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Applying the Human Rights Based Approach to international partnerships

*An updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood,
Development and International Cooperation*

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1. Introduction

Human rights and equality are core values of the European Union and its relations with partner countries, as enshrined in Article 2, 3(5) and 21 of the Treaty on the European Union.¹ The EU Charter of Fundamental Rights² and the fundamental rights enshrined in the European Convention on the Protection of Human Rights³ guide all EU policies. EU actions are designed and implemented to contribute directly or indirectly to the realisation of human rights for all.

With the adoption of the EU's Council Conclusions on a Rights-based approach to development cooperation encompassing all human rights⁴ in 2014, the EU endorsed the rights-based approach (RBA) Toolbox "A rights-based approach, encompassing all human rights for EU development cooperation"; a working methodology that puts human rights and the rights-holders at the centre of EU external action.

The European Consensus on Development 'Our World, Our Dignity, Our Future' (2017)⁵ reinforced the EU commitment and called upon the EU and its Member States to consistently implement the RBA, encompassing all human rights, to development cooperation.

In line with the Action Plan on Human Rights and Democracy for 2020-2024⁶, the EU has updated the Toolbox issued in 2014. This commitment is explicitly reiterated in the EU Gender Action Plan III "An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action" (GAP III 2021 – 2025)⁷ and in the Strategy for the Rights of Persons with Disabilities 2021-2030.⁸ In addition the new financing instrument NDICI-Global Europe⁹ for 2021-2027 calls for applying the rights-based approach encompassing all human rights as a compulsory requirement in the programming and implementation across external policies, including neighbourhood and international cooperation.

Finally, the update of the Toolbox is called upon by the Council in its Conclusions on Inequalities¹⁰, on the Implementation of the EU Gender Action Plan II¹¹ and in the EU Human Rights Guidelines on Safe Drinking Water and Sanitation in 2019.¹²

This Staff Working Document delivers on these commitments by updating the Toolbox and putting a strong focus on addressing all inequalities, notably taking into account the EU commitments in its external action in line with the Action Plan on Human Rights and Democracy, the EU Gender Action Plan III, the Strategy for the Rights of Persons with Disabilities, the LGBTIQ Equality Strategy 2020-2025¹³, the Anti-racism Action Plan 2020-2025¹⁴

¹ [Consolidated version of the treaty on European Union, \(2012\)](#)

² [Charter of fundamental rights of the European Union \(2012/c 326/02\)](#)

³ See Article 6(3)

⁴ [Council conclusions on a rights-based approach to development cooperation, encompassing all human rights, 19 May, 2014](#)

⁵ [The new European Consensus on Development 'our World, our Dignity, our Future'](#)

⁶ [Joint Communication and the EU Action Plan on Human Rights and Democracy for 2020-2024](#)

⁷ [Joint Communication to the European Parliament and the Council EU Gender Action Plan \(GAP\) III – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action](#)

⁸ [Strategy for the Rights of Persons with Disabilities 2021-2030](#)

⁹ [Proposal for a regulation of the European parliament and of the council establishing the Neighbourhood, Development and International Cooperation Instrument](#) (2018). The Regulation is under ordinary legislative procedure for a adoption.

¹⁰ [Addressing inequality in partner countries – Council conclusions \(2019\)](#)

¹¹ [Council conclusions on the implementation of the EU Gender Action Plan II in 2018](#)

¹² [Council Conclusions on EU Human Rights Guidelines on Safe Drinking Water and Sanitation](#) (2019)

¹³ [LGBTIQ Equality Strategy 2020-2025](#)

and the EU Strategy on the Rights of the Child¹⁵. This will be complemented by an EU Action Plan on Youth in 2022. .

All persons, in all their diversity, are born free and equal in dignity and rights, and should be free to live their chosen life, thrive socially and economically, and participate in public affairs.

A human rights based approach (HRBA) advances cooperation in supporting partner countries fulfil their human rights obligations and commitments, in accordance with the principle of aid effectiveness and national ownership. By doing so, the EU and its Member States have advanced and promoted inclusion and participation, non-discrimination, equality, transparency and accountability.

The HRBA is also important in the context of cooperation with candidate countries and potential candidates for EU accession through the Instrument for Pre-Accession Assistance.¹⁶ As part of the “fundamentals first” approach, issues related to fundamental rights are prioritised in the EU accession process. Therefore, it is expected that countries wishing to join the EU undertake reforms in this area as a matter of priority, including by putting in place the legislative and institutional measures necessary to ensure equality of their citizens and non-discrimination.

The HRBA acknowledges the interlinkages between human rights and sustainable development. The international human rights framework and its principles, which are at the heart of the HRBA, hold the keys to address many of the critical development challenges faced globally, such as inequality, climate change and environmental degradation, gender-based violence, violations of the rights of the child, youth unemployment, preserving peace and security, harnessing the advances of technologies, and managing migration or responding to crises, such as pandemics.

The preamble to the 2030 Agenda for Sustainable Development states that the Sustainable Development Goals (SDGs) “seek to realise the human rights of all”.¹⁷ The agenda is grounded in the Universal Declaration of Human Rights and international human rights treaties and labour rights conventions, and must be implemented in a manner that is consistent with the obligations of states under international law¹⁸ (links to core human rights treaties are found in annex 7). The respect, protection and fulfilment of human rights are prerequisites to advancing sustainable development. “It has been shown that over 90% of SDG targets are embedded in human rights treaties.”¹⁹ Thus implementing human rights contributes to realising SDG targets.

The guiding principle of the 2030 Agenda is to reach the people who are furthest behind first, living in the most vulnerable situations. This principle is summed up by the pledge to “leave no one behind”, which the HRBA operationalises in practice. It is expressed across all of the SDGs, and in particular [SDG 10](#) on reduced inequalities²⁰ and [SDG 5](#) on gender equality.

¹⁴ [EU Anti-racism Action Plan 2020-2025](#)

¹⁵ [EU Strategy on the Rights of the Child](#)

¹⁶ [Instrument for Pre-Accession Assistance \(IPA\)](#)

¹⁷ [SDGs related to Human Rights](#).

