governance Review Report, they just followed the framework of the UNDP.

In both cases, they had no idea what the RBA is.

2. **What specific tools or mechanisms did you use to incorporate the rights-based approach to development in the context of this project?**

PHRP: They used a combination of performance interview as well as review of documents to assess if they were able to do the plan. They also did an analysis of the institutional arrangement. They had sixteen (16) sectors and for each of the sectors they had local agencies. They just analyzed the data.

Governance: The project aims to review governance using the rights-based approach. They are still developing the framework. They are still in the process of developing indicators.

3. **Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?**

In the PHRP, gender is part of it because gender is one of the sectors. So it is there already.

In Governance Review, it is part of the mandate. They were also tasked with coming up with gender based results like for example in the health sector. Thus, gender is already mainstreamed because the different sectors under review have been mainstreaming it already.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

In both projects, which were both evaluations, they were not able to choose the people involved. Thus, it was the UNDP and the CHR who determined who should be interviewed.

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

PHRP: They saw that there was replication in the program as well as the functions of other agencies like in the sector of children (with the Council for the Welfare of Children) and in the sector of women (with the National Council for the Welfare of Children). However, when it comes to other sectors like indigenous peoples and prisoners, the CHR became quite effective.

They recommended to the CHR the much needed coordination with other government agencies specializing in their respective sectors.

The main problem here is that the CHR does not have a lot of funding.

GOVERNANCE: The RBA was used and it was in coordination with the UNDP. They are managing the sub-component of the governance review report.

Their approach is more of a diagnostic tool. They use the tools to determine who are the duty bearers and claim holders and see how the state of governance is being achieved.

They are looking at what is happening from the perspective of claim holders.

6. **What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.**

PHRP: UNDP was looking for more results but the funding they gave was limited.

GOVERNANCE: To date, there are still no obstacles. However, since the project is still ongoing, it is still indeterminable.

7. **What changes did you make during the project?**

In both projects, they had to add other ways of gauging due to the expectations of UNDP. The problem of limited funding came up.

8. **What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?**
   What happened?

PHRP: The strength of the PHRP is that it has drawn more attention to the vulnerable sectors. However, duplication of functions with other agencies cannot be avoided.

GOVERNANCE: It is the first time that someone is looking at governance from the point of view of the claim holders.

9. **What was the over-all impact on the right to development of the project in terms of the:**
       a. Objectives?
       b. Constituents?

For both projects, it brings into consciousness the rights-based approach. Even the implementers are being educated on the RBA. The major difficulty is the newness of the project.

10. **How do you envision sustaining and replicating the project?**
    What were the lessons learned in the project?
    What are your recommendations?

PHRP: There is a need for redefining the role of the CHR to sustain the projects and strengthen their capacities in that area just like what the NCRFW is doing at present. It is also important that in the process the CHR should have indicators and benchmarks.

The CHR should also have the power to call upon other government agencies to use the RBA.

GOVERNANCE: The project is still ongoing.

11. What is unique in your project?

PHRP: DAP has a certain degree of independence in implementing its projects.

GOVERNANCE: They are trying to bring a new approach on how the state of governance should be assessed. Although DAP is also a government agency, it has less bias and it can appreciate and apprise the mandate of the different government agencies. Moreover, they have also a certain understanding of the different functions of the government agencies.

CLUSTER 2
Human Rights Capacity Building

I

Project Title:
TRAINING IN A RIGHTS-BASED APPROACH TO DEVELOPMENT PROGRAMMING FOR THE GOP-UNDP GOVERNANCE PORTFOLIO

Institutional Partner:
Institute of Philippine Culture
Ateneo de Manila University

Interviewee:
Ms. Jean Ilo

In October 2002, the United Nations Development Programme (UNDP) contracted the Institute of Philippine Culture (IPC) of the Ateneo de Manila University to conduct the training workshop on a rights-based approach (RBA) to development programming for the governance portfolio of the Government of the Philippines (GOP) and UNDP. The workshop took place on 25 to 29 November 2002 in Clark Field, Pampanga. This report describes and analyzes the salient features of the training workshop, the participants' evaluation of the various workshop sessions, and the training team's assessment of the workshop participants.

Introduction to the Training

The training program sought to build or strengthen capacities of the members of the Portfolio Steering Committees (PSCs) for the implementation of a rights-based approach to development programming. The approach integrates the norms, standards, and principles of the national and international human rights systems into the systems, plans, policies, and processes of development.

The training was intended to improve the training manual, draw lessons and insights from the experience of the participants, and contribute to improving RBA as a methodological process. Some of the participants also looked at the workshop as an opportunity to improve the "shells" or programs they were handling in the portfolio. This became especially evident in one of the last exercises in which they developed a set of rights-based indicators in their shells, enabling them to test their skill in applying RBA to their shell, and get feedback on the indicators they had developed.

Participants

The target participants for this batch were those from the governance portfolio covering nine (9) programs, namely: judicial reform, electoral and political reform, anti-corruption, economic management sector and civil service reform, decentralization and

local governance, right to development, legislative reform, globalization and corporate citizenship, and governance review.

The workshop involved a total of twenty-three (23) participants, but only thirteen (13) were present throughout the five (5)- day activity. One missed the first day, while another skipped the first two modules and came on the third day to replace the person who represented the agency (COMELEC) on the first two days. Three participants (two from NEDA and another from CHR) missed a day's session to attend to emergency office or personal matters in Metro Manila. Meanwhile, five (5) came only on the first two days (that is, Modules I and II).

The agencies represented were the Civil Service Commission (CSC), Commission on Election (COMELEC), Commission on Human Rights (CHR), Department of Budget and Management (DBM), Local Government Academy of the Department of Interior and Local Government (DILG-LGA), Department of National Defense (DND), Development Academy of the Philippines (DAP), National Anti-Poverty Commission (NAPC), and National Economic and Development Authority (NEDA). Aside from NEDA, which had a total of eleven (11) participants for the first two days and nine (9) on the succeeding days, the agencies had at least one (1) representative throughout the five (5)-day workshop. UNDP was also represented during the first two days.

NEDA, UNDP, and the IPC/Ateneo training team expected the training to be participated in by PSC members and their technical staff, and by members of the NEDA-- based secretariat, which was tasked with the monitoring and evaluation of the portfolio of the seventeen (17) PSC members, but only DBM Director Amelita Castillo and NEDA Director Virgilio V. Salentes attended the sessions on the first two days. Of the program managers, only COMELEC Director Angelo Angeles came, albeit on the last three days. Although the participants actively engaged in the RBA training, they were not the target participants. This distinction was emphasized during the action planning session, when many of the agency representatives felt unsure about making plans that would commit their respective agencies.

The absence of PSC members in the training was reportedly caused by an emergency portfolio meeting, which took place during the training period. To make up for their absence, the PSC members asked the training team, through NEDA, to provide them with advanced copies of the training kit. While the kit contained the key conceptual papers and the handouts of some presentations, it failed to capture the instructions and the experience of working with the different groups, giving and receiving feedback, and thinking together.

INTERVIEW ANSWERS OF MS. JEAN ILO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

The IPC patterned its framework after the UNDP RBA training manual, and adapted it to the governance portfolio of the participants. The framework discussed RBA in the context of development as a person's freedom to access and enjoy the entitlements due him or her. These rights or freedoms are found in the principles of human rights, which were acknowledged as necessary in the development process. Good governance is the ability to exercise power in order to serve. Both RBA and good governance promote equity, people's participation, transparency, attention to vulnerable groups, independence of the judiciary, legislative capacity and rule of law, and empowerment. As explained by the manual, the five (5)-day seminar will follow this process:
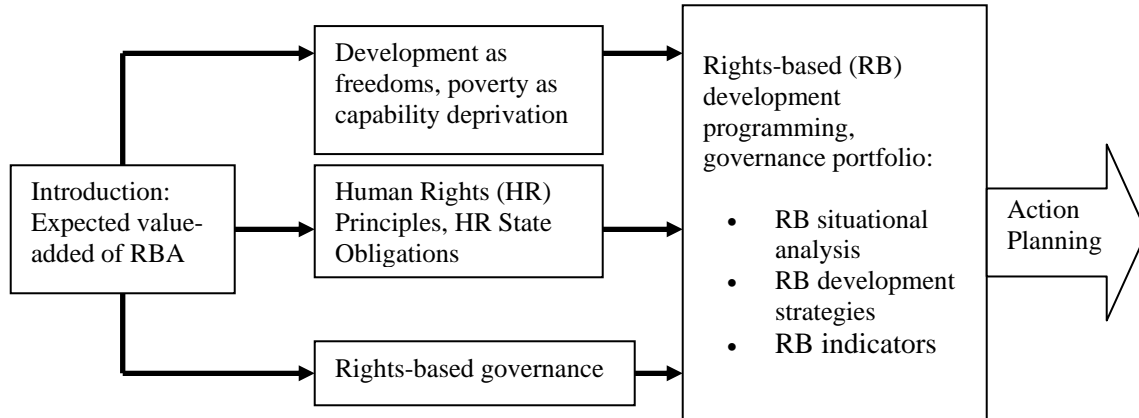
2. What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?

The methodology used was participatory in nature. There was a training needs assessment (TNA) conducted prior to the seminar with the members of the Portfolio Steering Committee (PSC) and the NEDA Secretariat. There were two (2) identified areas of concern: deepening understanding of the RBA and its specific application to the governance portfolio.

Unfortunately, when the actual training began, of the seventeen (17) PSC members, only two (2) attended the sessions on the first two days; and of the program managers, only one participated though only on the last three (3) days.

Other tools and methodologies used were actual case studies for analyzing rights-based development, lecture-discussions, visual aids for group discussions and presentations and handouts.

3. Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?

Gender was discussed within the context of non-discrimination and equality. There were no specific activities to mainstream gender.

