**Briefing note**

**Key aspects of the Human Rights Based Approach to Development Programming**

**For UN Agencies in Timor-Leste**

**Why a Human Rights Based Approach**

The Common Understanding of the Human Rights Based Approach (HRBA) adopted by the UNDG in 2003 calls on all UN agencies to ensure that:

* All programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
* Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
* Development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights

The standards are laid down in nine core human rights conventions (that can be found on <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>) and other international human rights instruments (open on https://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx)

There are seven human rights principles: universality and inalienability; indivisibility; inter-dependence and inter-relatedness (these are content oriented) and; non-discrimination and equality; participation and inclusion; accountability and the rule of law (operational principles).

**How to apply an HRBA**

After identifying the development challenge a UN programme is seeking to address – looking also at who is left further behind - an HRBA requires development actors to carry out a 3–step analysis:

**Picture - HRBA steps**

*Key questions as part of the HRBA analyses*

In step 1, the HRBA asks development actors to analyse the causes of development challenges and why are certain people and groups left behind. In this analysis, when applying an HRBA, one should look at the numerous reports and analysis, including reports on Timor-Leste to and from the UN human rights mechanisms (such as CEDAW or the CRC). In the analysis, development challenges and their causes are to be linked to relevant human rights. These reports can be found on the Timor-Leste page of the UN human rights office – look for the report that is relevant to your area of work.

(http://ap.ohchr.org/documents/dpage\_e.aspx?c=184&su=182)

To gain a good understanding what these rights mean, and what the corresponding obligations of the State are, one should refer to the Conventions, the authoritative interpretations of these rights by the Treaty Bodies (in General Comments or General Recommendations) and guidance from the Special Procedures of the UN Human Rights Council (all to be found on ohchr.org, and for General Comments specifically: <https://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx>).

For several rights, briefing notes on content of rights and obligations have been prepared, and are available on https://undg.org/document/un-inter-agency-common-learning-package-on-human-rights-based-approach-to-programming/

UN Agencies programmes are to focus on addressing the (human rights) challenges and better realizing rights.

For step 2 and step 3:

HRBA asks us to find answers four key questions:

1. who is left behind and why? HRBA asks for a focus on inequality, and on those discriminated, marginalized and excluded.
2. what are those left behind entitled to? What are their rights?
3. who has to do something about the situation? Who are the rights holders and who are the duty bearers? What are their duties?
4. what do they need to take action? What is the rights holders’ and duty bearers’ capacity to do so, what are their strengths and what are the gaps?

As per the Common Understanding, development programmes are to support developing the capacities identified under 4) of the rights holders and/or duty bearers.

The recommendations made by the different UN human rights mechanisms to Timor-Leste can support answering the four questions above, and in particular question 4. These can be found on [www.uhri.ohchr.org](http://www.uhri.ohchr.org) (do an advanced search for Timor-Leste, and use other key words (for instance the right, the group and/or SDG you focus on). Recommendations made by civil society, the National Human Rights Institution, or the UNCT itself in reports they send to the UN human rights mechanisms can also help identifying programming actions.

**HRBA and setting results**

HRBA is applied to Results Based Management and the setting of indicators. Indicators are informed by the standards and human rights principles, and guidance can, once again, be sought from international human rights mechanisms.



**HRBA to Data**

An HRBA to data will help in improving the comprehensiveness, quality, relevance and use of data and statistics that is consistent with international human rights norms and principles. Six principles, recommenda­tions and good practices have been developed as part of the HRBAD: 1) Participation, 2) Data disaggregation, 3) Self-identification, 4) Transparency, 5) Privacy, and 6) Accountability. In development programming, these principles should be used in particular in collection but also in the production of data during the programming cycle.

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