¹⁸ [Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 25 September 2015](#)

¹⁹ [Permanent Mission of Denmark to the United Nations Office at Geneva, the Permanent Mission of Chile to the United Nations Office at Geneva, Universal Rights group, Danish Institute of Human Rights, ‘Human Rights and the SDGs pursuing synergies’, 2017, p 4.](#)

²⁰ [By 2030, progressively achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average.](#)

This document builds upon the many lessons learnt from the application of the previous Toolbox and from EU Member States' own practices and methodologies.²¹ Many EU Member States have developed strategies and tools for the Human Rights Based Approach and gender mainstreaming. Various approaches towards HRBA can be identified, however they are often similar and based on the UN Common Understanding on HRBA.²² This updated HRBA Toolbox brings the EU and its Member States, as well as the European Financial Institutions, towards a coherent approach.

It is primarily aimed at staff working in EU external action, practitioners in Member States and the EU's development and implementing partners.

This staff working document contains:

- Chapter 2, making the case for the HRBA and unpacking the concept and the five working principles.
- Chapter 3, translating the approach into practice, linking it to the phases of programming, designing and implementation of interventions and offering 'tools for practice' and 'take aways'.
- Annexes including references and useful links.

The Toolbox is complemented by online tools and resources developed by the European Commission and Member States, found in the [EU International Partnerships Academy](#).

²¹ [EU Member States Country Briefs on HRBA](#)

²² [UNSDG Human Rights Working Group, 'The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies', 2003](#)

2. What is the human rights based approach (HRBA)?

The EU has continuously demonstrated its long-standing commitment to upholding and promoting international human rights standards by implementing an HRBA in its international cooperation and development. The HRBA abides by the fundamental principles of human rights:

- Universal, because they apply to all human beings;
- Indivisible, because they all have equal importance and cannot be ranked, whether economic, political, civil, cultural or social;
- Inalienable, because they cannot be taken away and
- Inter-dependent, because they influence each other and cannot be fully enjoyed independently.

The HRBA²³ is a methodology that, should guide all interventions under the NDICI – Global Europe.²⁴ The HRBA identifies states and their institutions as accountable duty-bearers, with the responsibility to respect, protect and fulfil human rights. The HRBA focuses on reinforcing the capacities of all individuals, as rights-holders, to be aware of and empowered to claim and enjoy their human rights. Its objective is therefore the strengthening of capacities of both duty-bearers and rights-holders towards the realisation of rights.

The HRBA places equal importance on the processes of how interventions are programmed, designed and implemented. Programming shall be rights-based, individuals and their human rights must be at the centre of all actions. Through an HRBA the EU upholds its firm commitment to human rights, and promotes more effective interventions. In the end, it delivers more relevant and sustained results, while ensuring national ownership and partnerships around international human rights standards and norms.

The HRBA:

- Strengthens the capacities of states/duty-bearers to fulfil human rights obligations and gender equality commitments.
- Raises the awareness of rights-holders about their human rights and strengthens their capacities to claim their rights.
- Places equal importance on the purposes, processes, and outcomes of EU external action.
- Strengthens meaningful participation through inclusive participatory processes, and focuses cooperation on groups and communities that are left behind and living in vulnerable situations.
- Incorporates the gender dimension into planning, implementation and monitoring of all actions, promoting gender equality and addressing discrimination and inequality on the

²³ [UN Common Understanding on the Human Rights Based Approach](#), covers: a) All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments. b) 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. c) 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.

²⁴ EU-funded humanitarian aid will continue to follow the needs-based approach and directed at crisis-affected people in accordance with humanitarian principles of humanity, neutrality, impartiality and independence as well as the [Humanitarian Aid Instrument established by Council Regulation \(EC\) No 1257/96](#).

basis of sex.

- Empowers persons belonging to groups that may experience discrimination or inequalities to claim their human rights, such as persons with disabilities, LGBTIQ persons, persons belonging to minority ethnic groups or other minorities and indigenous peoples.
- Prevents harmful outcomes from development interventions, such as reinforcing discrimination or undermining human rights, by incorporating the principle of 'do no harm' as interpreted in the human rights arena.
- Anchors development policies within a framework of laws, norms, standards and principles.

The HRBA methodology ensures that EU external action leaves no one behind, while addressing the multiple and often intersecting discriminations faced by persons in vulnerable situations. This includes blending and guarantees.

The approach aligns strongly with the EU commitments to reduce inequalities²⁵, including gender inequality, and to combat discrimination on all grounds, addressing intersectionality and multiple forms of discrimination. Inequalities and discrimination undermine sustainable development by holding back and excluding individuals. The HRBA focuses on how to address power imbalances, discrimination and the drivers of inequalities, especially in its most extreme forms.²⁶

Inequality vs discrimination

Inequality refers to the unequal distribution of goods, resources, and rights: it is inherently a relational concept. Unlike poverty, which focuses on a segment of the population for which living standards falls below a minimum level (i.e. a poverty line), inequality refers to differences in social and economic outcomes and opportunities across the whole population, as well as between and within its groups. Discrimination is defined as any differential treatment of a person or group of persons based on a prohibited ground²⁷ which has no objective and reasonable justification.

Source: [Addressing inequality through EU Development Cooperation – Response to the 2030 Agenda and Commission SWD - Implementation of the new European Consensus on Development – Addressing inequality in partner countries, 2019.](#)

The HRBA focus on the rights-holders left furthest behind and living in vulnerable situations. It helps prioritise attention and resources on the most important and neglected human rights and development challenges in any given context, identifying ways to tackle the root causes of poverty, inequality and human rights violations.

The EU and its Member States will continue to ensure that no one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity, migration status, race or other factors. This includes addressing the multiple discriminations faced by vulnerable people and marginalised groups.