After the introduction and discussions of key concepts such as RBA, human rights and governance, the seminar focused on how the RBA could be applied to the governance portfolio of the participants.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

The target participants were from the governance portfolio of the Philippine government covering nine (9) programs, namely: judicial reform, electoral and political reform, anti-corruption, economic management sector and civil service reform, decentralization and local governance, right to development, legislative reform, globalization and corporate citizenship, and governance review. At the outset, the training had the objective of strengthening the capacities of the members of the PSCs for the RBA to development programming. So the target participants were already pre-identified by the partners, specifically, NEDA. The participants were also equally represented by women and men.

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

Since the training had a specific target for participants and a TNA was conducted before the training, the modules were designed to respond to the initial concerns brought out during the TNA. The resource teams coming from IPC and NEDA were readily identified.

6. **What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.**
   (Response integrated with #7)

7. **What changes did you make during the project?**

At the outset, there was some difficulty experienced by IPC in dealing with NEDA people mainly because of personality differences. This somehow prevented them as partners to fully coordinate and cooperate, even after the training. The partners have not sat together and evaluated the entire training seminar.

There was also a problem with the attendance of the participants. Of the twenty-three (23), only thirteen (13) were present throughout the five (5)-day training. The rest were not able to complete the training although some were substituted by other staff coming from the same agencies. This, however, also presented a problem because during the action planning, many of the agency representatives felt unsure about making plans that would commit their respective agencies. Because of the changes in the participants and the latter's request for more time to discuss concepts and issues, the modules on the 2nd,

3rd, 4th and 5th day were changed so that the participants would have more time to process the new information and inputs during the first two days; and so that they could be more participatory in the workshop.

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?
   What happened?

The major strength of the workshop came in the first two days where the inputs and concepts were well communicated to the participants. The theoretical framework and the training flow were also well thought of although the particular target participants were not exactly the same as when the TNA was conducted. When the facilitators noticed that the participants were not as responsive as they should be, they decided to modify the modules to suit the needs and interests of the current participants, albeit remaining faithful to the original objectives of the sessions.

The weakness of the training lies in the attempt to actually apply the RBA in the governance portfolio of the participants: how to mainstream human rights in their programming and how to apply RBA in the Philippine context. This became a difficult task because the participants were not all present during the entire five (5)-day training and more importantly, the participants needed time to integrate and digest all the new information before they could be effectively engaged to continue the workshop, which involved action planning. As stated earlier, this is the main reason why the modules were modified after the first day.

9. What was the over-all impact on the right to development of the project in terms of the:
   a. Objectives?
   b. Constituents?

The overall impact as seen in the evaluation has been good. A high majority felt that their knowledge of the core content of the training on human rights, its normative content, international binding obligations, good governance and the citizen's right to the same, has been enhanced. Although the CEDAW part, the rights-based developing strategies, rights-based development programming, rights-based output and rights-based outcome indicators did not score as high, all were still above 50%.

10. How do you envision sustaining and replicating the project?
    What were the lessons learned in the project?
    What are your recommendations?

Before replicating the project, the partners should sit together and review what has been done, and what is being done in this area so that a more responsive framework can be formulated and used in future trainings. One of the lessons learned is that: (a) the participants must be consistent in terms of attendance because the sessions in these types

of training are not isolated from each other such that a certain government agency can just send different people for different sessions. The training is designed in such a way wherein the concepts are inputted first and explained and, then, participants are expected to analyze a situation given the framework and later on, suggest the appropriate action plans according to the new knowledge. Hence, in a training, which is designed to be a progressive learning, the consistent presence of participants is crucial. It might also be more appropriate if the members of the Portfolio Steering Committee (PSC) were not lumped together in one training because they come from different fields and have different mandates. Also, it is suggested by IPC that a "break" be placed between the time that the participants are given the core concepts on RBA and human rights, and governance and the actual application of these concepts to their development programming. This way, the participants will have more time to digest the new information and have a deeper understanding of the same.

Some of the recommendations which came from IPC itself as stated in its report dealt with (a) attendance; (b) adequate TNAs; (c) more meetings and preparations by training team for better coordination and planning; (d) better training facilities and equipment; (e) time management, picking up from good practices by effective resource persons; (f) review and redesign of modules and materials; and, (g) the need for "continuing education" in the preparation of rights-based situational analysis, intervention strategies, and indicators.

11. What is unique in your project?

The application of the RBA framework to program development by participants such as those from the Portfolio Steering Committee of the government is a welcome development and at the same time, a vital innovation which can be used in reviewing development policies and forming strategies. It is important that this training be further polished and made responsive to the specific need of the different government departments and agencies.

II

Project Title:
**MOBILIZING MEDIA ENGAGEMENT FOR MAINSTREAMING
THE RIGHTS-BASED TO DEVELOPMENT THROUGH AWARENESS
BUILDING AND POPULARIZATION STRATEGIES**

Institutional Partner:
Center for Community Journalism and Development

Interviewee:
Mr. Red Battario

Nature of the Project

For the Media, Democracy and Development Initiatives (MEDDIA) to contribute to the formulation, adoption and enforcement of policies and mechanisms enhancing the right to information, gender equality and other rights-based approaches to development by mobilizing and laying the groundwork for news media engagement within the period November-December 2002.

MEDDIA's intended outcome as stated in the project results and resources framework is the enhanced and strengthened capacity of the news media towards ensuring transparency and accountability of governance, gender equality, and the strengthening of media-citizen partnership mechanisms to better address governance, development and rights-based issues/concerns.

It is likewise seen as critical in contributing to the formulation of a rights-based approach to development framework by taking the lead in the popularization and awareness building activities.

MEDDIA is being anchored by the Center for Community Journalism and Development (CCJD). It is composed of the following media NGOs: Philippine Center for Investigative Journalism (PCIJ), Center for Media Freedom and Responsibility (CMFR), and the CCJD.

MEDDIA, through the lead media organization, Center for Community Journalism and Development, undertook the following activities:

1. Media Convergence Workshops
2. Right to Development Program Orientation Dialogues
3. Preparatory Work for Video Production and Manual/s
4. Development of MEDDIA Literature
5. Initial Media-Led Popularization Activities
6. Policy dialogues on RBA with emphasis on access to information

INTERVIEW ANSWERS OF MR. RED BATTARIO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

The "right to information" from a human rights perspective became an anchor to translate information to the public. CCJD understood human rights from both civil and political rights and economic, social and cultural rights dimensions, but they focused on civil and political rights and understood economic, social and cultural rights as a bigger framework. RBA was then based on the "right and access to information". They admitted being aware of the international human rights instruments. The UNDP project provided clarity to their thrust.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

Selected writings of journalists have been used as materials in trainings conducted by the CCJD. These writings contain elements of good journal articles.

3. **Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?**

Gender is a major area of concern, which is naturally embedded in the CCJD's mandate and structure. The three (3) main perspectives of CCJD are as follows: (a) gender equality; (b) peace and development; and, (c) governance.

Mr. Battario pointed out that in the media industry, there is a problem on gender equality, as manifested in differences in pay schemes, cases of harassment, etc. ... Some mechanisms exist to address these problems through the Kapisanan ng mga Broadkaster ng Pilipinas (KBP). These is a sexual harassment ad hoc committee in the KBP and the others committee in the Philippine Press Institute (PPI). There are efforts to improve the use of politically correct language in the course of editorial work.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

The main focus of the CCJD are tri-media community journalists operating outside Metro Manila. In the future CCJD would like to engage the academe outside Metro Manila in light of peace and development issues.

The strength of the CCJD is its partnership with local institutions composed of:

academics, association of journalists, NGOs (governance and peace groups and Notre Dame University). The effort to incorporate RBA with the local partners is not too clear yet. As far as the Mindanao constituency is concerned, the entry point is the use of the human rights approach in the context of political rights and security even before the right to development is used.

5. What were the factors which facilitated the implementation of the project? Identify the internal and external factors.

Internally, CCJD's partnership with local and national institutions was a useful factor in the implementation of the project. An interesting manifestation of this close partnership was the adoption of "Freedom Fund for Community Journalists" intended to address the plight of journalists subject of recent killings.

Externally, the so-called "Article 19 Movement" (Access to Information Network) gave impetus to the work of local journalists. CCJD also experienced the opening-up of local governments to community journalists.

Ironically, the negative conditions of the country serve as a trigger point for the implementation of CCJD's projects.

The UNDP peace-building efforts in Mindanao served as building blocks for CCJD's work.

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

Internally, the two (2) year discussion with UNDP was stalled because of reorganization in UNDP. This affected the information of the project. There was also problem with the bureaucracy of the executing agencies.

Externally, there was not much problem. CCJD realized that the best defense is accuracy of information. There is also the tendency of some local governments to uphold right to information due to networking.

7. What changes did you make during the project?

The period of delivery was affected because of delay in the release of fund. Secondly, the original fund was also not enough. CCJD had to borrow money to serve as "bridge funding" through the help of friends.

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?
What happened?

CCJD had developed a strong partnership with the Evelio B. Javier Foundation program

in 1996.

Internally, there is a small staff of five (5), which has a mandate to operate nationally. Besides, the organization is still very new and it has yet to strengthen its foundations.

9. **What was the over-all impact on the right to development of the project in terms of the:**
   a. Objectives?
   b. Constituents?

The project gave focus on the programs and priorities of CCJD.

On the CCJD constituents, community journalists increased to considerable number as a result of the project. As far as the public is concerned, it may take time to evaluate the impact of the project.

10. **How do you envision sustaining and replicating the project?**
    What were the lessons learned in the project?
    What are your recommendations?

The local organizations and the community of journalists are in a position to replicate the project. There is need for patience and resourcefulness. There is no need to reinvent the wheel by looking at some good practices. Efforts at coordination with institutions should be pushed.

11. **What is unique in your project?**

What is unique with the project is the fact that it deals with media and, more particularly, community journalists.