Source: [The new European Consensus on Development 'Our World, Our Dignity, Our Future', 2017.](#)

²⁵ [Council conclusions on addressing inequality in partner countries, 25 November 2019 \(14456/19\).](#)

²⁶ [Commission Staff Working Document "Implementation of the new European Consensus on Development – Addressing inequality in partner countries", 14 June 2019 \(10350/19\)](#)

²⁷ Prohibited grounds are: age, birth or other status, colour, descent, disability, genetic feature, language, membership of national minority/ association with a national minority, membership of trade union, national, ethnic or social origin, political or other opinion, property (economic status), race, religion or belief, sex, sexual orientation, other status/ any other similar criteria.

Intersectionality helps to understand how different aspects of a person's identity combine to create different modes of discrimination.²⁸ A woman, belonging to a minority community, living in a rural area with a disability, may experience specific barriers to access employment or essential social services. To address all forms of discrimination and disadvantage, it is important to understand their underlying causes and how they manifest in development opportunities and outcomes.

2.1. Objectives, processes and outcomes

The HRBA should be equally featured in the purposes, processes and outcomes of EU external action. Intervention should address inequalities and human rights violations by addressing the capacity gaps of both rights-holders and duty-bearers. The rights-holders have entitlements and claims regarding their human rights. They should be considered as active contributors to the development process, and not just as passive beneficiaries. The duty-bearers are governments and state institutions with the obligations to respect, promote, protect and fulfil human rights.

The human rights based approach looks at:²⁹

The objectives: All interventions, policies and technical assistance should advance the realisation of human rights, including labour rights and women's rights. This means that all interventions in any sector, under whatever modality, in whatever country, with whatever stakeholder, should target the respect, protection and fulfilment of human rights for women and men, girls and boys, in all their diversity.

The processes: The HRBA ensures that the processes used in programming, designing and implementing EU external action, do further fundamental human rights and freedoms. During these processes, the HRBA working principles should guide the work: applying all human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data. The HRBA builds on the human rights standards and principles of the Universal Declaration of Human Rights (UDHR). The UDHR and the other international human rights instruments guide all development cooperation and programming in all sectors and phases of the programming process.

The outcomes: The outcomes of interventions should contribute to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to know, claim and enjoy their human rights.

2.2. Combining the HRBA with gender mainstreaming

The Human Rights Based Approach and gender mainstreaming share principles and reinforce each other. Gender mainstreaming stresses the importance of addressing women's and men's experiences, their needs and interests, their access and control over resources, and their roles and responsibilities, while HRBA stresses the importance of identifying the capacity needs of rights-holders and duty-bearers. Gender inequality in access to resources and opportunities (e.g. jobs, health or education, water and sanitation, decision-making, security and justice)

²⁸ EIGE defines '[intersectionality](#)' as an "analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination". See Article 10 TFEU, when "defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

²⁹ Based on the [UN Common Understanding on the Human Rights Based Approach](#).

negatively impacts empowerment, decision-making power and economic opportunities for women, which in turn negatively impacts their income, and leads to higher income inequality between women and men. Therefore, gender equality policies that improve the socio-economic status of women and address gender inequalities, will help decrease income inequality and ultimately increase prosperity and development for all.

The EU Gender Action Plan for 2021–2025 (GAP III)³⁰ sets out the EU’s political and operational roadmap towards a gender-equal world, and makes gender equality and women’s and girls’ empowerment a cross-cutting priority of EU external action. One of the core principles of the GAP III is to follow an approach based on human rights. Gender mainstreaming is the primary means to achieve gender equality, in combination with targeted actions and political dialogue. Gender mainstreaming is essential for integrating gender equality concerns in the analysis, design and monitoring of policies and interventions.

Gender mainstreaming

Gender mainstreaming ensures that policies and interventions maximise the potential of all –women and men, girls and boys, in all their diversity. The aim is to redistribute power, influence and resources in a fair and gender-equal way, tackling inequality, promoting fairness, and creating opportunity.

Source: A Union of Equality: Gender Equality Strategy 2020-2025.

Good practice: In Madagascar a budget support intervention responding to COVID-19 promotes access to better livelihood and social services for groups living in vulnerable situations and specifically women. The intervention adapts and remodels existing social services to the needs and rights of those furthest behind. The aims are in line with the National Gender Policy, and include the extension of the services already being provided. Since data has shown that women and girls are more at risk of violence during confinement measures related to COVID-19, the intervention supports the installation of a mobile phone number to reach out to girls and women at risk or victims of violence. This intervention responds to identified discrimination and the rights of those most in need. This example highlights the working principle of non-discrimination. Source: ADCRIS: 042-513.

2.3. The five working principles of the HRBA

The HRBA includes the following five working principles.

- Applying all human rights for all;
- Meaningful and inclusive participation and access to decision-making;
- Non-discrimination and equality;
- Accountability and rule of law for all;
- Transparency and access to information supported by disaggregated data.

These principles should be rigorously applied throughout programming, design and implementation and across all sectors. Gender equality should be mainstreamed throughout these working principles. The working principles are equally relevant to the process and aims of EU external action.

³⁰ [Joint Communication to the European Parliament and the Council EU Gender Action Plan \(GAP\) III – An Ambitious Agenda for Gender Equality and Women’s Empowerment in EU External Action](#)

2.3.1. Applying all human rights for all

This principle acknowledges that human rights are legally binding state obligations. In practice, the principle calls to consider all human rights for all. When the EU is fighting poverty to advance the right to an adequate standard of living, it can only be effective if it also considers that everybody has the right to work, to a clean environment and to health. It does not mean that an action should focus on all human rights, but rather understand the linkages and interdependence of the human rights at stake. Human rights standards from treaties, laws and related recommendations, as well as information from monitoring mechanisms and reviews, shall be used to define and advance the outcomes of the intended intervention. Reference should be made to the human rights systems at UN, regional and national levels, as well as to its outputs (for example reports, concluding observations, recommendations).

Good practice: In Bangladesh the EU-Germany budget support to National Social Security Strategy reforms (2019 – 2024) strengthens the national efforts to break the cycle of poverty by improving the efficiency and effectiveness of social assistance programmes with a strong focus on improving the diets of pregnant women and children under the age of five as well as protecting workers in precarious working conditions. HRBA and evidence-based policy formulation, planning and implementation, with a robust M&E system ensure inclusiveness, optimum coverage, adequacy and predictability of benefits to the most vulnerable. This example shows that a focus on the right to food can go hand in hand with the right to decent working conditions, covering more than one right in one intervention.