III

TRAINING IN HUMAN RIGHTS IN GOVERNANCE AND ELECTIONS PROJECT (PHASE TWO)

Project Title:
Electoral Education for Grassroots

On the Initial Project:
**"Trainers' Training for Community Leaders on
Human Rights in Governance and Elections"**

Executing Agency:
Philippine Commission on Human Rights (CHR)

Implementing Agency:
Task Force Detainees of the Philippines (TFDP)

Interviewee:
Mr. Armando Paragat

Nature of the Project

This is a continuation of the previous undertaking that involved training of trainers. The three (3) groups of trainers trained (1 per island) constitute the pool of human rights educators that will conduct and facilitate voter's education within their community or constituency.

A series of one-day discussion on human rights and election was conducted within TFDP's focus areas or province. It tackled the following issues: the situation of local politics, protection and realization of the right to participate in governance (Art. 25; ICCPR), specifically the right to suffrage, and the criteria to be used, based on human rights principles and standards, in electing public officials.

Prior to the actual conduct, the facilitator's pool was convened in a workshop training in designing the discussion guide for the electoral education, including the appropriate learning aids to be used in context with the culture and language of the three (3) focus areas.

The Trainers' Pool

The pool of facilitators of the entire human rights and elections discussions came from the participants of the trainers training (phase 1). The staff from TFDP, with the assistance of CHR personnel from the region, ensured the implementation of such activities.

Target Areas

Priority areas for the conduct of the series of one-day discussions on Human Rights and Elections are TFDP's focus areas, namely: Hacienda Aldamiz in Pola, Oriental Mindoro for Luzon; QUEMTRAS and SUHITRA in Bukidnon for Mindanao; and Manicani Island in Guiuan, Eastern Samar for the Visayas.

Discussions were held within the area of constituency of the Barangay Human Rights Action Centers who have undergone trainers' training and are members of the island facilitators' pool.

Target Participants

Beneficiaries of the electoral education came from the identified areas either as individuals or as members of peoples' organization within their communities.

What Has Been Accomplished (December 2002)

A caucus was held at Sulu Hotel on December 27, 2002 participated in by TFDP and CHR. The activity was able to exceed in meeting its objectives and the following actions were made:

- Discussion on the context of Philippine electoral process and politics
- Agreement on the framework to be used; Human Rights (integrating RBA, gender perspective and right to access to information); Governance; and, Popular Education
- Came up with a Job, Tasks, Knowledge, Attitudes, Skills matrix
- Set specific objectives for the training based on the general objectives stipulated on the TOR
- Laid out topic modules to be developed and assigned writers who will also comprise the training team: Basic Concepts on Human Rights (module 1) - Bingboy/TFDP; Electoral Process (module 2) - Bitoy/TFDP; Electoral Redress (module 3) - Chona/CHR; Human Rights Educator on Peoples' Role in the Election Process (module 4) - Ellen/CHR
- Modified time frame of training from 3 days to 5 days including travel to venue
- Adjusted number of participants from 20 to 15 (10 - representing Human Rights Committee members and Peoples' Organization leaders from the area and five (5) BHRACs)
- Deadline for submission of 1st draft – Last week of January.
- Critiquing Session - February 7, 2003

INTERVIEW ANSWERS OF MR. ARMANDO PARAGAT

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

A caucus was held by TFDP, Ms. Maria Socorro Diokno of FLAG and the CHR to discuss the design of the training. Eventually they agreed that the model CHR was using would be adapted but with modification. CHR's RBA framework works on human rights and development as separate and distinct from each other but there are points of convergence. TFDP modified this and made the convergence much wider.
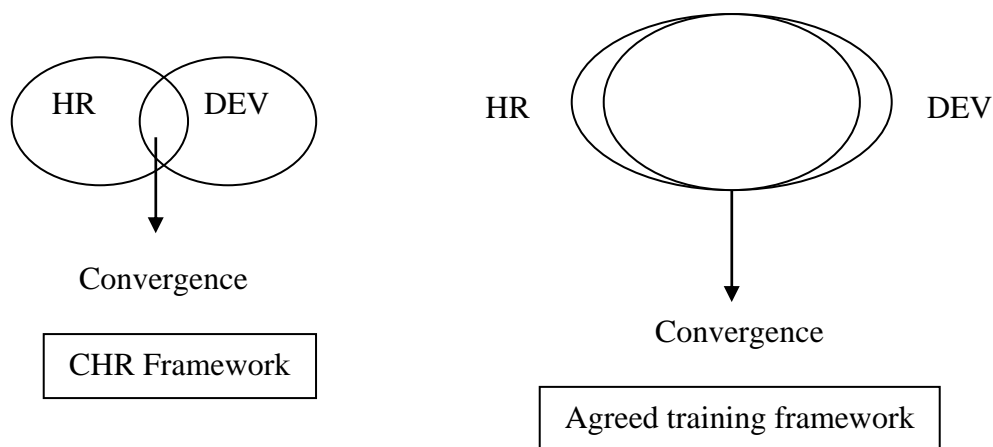
        The module design and actual training started with the basic concept of human rights with emphasis on these rights as the bases of good governance. Good governance, on the other hand, is measured by transparency, responsibility, accountability, participation and responsiveness. It is not clear though if or how these concepts were linked to development. There was also emphasis on right to access to information, gender perspective on participating in elections through the exercise by women of their political rights such as the right to hold and run for public office.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

The methodology used was participatory in nature. The participants were asked to identify the issues within their respective communities, which they thought were violations of human rights. Information was gathered as to the government's response(s), including the communities' response, to these issues.
    These exercises were linked to good governance and the legal bases (international) for good governance. There were visual aids used during the seminar. Again, it is not clear how these issues were linked to the right to development in specific terms.

3. **Did you mainstream gender in this project? Why or why not? Was gender**

mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?

In the introduction of the basic concepts of human rights, there was a session in women's rights in governance, which as stated earlier, focused on the right of women to participate in the electoral processes. While this is being discussed, the issues of discrimination against women and gender socialization were also integrated in the discussions.

At the outset, TFDP and CHR agreed that there should be a gender perspective of the training although it does not seem to be reflected in their agreement.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

The constituencies or beneficiaries of the training were community leaders and people's organizations at the local level, specifically, representatives from the Barangay Human Rights Action Centers (BHRACs). The areas were Hacienda Aldamiz in Pola, Oriental Mindoro for Luzon (peasant struggle and land issue), Manicani Island in Guiuan, Eastern Samar for Visayas (pollution and mining issues) and QUEMTRAS/SUHITRA in Bukidnon in Mindanao (tri-people component).

These communities were already known to TFDP so there was no difficulty on its part in identifying the target participants for the training. More or less it has correctly assumed that the level of information or awareness on the subject of the training was the same for participants coming from said communities. There was also substantial women attendees, who were likewise community leaders. The ratio was almost 50-50 in all the three (3) trainings.

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

The factors that facilitated the training were the following: (a) the communities were already identified and known to TFDP so it was not difficult to ensure that there was commonality in terms of information or lack of it on the training to be conducted; (b) a caucus was held before the actual implementation of the project so things were clearly delineated as far as the partners were concerned, and there was also ample discussion on the appropriate framework to be used; (c) the tasking of the partners, as to who would conduct a particular training session was concerned, was clear and the partners also agreed ahead that ten (10) participants would be identified by TFDP while five (5) would come from the CHR; and (d) there was no problem in the release of funds to TFDP in order to prepare for the training.

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

Although there was coordination and communication during the preparation of the training seminars, there was already concern from the start about the participants to be tapped by CHR. Thus, CHR was asked to ensure that those intended to fill-in the five (5) slots reserved for BHRACs must have undergone basic orientation in human rights and should not be public office holders. Despite this early concern, some participants that were tapped by the CHR were obviously more knowledgeable and educated than the rest of the participants. To highlight the "gap" among the participants, there were regional heads who participated in the seminars while a participant in one seminar turned out to be illiterate. Another concern was the liaison between TFDP and the CHR at the regional level. TFDP had some difficulty coordinating with the regional offices of the CHR and it was under the impression that this was because there was also lack of coordination between the national office of the CHR and the regional offices concerned. As to the substance of the training, it is not certain how the highly educated participants tapped by the CHR responded to the training, which was mostly popular education or "pop ed." On the other hand, there was feedback from the community participants that they did not appreciate a resource speaker from CHR as much as the others because the lecture sounded very "legalistic". Although in the Work Program of the training seminar, the partners were supposed to conduct a training needs assessment (TNA), this was not done due to lack of time. The materials which comprised the participants' kits were no longer reviewed as to whether they were "reader-friendly" or effective for the participants. In fact, browsing through the materials would readily indicate that some materials are quite "heavy" for the intended target participants. There was no time to further ensure that the materials would be reader-friendly. The references used in the training were given to the participants as kits without further editing or summation, thus, each kit was more than 200 pages.

7. What changes did you make during the project?

The training was adjusted from three (3) to five (5) days and the participants were reduced from twenty (20) to fifteen (15).

This is a good adjustment since the participants will not suffer from information overload during the five (5) - day training period and also fifteen (15) is more manageable in terms of ensuring the participation of everyone.

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?
   What happened?

One of the major strengths of the project is that the target participants have a working relationship with TFDP even prior to the training so more or less, even without a TNA, the trainers already had a general profile of the participants. Because the participants

were also asked to identify the issues in their communities and relate this to human rights violations, it was easy for them to identify the rights involved and its relation to good governance.

The weakness of the project stemmed from the fact that the coordination between the CHR through the regional offices with TFDP was not ideal and this was evident in the disparity in the qualifications of the participants invited by TFDP and those invited by CHR. Even the lectures were handled differently by the CHR resource speaker(s). The project also is just part of a bigger plan, which involves the training of the participant "trainers" in its second phase. Thus, without the second phase, it is not possible to assess how successful the trainers' training - this project - has been.

9. What was the over-all impact on the right to development of the project in terms of the:
   a. Objectives?
   b. Constituents?