Source: [International Partnerships Bangladesh](#)

2.3.2. Meaningful and inclusive participation and access to decision-making

Possibly the most far-reaching change in the shift to a human rights based approach is the way the EU and its partners should interact with stakeholders, a shift enshrined in the working principle: meaningful and inclusive participation and access to the decision-making process.

Ensuring participation entails a shift from perceiving stakeholders as passive actors to rights-holders and duty-bearers and active agents in development processes. Active, inclusive, free and meaningful participation is both a means and an end in itself. It is putting rights-holders at the centre of our action by empowering them to identify and help address the main obstacles and structural barriers impeding them to enjoy their human rights.

Good practice: Support to the Peace and Share Prosperity through the citizens' Charter Programme" is an EU action in Afghanistan that supports access to basic service delivery, such as access to drinking water or education services, with minimum standards specifically in areas not-accessible and thus not served by the government. This programme recognises that peace cannot be achieved without guaranteeing fundamental rights, from education and health to political participation.

Source: [EU Delegation to Afghanistan](#).

This working principle calls for the explicit active engagement of all individuals and groups, including children and youth. Besides the principle of the best interest of the child, child participation is one of the core principles of the Convention on the Rights of the Child³¹, asserting that children and young people have the right to freely express their views and that there is an obligation to listen to children's views and to facilitate their participation in all matters affecting them.

³¹ [Convention on the Rights of the Child](#)

In many cases, access to decision-making processes can only be granted by representation which is why the participation principle places a special emphasis on invigorating civil society organisations, including trade unions and worker's representative bodies, as well as other representative bodies, including parliaments. CSOs and similar organisations can open space for collective action and amplify the voice of specific groups. Additionally, parliaments, national human rights institutions, the national gender equality bodies and other independent state mechanisms can play an essential role in promoting participation.

Good practice: The “Kosovo* Education for Employment Network (KEEN)” project, improves employability of groups living in vulnerable situations. The project focuses on the link between education and the labour market, while addressing specific attention to the promotion of female entrepreneurship. One of the partners, The Bahri Haxha Vocational Education and Training School, was able to organise a one-year internship for their 12th grade students in a number of companies. Partnerships and dialogues between civil society, government and the business sector made the project successful.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Source: [EU Office Kosovo](#).

2.3.3. Non-discrimination and equality

All human beings in all their diversity are entitled to the protection and enjoyment of their human rights. In practice, this means development actions must assess patterns of inequality and discrimination in terms of protection, advantages and opportunities. This working principle also means identifying those who are facing unequal access to and control over resources, goods and services. Non-discrimination is a legal obligation and requires the state to address it with specific laws, policies and institutional measures, including budget allocations. States are required to actively combat discrimination and inequality and EU external action must address all forms of discrimination. Since people with disabilities are at risk of being discriminated and as the EU has ratified the Convention on the Rights of Persons with Disabilities (CRPD)³², special attention has to be paid to these risks. Civil society together with media and independent human rights institutions and equality bodies should have the capacity to hold their governments to account.

The application of the principle of non-discrimination goes hand in hand with the obligation to mainstream gender equality in EU external action. To be able to address discrimination, in-depth analysis of the root causes of violations of human rights is necessary at the beginning of each intervention.

Good practice: Children who lack parental care, who live with disabilities, or who come from minorities that suffer discrimination are getting a new chance in Montenegro. Children in need are taken care of from a perspective that transforms institutional care, promotes fostering, and opens up opportunities in day-care and education. Cooperation has been promoted among authorities responsible for health, education and social welfare. Staff members are being trained in inter-sectoral approaches to supporting families and children at risk of separation, and children with disabilities are being increasingly included in mainstream education.

Source : [EU Delegation Montenegro](#).

2.3.4. Accountability and rule of law for all

Inherently linked with the other principles, accountability means upholding state institutions to their highest standards in realising and protecting people’s human rights, and promoting accessible, transparent and effective mechanisms of accountability. States are accountable for respecting the rule of law. The principle entails ensuring rights-holders have the ability to claim their rights and seek justice, redress or compensation for violations, through accountability mechanisms, including through the justice system for all. There is a range of different

³² [Convention on the Rights of Persons with Disabilities](#)

stakeholders that can play an important role in ensuring accountability and transparency, including state institutions (duty-bearers): parliaments, supreme audit institutions, ombudspersons, national human rights and gender equality bodies and anti-corruption commissions, as well as other actors independent from the state, including civil society, private enterprises and the media.

Good practice: Prisons around the globe have been particularly challenged by the Coronavirus (COVID-19) pandemic due to the high risk that the infection can spread quickly through prison populations. To try and stop the virus from entering the prisons in the first place, many countries have imposed restrictions on contact, visit, and representation in court to protect both inmates and prison officers from the virus. The Fiji Access to Justice Project, supported the Fiji Corrections Service in setting up the remote conferencing facilities through the provision of laptops and data packages. Prisons are taking accountability to protect the right to health as duty-bearers, while the rights-holders can enjoy their right to access to justice (remote justice) and their right to a fair trial.

Source: [Digital services provide prisoners with access to justice during the COVID-19 pandemic.](#)

2.3.5. Transparency and access to information supported by disaggregated data

This principle is linked to the principles of inclusive meaningful participation and accountability. It is about making information on policies and interventions understandable and accessible to all stakeholders. It promotes the right to freedom of information. State institutions become more accountable with transparent, reliable and trustworthy information, available via accessible channels and access to information regimes. The principle promotes the availability of disaggregated data, especially sex and age disaggregation. It ensures that data is also related to groups in more vulnerable situations.³³

Governments who have ratified the Convention on the Rights of Persons with Disabilities (CRPD) are obliged to collect data on persons with disabilities in a transparent way. On the other hand, access to information for persons with disabilities means that information should be provided in various formats (written, audio, easy-to read, sign language, etc.) and that consultation mechanisms should be inclusive and accessible (for example meetings are organised in accessible buildings).