The objectives of the training were met in the sense that a human rights framework and RBA was used in conducting the seminar ,but, after the seminar, impact assessment has not yet been made by the partners since to date they have not met to discuss a post evaluation of the seminar. Besides, as stated earlier, the "trained" participants have not yet trained other community leaders because of lack of resources and follow-up activities to realize this.

10. How do you envision sustaining and replicating the project?
   What were the lessons learned in the project?
   What are your recommendations?

There should be follow-up activities where the trained participants will have the opportunity to train other community leaders and leaders of peoples' organization, either as facilitators or resource persons of the voters' education within their community or constituency. There should be funding for the next phase in order to ensure the replication and good use of the trainers' training in the first phase.

11. What is unique in your project?

The participants can claim ownership of the project and they will not only become stakeholders but they will also become advocates themselves and teach the election processes with a human rights framework. They will also have the opportunity to improve on the modules and adopt changes, which are more appropriate to a given situation in a target community.

IV - A

Project Title:
TRAINORS' TRAINING ON RIGHTS-BASED APPROACH TO DEVELOPMENT

Agency to be Evaluated:
Philippine Commission on Human Rights

Interviewee:
Ms. Nerissa Piamonte

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

There is only one TOR in RBA Capacity Building and Trainors's Training entitled RBA Capacity Building for CHR. The TOR has two (2) components: one (1) trainors' training and three (3) orientation seminars, which were all given by Ms. Ma. Socorro Diokno.

Not the entire agency had an idea about what RBA is about. Some people within the agency have already a conceptual and working knowledge of what RBA is. As early as 1998, they were already looking at human rights as a framework for development. But there were difficulties in penetrating the government machinery. Also, in 1998, they were already trying to influence the NEDA to use human rights indicators.

Although the term rights-based approach was not being utilized, the concepts and the objective of RBA were already there. An example of their initiative is linking human rights in planning as early as 1998. When the Philippine Human Rights Plan (PHRP) was formulated, there were already elements of RBA like attention to vulnerable groups, equity, equality and participation.

2. **What specific tools or mechanisms did you use to incorporate the rights-based approach to development in the context of this project?**

It was Ms. Diokno who designed the training.

3. **Did you mainstream gender in this project? Why or why not?**
   Was gender mainstreaming in the terms of reference of the project?
   How did you mainstream gender in this project?

Part of the RBA is gender mainstreaming. Gender mainstreaming was already incorporated in the trainings.

4. On the constituencies
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

The training started with the middle management, the Commission members and the directors, and some division chiefs. The Commissioners were not present.

As to gender balance, they consciously tried to attain this but because of the reorganization and the simultaneous activities, some of the original participants delegated the participation to their staff. That was why they lost track of the profile of the participants.

5. What were the factors which facilitated the implementation of the project? Identify the internal and external factors.

Due to the reorganization during that time, there was a lull in the Commission during the project implementation.

The people's issues and concerns were different and varied during that time. But after the training, when some issues were resolved, the staff followed the reorganization.

The training somehow provided an opportunity for the staff to ventilate their issues.

One of the major strengths of the project is that there were very good resource persons for the training. Secondly, the fact that the persons who were oriented or trained had human rights backgrounds was an advantage.

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

It was a difficult time for the Commission since there was an on-going reorganization.

7. What changes did you make during the project?

Ms. Diokno made the changes considering that she was the major implementer of the project.

8. What were the major strengths and weaknesses of the project?
   What did you do to counter the weaknesses?
   What happened?

The strength of the project is in the resource persons. However, the problem with the two projects is due to the problem of the reorganization since there was low morale among the CHR staff and personnel.

9. **What was the over-all impact on the right to development of the project in terms of the:**

   a. Objectives?
   b. Constituents?

It used to be a mere concept but with the project, it was mainstreamed. Commissioner Contreras was already starting this approach during her time but it did not have this name.

10. **How do you envision sustaining and replicating the project?**
    What were the lessons learned in the project?
    What are your recommendations?

Ideally, they want more trainings since in the CHR, many are still unaware of the RBA. They need more orientation on the normative content as well as on the concepts of development.

Many still adhere to the view that human rights is limited only to civil and political rights and do not see the economic, social and cultural rights as part of the human rights framework.

Funding is always a crucial problem in realizing the sustainability of the project.

There is also a need to capacitate the trainees in networking skills.

11. **What is unique in your project?**

The trainors were able to train other members of the region and have their own pilot trainings. Moreover, the project helped CHR to make others understand that human rights is not just confined to civil and political rights.

IV - B

Project Title:
RIGHTS-BASED APPROACH CAPACITY BUILDING SEMINAR FOR THE COMMISSION ON HUMAN RIGHTS OFFICERS AND EMPLOYEES

Interviewee:
Ms. Maria Socorro Diokno

Nature of the Project

The Orientation Seminar is part of the first phase of the capacity development program of the Commission on Human Rights to enable the Commission to act as the catalyst to mainstream human rights in all aspects of the development process. Two other Orientation Seminars for key Commission personnel were held between February and March 2003.

The two-day Orientation Seminar has been especially designed for key personnel of the Commission on Human Rights, who are tasked to promote and advance a gender-responsive and human rights approach to development. The seminar course was designed in consideration of the training needs of the key Commission personnel.

The Orientation Seminar aimed to:

    a. Explore and enhance understanding of human rights and the role and value of human rights in the development process
    b. Examine fundamental human rights concepts, including the principles that should guide development, the definition and normative content of human rights, and the nature and level of States' human rights obligations.
    c. Introduce a framework for mainstreaming human rights in the development process; and
    d. Arrive at a common understanding and appreciation of the role of the Commission on Human Rights in acting as the catalyst to mainstream human rights in all aspects of the development process.

The Five (5)- day Trainers' and Facilitators' Training workshop is the second phase of the capacity development program of the CHR to enable the Commission to act as the catalyst to mainstream human rights in all aspects of the development process

An expected outcome of the training is that all participants will conduct human rights and development orientation seminars for Commission personnel and other government agencies and bodies. Thus, at the end of the Workshop:

    a. Five participants shall be selected to conduct the 2nd Orientation Seminar under the first phase of the Commission's capacity development program scheduled for March 2003; and,

b. Twelve (12) participants shall be selected to conduct the 3rd Orientation Seminar under phase 1 of the project (scheduled for March 2003). These selected participants shall act as resource persons, facilitators, and the seminar management team for the 3rd Orientation Seminar.

INTERVIEW ANSWERS OF MS. MARIA SOCORRO DIOKNO

Projects involved:

a. **Rights-Based Approach to Development Programming**
b. **Rights-Based Approach Capacity Building Seminar for the Commission on Human Rights Officers and Employees**
c. **Trainers' Training on Rights-Based Approach to Development**

1. What was your understanding of a rights-based approach to development when you accepted this project?

At the onset, when she was engaged in 2001, she had no idea what is rights-based approach (RBA) to development. She was even saying that at the start, even the UNDP had no idea what RBA was all about. There was no solid framework on RBA to start with. At that time, RBA was just an idea. It was just part of the reform agenda of Kofi Annan.

At the project's inception, there was a debate on RBA. At that point, there were two (2) concepts of RBA. The first approach was rejected since it was criticized as very legalistic when they saw RBA on a per right basis. The second approach recognized the interrelatedness of all the rights.

She developed the four elements to the RBA: (a) focus on the human person; (b) development must be guided by human rights principles; (c) must be coherent with the nature and levels of state obligations; and, (d) must comply with the entitlements and freedoms in the normative content.

Thus, after developing the four elements of RBA, she was able to use these elements for projects (b) and (c).

She also contributed the right of reparation to the concept.

2. What specific tools or mechanisms did you use to incorporate the rights-based approach to development in the context of this project?

The flaw of the first project referred to the tools used. The preliminary tools in this project were work sheets and analytical questions which were not very effective.

On one hand, development people saw the right to development in terms of an enabling environment while human rights people, on the other hand, saw the right to development as conditions necessary to realize and guarantee human rights. But the bottom line is the same though the language is different

She explained the right to development using economic terms and multidisciplinary context with focus on the human being.

Part of the problem in the conceptual framework was the absence of a TNA which was requested from UNDP but was never granted.

3. Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?

In the three projects, gender was mainstreamed.

The questions related to gender were phrased in this way, for example:
- Do women experience problems in the same way as men?
- Would women have other concerns as men?
- Are the rights of women respected in the same manner as the rights of men?

4. On the constituencies
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

In the first project, the participants were UN country teams composed of ILO, UNICEF, UNIFEM, UNFPA, UNIC, UNDP and the other programmers of their teams. There was also one from NEDA and NAPC. The UN country teams also had no idea too of what RBA is. They were tapped by the UNDP. As regards the participants, there were more women than men.

One of the conditions required of the participants was that they should have attended the seminars on the seven (7) UN human rights instruments. However, this requirement was not met, which may have contributed to the difficulty encountered by the participants in appreciating RBA.

As for the CHR (projects b and c), there were more than 100 people who were trained. These were three (3) seminars all in all. The choice of participants was made by CHR.

There was a gender disparity on the CHR at the Director level since there were more men than women as well as with the level investigators where nine (9) out of ten (10) were men.

5. What were the factors which facilitated the implementation of the project? Identify the internal and external factors.

On the first project, they hired a co-consultant from Australia from the Australian Human Rights Council. The Australian Human Rights Council developed the rights-based approach to development assistance. Having someone to bounce off ideas with was very good for the implementer. The second thing that helped was that when UNDP found materials on the subject, they sent the materials. The consultant from Australia also gave materials.

On projects (b) and (c), there were no problems in terms of coordination. The implementer was already working alone and, besides, it was already clear to her what RBA is all about.

The CHR was also very cooperative in the implementation of projects (b) and (c).

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

On the first project, the implementer had professional problems with the Program Manager. The Program Manager changed the Case Study tool in the training module the night before the seminar. The Case Study was already previously approved by the UNDP.

On projects (b) and (c), there was a problem with the morale of the Commission since the CHR was undergoing re-engineering. People were not that interested in the seminar since they were concerned about what was going to happen to them in the future.

7. What changes did you make during the project?

In handling the trainings, the changes were essentially in terms of time. In project (a)**,** the last day session was cancelled for the purpose of giving way to an assessment of the seminar.

For projects (b) and (c), during the third (3rd) training seminar, the reengineering problem confronting CHR really manifested itself. It was in the course of the training for investigators. Due to the low morale no one bothered to ask questions. To address this concern, one session was deliberately dedicated to an application of RBA to the situation of CHR. This became a venue for the members to vent their frustrations.

8. What were the major strengths and weaknesses of the project?
What did you do to counter the weaknesses?
What happened?

For the first project, the major strength was that it was a pioneering project and it was the project that set the standards of RBA. The major weakness of the project is the strained relationship of the UNDP Program Manager with the implementer.

For projects (b) and (c), the major strength was the fact that the implementer was already familiar with RBA. The major weakness, however, was that the project was implemented during the reorganization of CHR.

9. What was the over-all impact on the right to development of the project in terms of the:
    a. Objectives?
    b. Constituents?

For the first project, it gave the UN country team an idea of what RBA is. The module is now being tested in Bosnia.

For the second and third projects, the participants' knowledge of human rights deepened and widened because of the training seminars.

10. How do you envision sustaining and replicating the project?
    What were the lessons learned in the project?
    What are your recommendations?

The following are the recommendations for the first project:

a. Holding regular human rights forums for UN staff either on an agency level or country level. These forums could address developments in the different areas of human rights or discuss current human rights issues facing the Philippines. These forums could take many forms: film showings, exhibits, focused group discussions, electronic-group discussions, lectures, etc…

b. In view of developments in international human rights, particularly the adoption of the General Comments/General Recommendations by different treaty monitoring bodies, releasing a newsletter (even on an occasional basis, in print or electronic media) to all UN staff informing them of latest developments in the field of international human rights.

c. In view of the emerging field of rights-based development programming, updating UN staff on recent developments, including good practices, through print or electronic media (news bulletins, newsletter), or by holding forums on these developments.

On the first problem area in the CHR trainings, as the lead executing agency of the Right to Development Shell Program, the Commission is duty-bound to begin mainstreaming human rights within its internal structures and processes. It is strongly recommended that the Commission take due consideration of the participants' proposals, which are intended not to disparage the Commission but rather to enhance the Commission's institutional capabilities within the context of transparency, participation and accountability-hallmarks of the rights-based approach to development.

Further, it is recommended that the Commission seriously consider concrete ways to integrate transparency and participation, including involving key personnel in decision-making processes, and accountability in all aspects of its work. This, in turn, would require the Commission to seriously undertake a systems and process check (SPS) to integrate human rights in the operations of the Commission. Such SPS would necessitate determining coherence of the Commission's internal operations with human rights principles, normative content of human rights, and its obligations to respect, protect and fulfill human rights.

Finally, the Commission should consider instituting a "Best Practices" Program which rewards and recognizes those employees and regions that exhibit exemplary accomplishments in the field of mainstreaming human rights, as well as in the other operational activities of the Commission. Such a program would undoubtedly motivate the Commission's personnel, and boost morale within the Commission.

The **second problem area** involved weak capacity, including attitudinal problems of the Commission's key personnel. Attitudinal problems first emerged during the Training Needs Assessment (TNA) conducted prior to the conduct of seminar or workshop. The TNA indicated two matters: first, that among the Commission's personnel there exist a host of misconceptions and misunderstandings of human rights yet the Commission's personnel claim familiarity with and knowledge of human rights; and, second, that the level of knowledge of human rights decreases as the ranks and positions become higher; in other words, the lower ranking personnel are much more knowledgeable about human rights than their Directors. These two findings became more evident during the conduct of the Orientation Seminars and Workshop.

The Commission may consider giving Periodic Human Rights Diagnostic Examinations to all its personnel at all ranks and positions. The results of these examinations may be used as objective bases for promotions and for designations under the reorganization, and as guides for planning and designing programs and activities of the Commission.

To enhance knowledge of human rights, it is further recommended that the Commission seriously consider incorporating a Capacity Development Program as a regular program of the Commission. Such a Program is multidimensional and could include, among others:

- Regularly providing copies of relevant materials, including General Comments of treaty monitoring bodies, international instruments, research and academic studies, recommended readings, list of available resources, including online resources and web sites, etc...

- Holding regular human rights forums on the regional and central office levels. These forums could address developments in the different areas of human rights or discuss pressing human rights issues and concerns. These forums could take many forms: film showings, exhibits, focus group discussions, electronic-group discussions, lectures, discussions, etc…

- Releasing a Newsletter in print or electronic media to all Commission personnel, informing them of the latest developments in the field of international human rights, rights-based approach to development, national laws, policies and jurisprudence.

Finally, to address attitudinal problems, it is recommended that the Commission initiate values education activities geared towards deepening and reinforcing the Commission's commitment towards human rights on institutional and personal levels.

In the course of the implementation of the RBA Capacity Development Program, other matters became apparent.

Most participants of the Orientation Seminars and Workshop complained that the analytical application exercises were "too taxing, brain-draining, and too tiring." Also, the quality of the analysis displayed by the participants appears to diminish as their ranks and positions diminish. Participants at the 1st Orientation Seminar produced more insightful and critical analysis of development policy and plans; while those at the Workshop and the 2nd Orientation Seminar had real difficulty in producing even credible analysis. In fact, one group at the Workshop misunderstood the policy to begin with, and based its analysis on flawed premises.[1] Hence the output of this group did not make much sense.

Other participants of lower rank and position complained that they are "mere implementers" of the Commission's policies and projects, and do not have the mandate to amend or modify whatever policies, guidelines, projects or instructions (particularly in project design and implementation) that may emanate from the Central Office. These factors may indicate a lack of opportunity within the Commission to undertake

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[1] This group focused on the "national land use policy" described in Plan 747, but misinterpreted the policy by insisting that the policy applies only to public lands not to both public and private lands. This insistence, despite the policy components of land conversion which were cited in Plan 747, led the group to support the national land use policy, without taking into consideration possible displacements of farmers and tenants due to land conversion problems and concerns, which are, unfortunately, rather rampant in the country. This group began from flawed premise, and its analysis was therefore necessarily flawed.

comprehensive analysis, and may indicate a need to further develop the analytical skills of the Commission's key personnel.

In view of the fact that the rights-based approach to development is largely analytical, the Commission should consider providing greater opportunities to its personnel of a lower - though key - rank and position to exercise and develop their analytical skills. These opportunities may include, among others, allowing key personnel to make decisions, modify implementation of policy guidelines within the Commission to suit regional needs and situations.

Further, the Commission should consider incorporating analytical application exercises in any future capacity development programs it may hold for its personnel.

Finally, particularly with regard to the conduct of echo seminars or orientation seminars in the regions, it is recommended that the trainers be given the mandate to conduct the echo seminars in the context of regional needs and situations. This mandate may include, among others, modifying the training design based on the training needs analysis and other considerations of the region, conducting regional echo seminars on a staggered basis (e.g., not as a two (2)-day seminar but over a period or weeks of months).

The **third problem** area involved the wrong choice of participants to the Workshop. Choice of participants was apparently dictated by their rank: information officers and planning officers were chosen to be trained as RBA trainors simply because they hold these positions within the Commission. The Consultant provided the Commission with the clear qualifications of RBA trainors *(see Job and Task Analysis RBA Trainors submitted as Annex of Workshop's Training Design on* 27 *January 2003).* The Consultant understood that the choice of participants would be guided - not by rank or position - but by possession of the necessary qualifications. Qualifications include a basic level of knowledge, proper attitudes, and a basic level of training skills. Unfortunately, not all participants of the Workshop clearly possessed the qualifications to begin with. The poor choice of participants made it difficult for many of the participants to produce the necessary outputs, or even to understand some of the sessions. This could have been avoided, had the Commission properly chosen the participants, based on qualifications already in the possession of the Commission.

In any future RBA Trainers' Training Workshop, it is recommended that the Commission undertake careful screening prior to designating the participants to such a Workshop. Such careful screening would require an assessment of the knowledge, attitude and skills possessed by candidates, based on the qualifications in the Job and Task Analysis of RBA Trainers.

While the RBA Capacity Development Program of the Commission was largely successful, both from the participants' and the consultant's perspectives, there is still room for improvement in the areas of content, methodology, choice of resource persons,

pool of RBA trainers, documentation, schedule, evaluation mechanisms and management.

As to the content of the trainings, central to the human rights approach to development are four essential elements: first, that the human person is the principal actor, central subject, owner and beneficiary of development; second, that development should be based on human rights principles; third, that development should respect the normative content of human rights; and fourth, that development should be coherent with the nature and levels of state obligations. Hence, the content of any RBA capacity development program should not deviate from these essential elements.

It is recommended that the minimum content of any RBA capacity development program should include the four essential elements that are central to the human rights approach to development.

The content of the 3rd Orientation Seminar was slightly different from the first 2 Orientation Seminars and the Workshop. This is because the design and content of the 3rd Orientation Seminar was largely left to the pool of RBA trainers, under the Consultant's supervision. The pool of RBA trainers decided to do away with the analytical application exercise and instead designed another exercise that required the participants to consider concrete ways to integrate RBA in their respective areas of work. While this session was well designed, the outputs were disappointing; participants clearly lacked the skills to apply RBA to their areas of work. Participants could have acquired these skills if they had been made to undergo the analytical application exercises.

It is important to stress that RBA requires a high degree of analysis, which in turn requires those who wish to apply RBA to possess a high level of analytical skills. Analytical skills include skills to separate a problem into its fundamental elements or constituent parts, solve complicated problems, apply a particular mode of reasoning, in this case, reasoning within the context of human rights principles, normative content of human rights and state obligations. In effect, RBA is a practical art of right reasoning within the context of human rights.