Tool for practice

The Global Monitor of COVID-19's impact on Democracy and Human Rights is an EU co-funded project that developed a qualitative monitor and a "one-stop-shop" online global monitoring tool on the democracy and human rights implications of measures adopted by 162 governments around the world in the context of the COVID-19 crisis.

Source: [The Global Monitor of COVID-19's impact on Democracy and Human Rights.](#)

The principle of transparency and access to information requires state institutions to promote transparency, for instance through open and transparent budgeting, policy making processes and oversight, along public scrutiny by parliament, independent human rights institutions, gender equality bodies, civil society and the media. At the same time, the EU must ensure it lives up to the principle of transparency in how it carries out its work, for example, by sharing publicly information and data on decision making and intervention implementation, that is understandable and accessible to all.

³³ The Subgroup on Equality Data of the High-Level Group on Non-discrimination, Equality and Diversity, set up by the European Commission, issued [Guidelines](#) on improving the collection and use of equality data in 2018.

Good practice: The Zimbabwe Spotlight Country Programme, co-funded by the EU, is a multi-year initiative to end violence against women and girls in the country. The programme has a component to strengthen the technical capacities of key stakeholders from government, civil society, statistics officers and service providers to collect qualitative and disaggregated data related to violence against women and girls.

Source: [Delegation of the European Union to Zimbabwe](#).

Tool for practice

An interesting practical guide for EU Delegations “[Supporting Access to Information](#)” builds on the guidance in the “EU Human Rights Guidelines on Freedom of Expression Online and Offline” that describe actions the EU institutions and Member States should take to support access to information.

Other sources for the HRBA in other contexts and sectors are found in the annexes.

3. Translating the HRBA into practice

This chapter presents the steps to integrate the HRBA in all levels of interventions, starting from programming, through design, to implementation, including monitoring and evaluation. A fictional example is developed in each section to offer inspiration to the different phases.

3.1. Steps to translate the HRBA into practice

3.1.1. How to apply the HRBA in the context analysis

It is essential for programming, design and implementation to have a sound understanding of the human rights in a given country. This includes the political, social, environmental, cultural and economic dimensions of human rights, as well as their respect and implementation. To be effective, the context analysis should draw from main sources at international, regional and national levels. The UN Human Rights system, through its monitoring mechanisms³⁴, is key to inform the context analysis. Reports conducted by sector ministries, national parliaments, statistical offices, independent human rights and equality bodies and civil society organizations, should inform the context analysis. Studies made by EU Member States, other international donors as well as multilateral and bilateral agencies can provide further analysis.

Tools for practice:

Zoom in on a country – which human rights are being violated and why?

No matter what sector or context, always begin by identifying the human rights at stake. The UN Office of the High Commissioner for Human Rights (OHCHR) provides key information on the human rights and gender equality situation of all UN member states. This repository includes reports on the implementation of the international human rights treaties. Reports provide valuable information and recommendations on how human rights abuses and gender inequalities could be addressed:

- The **Universal Periodic Review** compiles detailed information on the human rights situation per **country**, including inputs from stakeholders and the UN system. The UPR is a state-driven process allowing countries to issue recommendations and report on actions taken to improve the human rights situation. This is also a valid entry point for political and policy dialogue. UN Web TV broadcasts sessions of the UPR Working groups (see for example the **Malawi Review - 36th Session of Universal Periodic Review on UPR Webcast**).
- **UN Treaty Bodies** – issue reports or ‘concluding observations’ on the implementation of ratified treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (**CEDAW**), the Convention of the Rights of the Child or the Convention on the Rights of Persons with Disabilities. Click **here** to access the country reports.
- Reports from **UN Special Procedures** – for example the country visits by **the Special Rapporteur on the situation of human rights defenders**, the **Independent Expert on the enjoyment of human rights by persons with albinism**, or the **Special Rapporteur on human rights and the environment**.
- The **OHCHR** website also provides relevant information in the **“List of Issues”**. Find information on the topics of **Human Rights Indicators**, **Migration**, **Water** or **Privacy and digital data**, for example. This website also holds recent information of specific groups, such as **Indigenous peoples**, **Children deprived of liberty** or **Persons with disabilities**.
- **Monitoring ILO Convention by Country: Regular reporting: ratified conventions (Art.22/35)**.
- Country data can also be found in the **Voluntary National Reviews (VNR) on the implementation**

³⁴ UPR reports, UN Human Rights Council country resolutions, special rapporteur reports and concluding observations of treaty bodies.

[of the 2030 Agenda](#) and national reports on the implementation of the [Beijing Declaration](#).

Important parts of the analysis are the Gender Country Profile (GCP) and the gender sector analysis.³⁵ The GCP assesses the gender equality situation in the country and should be carried out by the EUD and updated every five years. The GCP informs the programming, design and implementation phases. In line with the GAP III any analysis must highlight the differentiated experiences, needs and interests, barriers and discriminations faced by women and men, girls and boys, in all their diversity.

Good practice: In 2018, the Office of the EU Representative in West Bank and Gaza Strip, UNRWA updated the previous 2015 gender country profile. The profile served as a practical tool to enhance gender mainstreaming by all European cooperation partners. The analysis provided a background on the most relevant gender-related concerns in the five pillars of the European Joint Strategy. Findings, achievements, and challenges were outlined per sector and recommendations were provided based on the most strategic and practical gender needs identified and on the policy interventions of EU donors. The drafting was a collective and inclusive process with Member States, civil society, and UN organisations.

Source: GAP III Brief n.1 Gender country profile and gender sector analysis February 2021.

Integrating the HRBA in the context analysis enables evidence-based decision making and prioritisation. It ensures that the most important challenges and causes of human rights violations and discrimination are identified and can thus be addressed.

Human rights and gender analysis specifically contribute to a better understanding of the causal relations between human rights violations and development challenges. They help identify gender disparities as well as the situation and needs of persons whose human rights are particularly violated. National Human Rights Institutions, Ombudspersons, gender equality bodies and national and international civil society organisations, amongst others can provide valuable information.

The objective of the context analysis is to identify discrimination, structural barriers and root causes of the non-realisation of human rights, in order to assess and address the most neglected human rights and needs of all people.