It is also important to note that many of the participants have been with the Commission for ten (10) years or so. They have been used to approaching their areas of work from a particular standpoint, following set procedures and guidelines. Because RBA requires a new, different approach to areas of work, RBA becomes difficult to apply, especially for those personnel who have become used to approaching their work from a prescribed perspective. Participants and other personnel of the Commission will therefore need to change their mindset, if they are to approach their areas of work within the context of RBA. Changing mindsets may be facilitated through the analytical application exercises.

In the future, it is recommended that any RBA seminar or workshop should include practical analytical application exercises that will allow participants to develop their analytical skills.

It is further recommended that RBA seminars for CHR personnel should include the exercise on integrating RBA in areas of work designed by the RBA pool of trainers after the analytical application exercises.

Most Resource Persons chosen for the RBA Capacity Development Program exhibited mastery of their subject matter, and proper skills in imparting knowledge and information. However, there was a poor choice of some Resource Persons.

In the 1st Orientation Seminar, participants rated the Commissioners acting as Resource Persons in the Right to Development session rather poorly; hence an independent expert was selected to handle this session in the succeeding Orientation Seminar, and in the Workshop. Participants were also disappointed with the presentation of the Commissioner acting as the Resource Person in the session on Human Rights Principles. However, the same Commissioner was better rated during a presentation on the same topic at the Workshop.

In the 2nd Orientation Seminar, participants rated the Commissioner acting as Resource Person in the Role of the Commission session poorly, and gave failing marks to the Central Office Director acting as Resource Person in the Normative Content session.

In the Workshop, participants rated the Commissioners acting as Resource Persons in the Human Rights Situation session poorly.

It is recommended that the Commissioners, Directors and other personnel who acted as Resource Persons in this Program be provided with copies of the participants' ratings of their performance and achievement of session objectives, for guidance and information. The Commission, its Commissioners and Directors are encouraged to continuously enhance their capacities in terms of knowledge of the subject matter, and skills and attitudes as Resource Speakers.

The pool of RBA trainers was largely responsible for the design and conduct of the 3rd Orientation Seminar. The total evaluation rating of this seminar is a clear indication of the satisfactory level of performance of the RBA pool of trainers.

The pool of RBA trainers reflects a good mix of strengths and capacities. Some trainers are effective resource persons, with capacities to explain the subject matter clearly and adequately, to use clear and relevant examples to illustrate ideas and concepts, to clarify new words or technical terminology in clear and simple terms, and are able to summarize important ideas. Other trainers have exceptional capacities in setting the general ground rules for audience participation, respond to participants' questions and concerns with tact and diplomacy, encourage the participants to share their ideas, and ensure that participants are comfortable and ready to listen. Yet other trainers are excellent plenary group facilitators, able to encourage participants to actively participate in plenary activities, and share their ideas, questions and concerns. Still other trainers are very good

small group facilitators, able to elicit the thoughts and ideas of each member of the group, and impart knowledge and information when necessary. These strengths and capacities should, however, be continuously developed.

While the pool of RBA Trainers recommend that they undergo "a follow-up... intensive course on RBA to further augment their RBA learnings, preferably within the 2nd quarter of 2003," the Consultant was hesitant to support this recommendation. The Consultant believes that the training team should be given more exposure, and be provided greater actual learning experiences by conducting future RBA seminars and workshops. In this manner, the team learns quicker and may sooner overcome whatever feelings of inadequacy they may share.

The Commission is encouraged to utilize the services and capacities of this pool of trainers, for capacity development programs that the Commission may undertake for its own personnel and/or for personnel of other government agencies.

The pool of RBA trainers should be encouraged to continuously study to achieve a better grasp of the subject matter. In this regard, it is recommended that the Commission continuously supply the RBA trainers with information and materials on RBA, RTD, and human rights.

In any future capacity development programs that are conducted by the pool of RBA trainers, every effort should be made to encourage trainers to handle different topics. While it may be good to encourage a particular trainer to develop an expertise in a particular topic, it is, on the whole, perhaps better if the trainer were more rounded and knowledgeable in all topics, rather than master of one topic alone. In this manner, in the event that a particular trainer is unavailable, any other trainer would be able to handle the topic.

In the event that the pool of RBA trainers is asked to conduct a capacity development program for an agency other than the Commission, it is strongly recommended that the pool of RBA trainers undertake an institutional Training Needs Assessment [TNA] as well as a TNA of the targeted participants. The design of any capacity development program for such an agency would require a clear understanding of the agency's mandate, processes, structures, systems and services, as well as its institutional training needs.

During the course of any capacity development program undertaken by the pool of RBA trainers, it is recommended that the pool be required to conduct peer evaluation, constructively criticizing each other in terms of the knowledge, attitudes and skills required by an RBA trainer. In this regard, the pool of RBA trainers may be required to use the performance monitoring questionnaires or tools designed by the unit of division tasked by the Commission to monitor their performance as RBA trainers.

The Pool of RBA Trainers also recommends that the Commission adopt "a clear Action Plan on RBA."

The Consultant strongly supports the Pool's recommendation, with the amendment that the Pool of RBA Trainers be actively involved in the preparation of the Action Plan on RBA. Such Action Plan will allow the Pool of Trainers to modify their schedules accordingly.

The Pool of RBA Trainers also recommends that the Commission consider granting them incentives.

The Consultant was particularly concerned by the Commission's lack of evaluation instruments for seminars and workshops. As a general rule, the Consultant prefers to work with existing evaluation instruments designed by the agency itself, rather than require the use of instruments she designs. However, the Consultant was informed that the Commission does not have evaluation instruments, hence the Consultant specially designed the instruments used at the Orientation Seminars and Workshop.

The evaluation instruments used during the RBA Capacity Development Program contained both quantitative and qualitative measurements. The quantitative measurements allowed the Consultant to measure the success or failure of program in mathematical terms. The Consultant, however, was hampered by the lack of a standard that would spell the success of the program.[2] Such a standard needs to be laid by the Commission. The qualitative measurements allowed the Consultant to validate the quantitative measurements and provide insights into changes in knowledge, attitude and skills of the participants.

It is recommended that the Commission adopt the use of evaluation instruments for every capacity development program it undertakes. Such evaluation instruments should include an assessment of the resource person, achievement of the session and seminar objectives, methodology, documentation, etc… Such evaluation instruments should be designed to allow for both quantitative and qualitative measurements.

In relation to quantitative measurements, it is recommended that the Commission set a standard or benchmark or target for every capacity development program it designs and implements.

Monitoring the participants' performance as RBA Trainers is, in the Consultant's view, a necessary component of the Workshop, and a means of validating the Workshop rationale, purposes and effectiveness. Monitoring participants' performance should be linked to the tasks and responsibilities of RBA Trainers.

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[2] The standard adopted by the Department of Agrarian Reform, for instance, requires that all pilot training programs must achieve at least 85 percent, derived from the participants' evaluation of the program.

It is recommended that the Commission designate a unit or division to monitor the performance of RBA Trainers, tasked with, among others, the following responsibilities:

- Review and critique the Training Needs Assessment (TNA) Questionnaire/Guide Questions prepared by the RBA Trainers;

- Review and critique the TNA Results Report prepared by the RBA Trainers;

- Review and critique the Training Design prepared by the RBA Trainers, to ensure that it adequately addresses the identified training needs, and is consistent with the rights-based approach to development;

- Review and critique the evaluation instruments designed and prepared by the RBA Trainers;

- Monitor the conduct of the echo seminars;

- Review and critique the Final Evaluation Report on the conduct of the echo seminars;

- Mentor and generally provide assistance, information, advice, guidance and direction, when necessary, and provide encouragement to boost morale;

- Monitor the performance of RBA Trainers, including the design and preparation of Performance Monitoring Questionnaires or Tools based on the knowledge, attitudes and skills required of RBA Trainers;

- Institute "Best Practices" Program among RBA Trainers as recognition of exemplary performance and as examples for others.

It is also recommended that a copy of the Job and Task Analysis of RBA Trainers be given to each of the participants, to guide them in understanding their role, and in pinpointing which of their knowledge, attitudes and skills they need to enhance.

It is further recommended that RBA Trainers be asked to maintain Personal Journals or Activity Booklets, where they could describe their experiences, problems faced and actions taken to resolve these problems. Personal Journals or Activity Booklets could be periodically reviewed by the unit or division tasked to monitor the participants' performance as RBA Trainers.

Generally speaking, the management of the RBA Capacity Development Program and the conduct of the Management Team were more than satisfactory. However, management team meetings were not regularly held, yet these could be valuable avenues for discussing concerns and problem areas, and taking immediate action. Participation at these meetings

is invaluable, as participants are able to voice their concerns. Meetings were not regularly held largely because of time constraints; the sessions ended quite late, and the Management Team was visibly exhausted at the end of the day

Every effort should be taken to hold Management Team meetings on a daily basis. Participants should be represented in the Management Team.

Choice of facilitators was left to the Commission. Facilitators need special skills, particularly the ability to encourage full participation by all group members. A good facilitator does not take over the discussions, nor impose his/her thoughts and ideas on the group. A good facilitator is able to elicit the thoughts and ideas of the group, and is able to impart knowledge and information, ***only when necessary.***

Every effort should be taken to choose facilitators carefully.

In the 1st Orientation Seminar and the Workshop, facilitators were also participants. This, perhaps, contributed to the difficulties faced by some facilitators. This is also largely unfair to both the facilitators and their co-participants. Facilitator-participants were deprived of the opportunity to actively engage in discussions during small group work sessions; while co-participants were deprived of further inputs and experience by facilitators.

11. What is unique in your project?

All the three projects are all pilot projects and they are the first in the Philippines. It is in a way a standard setting on what the rights-based approach to development is.

CLUSTER 3
Justice and Judicial Reform

I

Project Title:
A. **STRENGTHENING OTHER PILLARS OF JUSTICE: REFORM IN THE DEPARTMENT OF JUSTICE PHASE TWO**
B. **ACCESS TO JUSTICE COMPONENT: BASELINE STUDIES**
   I. **PRIVATE PRACTITIONERS**
   II. **PUBLIC ATTORNEY'S OFFICE**
   III. **INMATES**
C. **JAIL DECONGESTION PROJECT**
D. **FREEDOM AND DEATH INSIDE THE JAIL: A PARTICIPATORY RESEARCH ON MEMBERS OF THE QUEZON CITY JAIL COMMUNITY**

Agency to be Evaluated:
Supreme Court-Project Management Office

Interviewee:
Mr. Nestor U. Venturillo

General Framework for the Justice and Judicial Reform Program

The UNDP through its Portfolio on Enabling Environment: Poverty Reduction through Good Governance is supporting the three-point Governance Agenda of the Government that is directed towards contributing to the substantive reduction of poverty in the country.

The portfolio aims to: (1) sustain and complement initiatives for strategic governance reforms within the government's executive, legislative and judicial branches; (2) address the capacity development requirements of the government machinery to enable it to effectively manage fiscal and economic resources, administer public personnel, formulate and enforce policies, and deliver adequate services to the people; and, (3) pursue initiatives that promote and provide opportunities to incorporate the elements of good governance in key areas such as access to justice, decentralization, participation, anti-corruption, gender and human rights. Particular attention is given to the capacity development of the state to fulfill its obligations to promote, respect, and protect rights of the poor and marginalized sectors in the country.

One of the nine (9) program set out by the Governance Portfolio is the Judicial Reform which aims to provide assistance to the Judiciary, other pillars of the justice system and

civil society organizations to increase the legal security of the poor and the disadvantaged by improving their access to justice.

This Program supports the implementation of the Supreme Court's Action Program for Judicial Reform (2001-2006) based on its Blueprint of Action, through interventions that strengthen the capacity of the Judiciary and other pillars of justice system to improve access to justice, particularly by the poor and disadvantaged population. It is directed towards providing the disadvantaged sectors the opportunities to obtain efficient and immediate legal services consistent with relevant national and international human rights standards.

A. STRENGTHENING OTHER PILLARS OF JUSTICE: REFORM IN THE DOJ (PHASE TWO)

Nature of the Project

The reform of the Judiciary, however, would be unsuccessful without the subsequent strengthening and reform of the other institutions that also maintain responsibility and accountability in supervising the other pillars of justice. The Department of Justice (DOJ) and its attached agencies play a significant role in fulfilling the vision of a speedy and fair justice system. As a key player, the DOJ exclusively supervises and handles the prosecution pillar, one of the five pillars of criminal justice. The DOJ also undertakes the investigation of cases, and the correction/rehabilitation of criminal offenders.

The Program aims to strengthen the DOJ and its key and attached agencies, which are the Public Attorneys Office (PAO), National Prosecution Service (NPS), Parole and Probation Administration (PPA), Board of Pardons and Parole (BPP), Bureau of Corrections (BuCor), and the National Bureau of Investigation (NBI), specifically in providing legal aid/assistance to vulnerable groups, religious minorities and detainees.

INTERVIEW ANSWERS OF MR. NESTOR U. VENTURILLO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

RBA was not clearly defined at first until a workshop was conducted to clarify the concept. The drafting of the Project Proposals by PMO preceded the RBA workshop. It would be advisable in the future that proposals drafting be undertaken after an RBA workshop in order to provide more focus on the concept.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

The Reform Formulation Agenda of the DOJ was based on the SWOT analysis and the Vision and Mission exercise. These tools/mechanisms were rather means to determine

subsequent reform measures or action programs toward improving different aspects of the justice system. In this sense, there appears to be no deliberate incorporation of the RBA in the context of the project.

3. Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?

Disaggregation was not deliberately factored in the project.

4. On the constituencies
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

The entire Bureaucracy of DOJ was the subject of the project.

5. What were the factors which facilitated the implementation of the project? Identify the internal and external factors.

The DOJ decision-makers were very receptive to the project. The Private Contractor for the project (Center for Public Resource Management, Inc.) was the able partner of PMO in the implementation of the project.

The Action Plan for Judicial Reform as a framework for the project was identified as a key strengthening factor for the Criminal Justice System.

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

There were no obstacles in the implementation of the project because of the close coordination with the partners and the DOJ.

7. What changes did you make during the project?

None. Slight delays were incurred but, generally, there was prompt compliance with the project.

8. **What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?**
   What happened?

The DOJ decision-makers were very supportive.

9. **What was the over-all impact on the right to development of the project in terms of the:**
   a. Objectives?
   b. Constituents?

In theory, efficiency of bureaucracy leads to better delivery of services. Implementation of the suggested reforms has yet to be realized because DOJ needs to get additional funding.

10. **How do you envision sustaining and replicating the project?**
    What were the lessons learned in the project?
    What are your recommendations?

While there was good working relationship from the DOJ, the lack of funding to implement the reforms in the DOJ makes it difficult to measure impact of the studies under the project.

11. **What is unique in your project?**

The suggested reforms as envisioned in the study is very holistic in approach.

B. ACCESS TO JUSTICE COMPONENT: BASELINE STUDIES

Nature of the Project

The Judiciary is constantly aware of the many challenges to its efficient performance and has taken concrete steps to establish a strong foundation for the long-term development of the judicial branch. One of the fundamental strides taken is the preparation of an **Action Program for Judicial Reform,** with a wide-ranging yet comprehensive set of reform projects and activities aimed at enhancing judicial conditions and performance for the improved delivery of judicial services.

A very significant component of the APJR is providing the disadvantaged sectors access to justice. A first and crucial step in this endeavor is determining the issue and current situation of the disadvantaged in relation to their access or non-access to justice. Thus, there is a need for **baseline studies** that will generate data on the current sectors or components under the judicial system which needs to be improved or strengthened in order to facilitate access to justice by these sectors.

I.   Private Practitioners

The Integrated Bar of the Philippines (IBP) and Alternative Law Groups (ALG) Comparative Survey aims to generate data on the perception, assessment, experiences of legal practitioners belonging to the Integrated Bar of the Philippines (IBP) and the Alternative Law Groups (ALG) on judicial legal remedies available to the poor. It is a national study that covers the representative samples of IBP and ALG lawyers across the archipelago. It focused, among others, on:

1. Availability of adequate legal aid, particularly between arrest and arraignment;
2. Access to clients and availability of legal records to lawyers in advance for court appearances;
3. Affordability of the costs of litigation; costs and charges incurred (official and unofficial) by case, as compared to average costs to cover basic needs and average income;
4. Discrimination in access to bail.

The survey considered other sets of parameters for assessing the accessibility of the judicial system to the disadvantaged sectors like:

1. Perception and assessment on the adequacy of judicial policies to protect the basic sectors;
2. Perception and assessment on the attention and fair treatment given to the basic sectors; and,
3. Perception and assessment on the acceleration of judicial processes.

Lastly, the study shall sought the recommendations/suggestions of the respondents on how to establish a justice system accessible by the poor, as well as, establishment of sustainable mechanisms for monitoring access to justice and capability building in civil society to monitor judicial reforms.

## II.	Public Attorney's Office

The study on the Public Attorneys Office (PAO) aimed to generate data on the state of the art of the Public Attorneys Office, paint an accurate picture of the problems, issues, challenges, threats, weaknesses as well as strengths and opportunities of the Office.

It is a secondary data analysis of the written reports submitted by the nine hundred seventy-five (975) PAO lawyers across the archipelago from 2000, 2001 and part of 2002. It will focus, among others, on:

1.	Availability of adequate legal aid, particularly between arrest and arraignment;
2.	Access to clients and availability of legal records to PAO lawyers in advance for court appearances;
3.	Affordability of the costs of litigation;
4.	Discrimination in access to bail.

The survey will also consider other set of parameters for assessing the accessibility of the judicial system to the disadvantaged sectors like:

1.	Perception and assessment on the adequacy of judicial policies to protect the basic sectors;
2.	Perception and assessment on the attention and fair treatment given to the basic sectors;
3.	Perception and assessment on the acceleration of judicial processes.

Lastly, the study shall sought the recommendations/suggestions of the respondents on how to establish a justice system accessible by the poor, as well as how to strengthen its institutional capacity to deliver services to the poor, including monitoring and reporting systems.

## III.	Inmates

The National Survey on Detainees aimed to generate data on the situation and circumstances prior to detention. It is not a survey of prison conditions.

It is a national study that covers representative samples from persons in detention ranging from those incarcerated at the national penitentiary to those in a low-class municipal police station precinct jails. It focused, among others, on:

1.	Level of general knowledge and understanding by accused of legal protections and status of his/her case;
2.	Availability of adequate legal aid, particularly between arrest and arraignment;
3.	Number of overstaying detainees;
4.	Number of juveniles in detention not separated from adults.

The survey also considered other sets of parameters for assessing the accessibility of the judicial system to the disadvantaged sectors like:

1. Adequacy of judicial policies to protect the detainees;
2. Attention and fair treatment given to the detainees;
3. Affordability of the costs of litigation; and,
4. Acceleration of judicial processes.

The study shall also seek the recommendations/suggestions of the respondents on how to establish a justice system accessible by the poor.

Since very much related to the plight of detained persons is the Bureau of Jail and Management and Penology (BJMP), a side study using appropriate methods to determine the institutional capacity, strength, weaknesses, threats, and opportunities of this agency will also be conducted. Similarly, since not all persons accused of a crime and sentenced are detained (under the principle of "corrections"), another related study of this project is a look at the institutional capacity, strength, weaknesses, threats, and opportunities of the Parole and Probation Administration. The appropriate and practical research method shall be employed to assess this agency.

INTERVIEW ANSWERS OF MR. NESTOR U. VENTURILLO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

RBA was not clearly defined at first until the RBA workshop was conducted. The drafting of the Proposal preceded the RBA workshop.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

Baseline studies were used as means to determine subsequent reform measures or action programs toward improving different aspects of the justice system.