Persons with disabilities are often under-identified in surveys and other data collection tools, due to inconsistency in disability definition, to stigma and discrimination. Article 31 of the CRPD obliges signatory countries to collect data on persons with disabilities, which means that most countries where EU work, must collect data. This will generate much needed evidence on persons with disabilities to address gaps and amend policies and regulations. Interventions can support such data collection.

The analysis should integrate information on discrimination, vulnerabilities and inequalities. Data should be disaggregated by sex, age, disability and socio-economic inequalities, and other factors. Inequalities and multiple forms of discrimination should be systematically taken into account in the development of new interventions.³⁶ It is important to understand the situation experienced by all people, especially those furthest behind.

³⁵ GAP III Brief n. 1 'Gender country profile and gender sector analysis February 2021'

³⁶ [Commission Staff Working Document, Implementation of the new European Consensus on Development – Addressing inequality in partner countries](#)

Tool for practice

The Reference Document on “Addressing Income Inequalities Through Development Cooperation” is a step forward by the European Commission to mainstream inequalities in its operations.

The document provides guidance on how to prevent and reduce socio-economic inequalities in specific and practical manner in all relevant policy areas where this objective can be effectively pursued.

Source: Addressing Income Inequalities Through Development Cooperation, 2021.

The context analysis could be carried out by the EU alone, or jointly with MS, using existing up to date documentation or through a combination of these practices.

Good practice: The EUROsociAL+ programme is implemented according to the Team Europe spirit, by a consortium of EU Member States. It applies a demand driven approach, peer-to-peer learning methodology, based on transfers of expertise from the EU and LAC, promoting EU values including the human rights based approach. The 2021-2027 regional MIP for LAC under the priority “Social cohesion and fighting inequalities” aims to support the participation of all in the design of public policies and to make sure that people have access to quality basic services, particularly in areas identified as key for human development such as health, education and social protection. Special attention is paid to people living in most vulnerable situations, among them women, as well as youth. This contributes to the realisation of targets on human development, rights and gender equality.

Source: EUROsociAL+ PROGRAMME.

The following box is a fictional case on migration that can inspire EU external action.

Take away - context analysis

Imagine that you are working in country X and that your intervention is focused on the situation of migrants. What is the information that you take away from the above-mentioned reports and sources?

In the UPR reports of country X it is stated that “migrant workers are particularly at risk of torture, forced labour, trafficking and sexual violence”.

The Special Rapporteur on human rights of Internally Displaced Persons (IDPs) found that many IDPs remain without official documents. The Special Rapporteur recommends the state to “ensure civil documentation to be issued in places of displacement to address the challenge of gaining access to services, assistance and employment”.

The CEDAW report found that women in detention and migrant women were particularly vulnerable to sexual abuse and other forms of violence.

Shadow reports from the CSOs capture the voice of rights-holders and the local communities, providing crucial information and other sources of information.

The SDG Voluntary National Review shows that the country has not implemented a “well managed migration policy” (SDG 10.7), there is high incidence of human trafficking (SDG 16.2) and not all relevant data is disaggregated by migration status (SDG 17.18).

UNHCR has identified that children with disabilities are particularly at risk in migration reception camps.

3.1.2. Policy analysis: align with relevant policies

The second step focuses on partner countries' legal and policy frameworks and commitments. The aim of the policy analysis is to map international, regional and national commitments, laws, policies and strategies and assess their implementation by the country. It offers a framework for accountability and sets the boundaries within which the action should take place. International human rights treaties and the 2030 Agenda pay special attention to the interests of rights-holders, strengthening the legitimacy of any action.

Good practice: The Enhancement of vulnerable children protection mechanisms project in Uzbekistan supports government authorities, in cooperation with CSOs and affected communities, to improve child rights legislation and protection, bringing them into alignment with the Convention of the Rights of the Child. The reinforcement of the legal framework is a relevant point of entry to effect change in the protection of children's rights.

Source: [EU Delegation Uzbekistan](#).

All interventions should align with relevant national policies, contributing and supporting national needs and priorities. In practice, this means identifying relevant legislation or sectoral policies at both national or sub-national level and assessing the resources available for their implementation. All national human rights, gender equality and non-discrimination policies and strategies should be assessed and taken into account.

The interventions should also contribute to EU obligations and policies, first and foremost, the European Consensus on Development³⁷ and the Gender Action Plan III³⁸, and other strategies, policies and guidelines, such as the EU Strategy on the Rights of the Child³⁹, EU Strategy on the Rights of Persons with Disabilities 2021-2030⁴⁰, the EU's Action Plan on Democracy and Human Rights, the EU's Human Rights Guidelines⁴¹, the EU Anti-racism Action Plan 2020 – 2025⁴², the EU Roma strategic framework for equality, inclusion and participation⁴³ and the LGBTIQ Equality Strategy 2020-2025.⁴⁴ Of particular importance is the commitment made by the EU when signing the Convention on the Rights of Persons with Disabilities.⁴⁵

³⁷ [The new European Consensus on Development 'our World, our Dignity, our Future'](#)

³⁸ [Joint Communication to the European Parliament and the Council EU Gender Action Plan \(GAP\) III – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action](#)

³⁹ [EU Strategy on the Rights of the Child](#)

⁴⁰ [Strategy for the Rights of Persons with Disabilities 2021-2030](#)

⁴¹ [EU Human Rights guidelines](#)

⁴² [EU Anti-racism Action Plan 2020-2025](#)

⁴³ [EU Roma strategic framework for equality, inclusion and participation for 2020 – 2030](#)

⁴⁴ [LGBTIQ Equality Strategy 2020-2025 COM/2020/698 final](#)

⁴⁵ [Convention on the Rights of the Child](#)

Tools for practice:

What international human rights instruments frame the intervention?

The website of the [Office of the High Commissioner for Human Rights](#) contains information on the international human rights conventions that were signed or ratified by all countries. For instance, if an intervention targets children, it will be relevant to know whether the country has ratified the [Convention on the Rights of the Child](#) and has delivered the regular reports to the Treaty Body, which assesses these reports and formulates recommendations.