3. **Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?**

Disaggregation was factored in the baseline studies on Private Legal Practitioners and PAO.

4. **On the constituencies**
    Who were the constituencies?
    How did you tap them?
    Was there gender balance?
    Was it difficult to tap the constituencies due to the rights-based approach of the project?

a. Private legal practitioners
b. PAO
c. Inmates

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

For the private practitioners baseline study, the U.P. Arts and Sciences Interdisciplinary Network, Inc. served as a partner.

For the PAO baseline study, DLSU Institute of Governance (PAO) served as partner.

For the Inmates baseline study, CPRM, Inc. served as partner.

6. **What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.**

None. There was a very formal and straightforward relationship with the partners. In fact, before the project was carried out, coordination with the network of partners was conducted to have leveling-off and synergy in the delivery of the project.

7. **What changes did you make during the project?**

None.

8. **What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?**
    What happened?

The partnerships with the private contractors in the baseline studies were the important strengths.

9. **What was the over-all impact on the right to development of the project in terms of the:**
   a. Objectives?
   b. Constituents?

As far as the baseline study on Private Practitioners is concerned, it would be hard to measure, but the data would be useful for undertaking focus impact study.

10. **How do you envision sustaining and replicating the project?**
    What were the lessons learned in the project?
    What are your recommendations?

In general, baseline studies were one shot activities upon which other program reforms may be built.

11. **What is unique in your project?**

This was a first time assessment of PAO.

The recognition of ALG by IBP/Private Practitioners as a vehicle to access to justice by the poor.

C. JAIL DECONGESTION PROJECT

Nature of the Project

This Program supports the implementation of the Supreme Court's Action Program for Judicial Reforms (APJR) based on its Blueprint of Action, through interventions that strengthen the capacity of the Judiciary and other pillars of the justice system to improve access to justice, particularly by the poor and disadvantaged population. It is directed towards providing the disadvantaged sectors the opportunities to obtain efficient and immediate legal services consistent with relevant national and international human rights standards.

Expected Outputs

COMPONENT 1 – TRAINING OF LAWYERS AND PARALEGALS

The output of Component 1 shall be a Training Report on the relevant training given to the lawyers and paralegals who shall be involved in the project, containing, among other things:

1. Training design for the lawyers and paralegal;
2. Number of lawyers and paralegal trained; and
3. Relevant information on the visits to the Quezon City and Pasig City jails by the trained lawyers and paralegals.

COMPONENT 2 – FILING OF APPROPRIATE ACTION

The output of the second component shall be a Report containing, among other things:

1. Status of overstaying prisoners in the Quezon City and Pasig City jail for which a petition has been filed, or any action has been taken to effect their release;
2. Database on the number of prisoners who have been actually released through the project, which must be at least 200; and,
3. Database on the number of prisoners in Quezon City and Pasig City Jails who remain to be overstaying at the termination of the project.

INTERVIEW ANSWERS OF MR. NESTOR U. VENTURILLO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

RBA was not clearly defined at first until the conduct of the RBA workshop.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

Review of cases and legal assistance. These tools/mechanisms were rather means to determine subsequent reform measures or action programs toward improving different aspects of the justice system.

3. **Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?**

Disaggregation was not applicable to the project because it only involved male inmates.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

Male inmates were the subjects of the project.

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

The agencies were supportive of the project. A MOA with the IBP network for Quezon City and Pasig City helped facilitate the implementation of the project.

6. What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.

None.

7. What changes did you make during the project?

None.

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses? What happened?

The basic problem confronted by the beneficiaries of the decongestion project is the lack of a livelihood component after release of the inmate.

9. What was the over-all impact on the right to development of the project in terms of the:
a. Objectives?
b. Constituents?

Releases of the inmates may lead to opportunities but lack of support programs for them tend to frustrate the inmates.

10. How do you envision sustaining and replicating the project? What were the lessons learned in the project? What are your recommendations?

IBP has a continuing commitment on jail decongestion. There is also a continuing project with The Asia Foundation focused on Manila and Pasay City Jails.

11. What is unique in your project?

There is a commitment of the IBP paralegal volunteers.

D. FREEDOM AND DEATH INSIDE THE JAIL: A PARTICIPATORY RESEARCH ON MEMBERS OF THE QUEZON CITY JAIL COMMUNITY

Nature of Project

The penal institution is the fourth pillar of the Criminal Justice System. It is the institution where persons in conflict with the law and who have been found guilty are "reformed" in order to prepare them for their eventual reintegration to the community as law abiding and responsible citizens.

In the Philippines, however, persons who are in conflict with the law and are still undergoing criminal trials wait for a long period of time before decisions on their cases are promulgated. Many of them do not have the means to post bail, and thus languish in jail. Though they are not yet proclaimed guilty, their long period of detention practically made them "convicted prisoners".

This situation is made worse because of the lack of sufficient personnel, facilities, and programs for the jail. Thus, instead of being reformatory in nature, as avowedly professed by the many Conventions to which the Philippines is a signatory, jails have become punitive. As such, persons in conflict with the law found themselves in a cycle of crime and violence. The end of restorative justice is not met. The whole society suffers.

However, these hard penal realities are seldom discussed nor evaluated. Though there is a general belief and acceptance that the penal institution is restrained, there is no holistic understanding that is ever presented on the matter. As such, policy makers and implementers, despite their best intentions to improve the judicial system in our country, fail. This is because many of the laws and programs are not attuned to the penal realities. The interventions are being rejected by jail workers in the field and the intended beneficiaries themselves.

The Quezon City Jail is an epitome of a glaring truth about our penal institution. An in-depth analysis of the Quezon City Jail of the structures that evolved, of the mechanics of governance, and the culture of jail community, is a good indication of the strengths and weakness of the judicial administration.

This research complements the study done on the other pillars of the criminal justice system, particularly the National Survey of Inmates and the DOJ Diagnostic Study.

INTERVIEW ANSWERS OF MR. NESTOR U. VENTURILLO

1. **What was your understanding of a rights-based approach to development when you accepted this project?**

RBA was not clearly defined at first until the conduct of the RBA workshop.

2. **What specific tools or mechanisms did you use to incorporate the rights based approach to development in the context of this project?**

The research on conditions in the Quezon City Jail would be useful to determine subsequent reform measures or action programs toward improving different aspects of the justice system.

3. **Did you mainstream gender in this project? Why or why not? Was gender mainstreaming in the terms of reference of the project? How did you mainstream gender in this project?**

Disaggregation was not applicable because the inmates involved were all males.

4. **On the constituencies**
   Who were the constituencies?
   How did you tap them?
   Was there gender balance?
   Was it difficult to tap the constituencies due to the rights-based approach of the project?

Male inmates.

5. **What were the factors which facilitated the implementation of the project? Identify the internal and external factors.**

There was a very supportive agency. The external consultant, Mr. Raymund Narag, is a former inmate himself. This facilitated the conduct of the research inside the jail since he knew most of the inmates in jail.

6. **What were the obstacles encountered in the implementation of the project? Identify the internal and external factors.**

None.

7. What changes did you make during the project?

None.

8. What were the major strengths and weaknesses of the project? What did you do to counter the weaknesses?
What happened?

Since this was an initial assessment of the conditions in jail, it is important to have follow-through activities.

9. What was the over-all impact on the right to development of the project in terms of the:
    a. Objectives?
    b. Constituents?

The research contributes to the clear identification of issues but it lacks support programs

10. How do you envision sustaining and replicating the project?
    What were the lessons learned in the project?
    What are your recommendations?

This is a one shot study which may, however, provide policy-makers with a guide on how to institute reforms on jail management.

11. What is unique in your project?

The external consultant himself experienced being in detention at the Quezon City Jail making the study highly instructive and credible.

PART FIVE. Recommendations

a) *Training Needs Assessment.* **It is evident from the various findings that the IPC Project deliberate use of the TNA provided both the resource persons and the constituencies of the training with a preliminary framework in designing the content of the training. TNAs, however, may not necessarily apply to the other projects which are principally research based.**

b) *UNDP Clarification of RBA Before Submission of Proposals.* **It has been a common response among majority of the project partners that they did not have the benefit of understanding the concept of RBA before they submitted proposals for the projects. The conduct of an RBA workshop after approval of proposals were most useful in clarifying the thrust and content of individual projects.**

c) *Application of RBA to Philippine Context and Realities.* **One of the difficulties in evaluating the outcome of most of the projects is the lack of a direct correlation between the normative content of RBA and the specific impact on institutional policies of the project partners or the behavior of their constituencies. This may be borne by the fact that specific rights may be more applicable to certain constituencies, as demonstrated by the CCJD experience wherein community journalists could better identify with the "right to information" in the context of their work.**

d) *Entry Points for RBA Orientation Tailored for Specific Constituencies.* **In relation to the previous recommendation in paragraph (e), RBA will be better appreciated by project partners if the specific concerns of the partners' constituencies could be translated first into more definable human rights categories rather than beginning with the seemingly overwhelming RBA conceptual framework.**

e) *Monitoring and Post-Project Impact Assessment or Evaluation.* **Most projects evaluated do not contain built in monitoring tools or post-project indicators to measure impact of the project on future institutional policies and programs, or attitudes and behavior of the constituencies. This is what makes outcomes of projects extremely difficult to determine and measure using the RBA framework.**

f) *Re-designing Trainings for Top-Level Decision-Makers.* **In building capacities of national institutions, key decision-makers must be able to "internalize" tools for development programming, such as, RBA. Trainings for these constituencies must be comprehensive enough but probably shortened in order to address their time constraints.**

g) *Addressing Overlapping Mandates of Government Agencies.* **The promotion and protection of human rights is not a monopoly of one or**

two institutions of government. Application of RBA may require identification of lead agencies for or "champions" of specific rights taking into account the comparative advantage of these agencies in terms of its mandate and resources. This will prevent duplication of trainings and studies and lead to a more rationalize utilization of scarce government resources.