Always link all actions with the [Sustainable Development Goals](#) and the objectives of the EU Gender Action Plan III. Given that all actions should advance the 2030 Agenda and promote gender equality, it is important that the contribution is made explicit. The Danish Institute for Human Rights has developed a useful tool that links international human rights commitments and the SDGs called the [SDG-Human Rights Data Explorer](#).

The ILO's fundamental labour conventions should guide interventions in the area of employment and labour rights, information about the conventions, ratifications, guidance and recommendations can be found [here](#).

Always consult regional human rights systems, including [the European Court of Human Rights](#), [the African Court of Peoples' and Human Rights](#) and [the Inter-American Court of Human Rights](#).

Further information is found in the resources in annex 6.

The box below illustrates an example of a potential output of the policy analysis in the continued imaginary case.

Take away - policy framework analysis

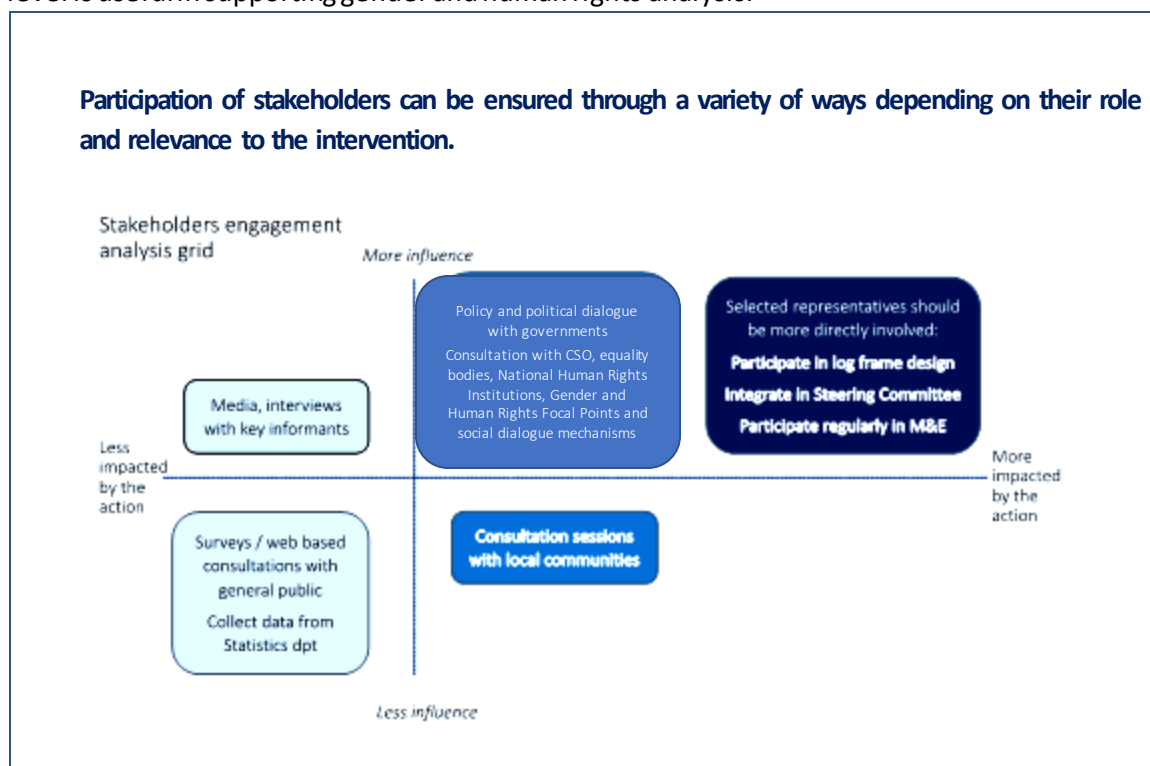
Going back to the example of country X and the intervention with migrants, what relevant information is found at international and EU level?

- In the Status of Ratification section of country X we find that it has ratified the [International Convention on the Protection of the Rights of All Migrant Workers](#) – meaning the state has a legally binding commitment to ensure and protect their human rights. During their latest UPR cycle, we find that the government has also accepted a recommendation to protect the rights of migrants.
- **What are the priority SDGs for the country?** The priority SDG's are SDG 16 (peace, justice and strong institutions), SDG 5 (gender equality) and SDG 8 (decent work and economic growth). These priorities frame the focus of the intervention to be established.
- **What are the relevant GAP III objectives?** We find that country x has identified the following GAP III objectives: 1) on gender-based violence; 2) on promoting women's access to entrepreneurship opportunities; and 3) on women's participation in peace and security. These objectives and their indicators can inspire the drafting of the intervention.

3.1.3. Stakeholder analysis: identify stakeholders and assess their capacities

Building on the previous steps, it is important to conduct a stakeholder analysis and a capacity assessment to determine who should be involved in the intervention and what capacity development initiatives could support the intervention. All relevant stakeholders, particularly duty-bearers and rights-holders, should participate meaningfully throughout the programming, design and implementation phases. Implementing partners must ensure meaningful and inclusive participation of all stakeholders. Without stakeholders' active involvement, not only will the overall objectives be undermined, but discrimination and marginalisation might be

perpetuated. The capacity assessment should be conducted in a participatory way and feedback should be provided to the actors involved.⁴⁶ Different stakeholders have different experiences, concerns, capacities and interests related to the intervention, based on the distribution of power and resources as well as social and cultural factors. Expertise at national level is useful in supporting gender and human rights analysis.



Source: adapted from the [Sourcebook for WWF Standards Stakeholder analysis grid](#).

3.1.3.1. Rights-holders and duty-bearers

On the basis of the analysis of the key issues related to human rights and gender inequalities and the policies and commitments related to the sector, the stakeholder analysis proceeds with the identification of duty-bearers and rights-holders and their representatives, in particular civil society organizations. The HRBA considers that human rights abuses and inequalities result from a multitude of factors, including capacity gaps of duty-bearers, which inhibits complying with their obligations to respect, protect and fulfil human rights. Strengthening the capacity of rights-holders should lead to increased representation, knowledge and power to know, to claim and to enjoy their human rights. Civil society organisations representing rights-holders, might also benefit from capacity strengthening.

The HRBA distinguishes between stakeholders who are rights-holders, duty-bearers or other actors.

- The rights-holders: affected individuals and groups who have entitlements and claims regarding their human rights. They should be considered as active contributors to the development process, and not just as passive beneficiaries.
- The duty-bearers such as governments, state institutions and independent human rights and equality bodies like National Human Rights Institutions (NHRI) or ombudspersons, *bear the obligations* to respect, promote, protect and fulfil human rights.

⁴⁶ [Gender-aware Stakeholder Analysis](#)

- Other actors such as civil society organisations, academia and private sector entities or private corporations.

The HRBA assesses the capacities of rights-holders and duty-bearers to fully enjoy their human rights and perform their duties, and how the intervention can contribute to strengthen these capacities. The analysis also identifies the people or groups who are most at risk of being left behind, focusing on groups living in vulnerable situations.

The capacity assessment is fundamental to the design stage since it provides evidence of where the intervention should concentrate and on defining capacity development measures for duty-bearers and rights holders.

Rights-holders may face multiple intersecting forms of discrimination. Some stakeholders may be allies in supporting the promotion of human rights and gender equality. Others may create obstacles or undermine the expected results of the action. Civil society organisations may be effective at representing the views and interests of under-represented rights-holders, such as persons with disabilities or minority ethnic groups, and therefore should be considered as potentially an important stakeholder.

Stakeholders that can reinforce the gender dimension of an intervention, should be identified and consulted. For rights-holders, this means ensuring that the perspectives, experiences, needs and interests of both women and men are adequately represented. On the side of the duty-bearers, it means involving the institutional mechanisms for gender equality, such as ministries responsible for the respect and protection of women's and girls' human rights, gender focal points in line ministries and national institutions.

Tools for practice:

Reinforce and make use of tools for participation and consultation across all of the EU's work

The EU conducts political, policy, economic and dedicated human rights dialogues with third countries and regional organisations. The European Consensus on Development calls for the integration of human rights into political dialogue, to include the participation of rights-holders in dialogues and to use political dialogue as a major platform to advance human rights commitments.

A dialogue is a systematic process bringing the EU together with duty-bearers (partner governments), to discuss the overall human rights context or specific human rights situations. If well designed, dialogue can be an effective means to advance human rights and gender equality. Dialogue contributes to a shared understanding around the universality and importance of human rights. It can advocate for advancing evolving, contentious or neglected human rights agendas (depending on the context), such as women's rights, digital rights, the rights of persons with disabilities, child rights, the rights of persons of diverse sexual orientation and gender identity, the rights of migrants, the rights of indigenous peoples, minority rights or labour rights.

The objectives of a dialogue should respond to the national development agenda and international human rights commitments and ensure the effective participation of different stakeholders, including accountability and expert bodies, such as, parliaments, national human rights institutions, gender machinery, and civil society including social dialogue partners, organisations of persons with disabilities or private sector.

Source: 2017 Council Conclusions on EU engagement with civil society in external relations.

The HRBA also calls for the involvement of National Human Rights Institutions⁴⁷ and other human rights accountability mechanisms that have a mandate to protect, promote compliance, awareness and accountability of human rights. The identification of key stakeholders and their roles should be complemented by an assessment of their capacities. It

⁴⁷ Find information on a country's national human rights institution [here](#).

is key to understand the reasons why state institutions are failing to meet their obligations. Is it a matter of political will, lack of funding, technical skills, institutional resistance or cultural constraints or resistance? At the same time, attention should be given to define the obstacles that individuals and groups have in attaining information, in claiming their human rights, in accessing basic services or decision-making processes.

Tools for practice:

Consult (independent) state and political institutions that often play a public sector accountability role in monitoring human rights and gender equality. They can be a valuable source of information and be an important stakeholder.

- **Gender machinery, i.e. the institutional mechanisms for gender equality**
- **National Human Rights Institutions (NHRI)**
- **National Parliament**

Other institutions monitor government performance in protecting human rights, such as ombudspersons, equality bodies, anti-corruption commissions, or supreme audit institutions and state statistical offices.

3.1.3.2. Civil society

Civil society organisations have a key role in EU external action. CSOs should be consulted throughout programming, design and implementation to ensure that their insights and perspectives are considered.

Consultation with Civil Society Organisations

“EU support to CSOs should feature more prominently in all partnerships and a more strategic engagement with CSOs should be mainstreamed in all external instruments and interventions and in all areas of cooperation.” Ensuring their inclusive and meaningful participation increases the opportunities for the rights-holders to make their voices heard and taken into account. Lessons learnt can be found [here](#).

Source: 2017 Council Conclusions on EU engagement with civil society in external relations.

When engaging with partner countries it is important to empower civil society organisations and promote their meaningful and structured participation.⁴⁸ Civil society organisations are not rights-holders per se, instead, CSOs can represent and advocate on behalf of right-holders, articulating their shared interests and needs to state actors. They may also act as watchdogs and hold duty-bearers to account by carrying out human rights monitoring and advocacy activities. CSOs may also encourage the ratification of key human rights treaties, including the labour rights conventions. Trade unions are a specific type of CSO that defend workers’ rights and should take part in social dialogue with government and employers organisations, in a tripartite process.

⁴⁸ [Proposal for a regulation of the European parliament and of the council establishing the Neighbourhood, Development and International Cooperation Instrument](#) (2018). The Regulation is still under the ordinary legislative procedure for a adoption.

Tools for practice:

Assessing civil society in a country

- Reaching out to specific groups that might be marginalized and consulting with CSOs representing their interests, is crucial. Civil society should be regularly consulted, drawing on the knowledge and advice of those already involved in EU funded interventions. The EU develops Roadmaps on civil society engagement at country level (related information can be found [here](#)).
- CIVICUS is an international alliance dedicated to strengthening citizen action and civil society throughout the world. They developed a “**Monitor**” to track and rate the conditions for civil society or civic space in 196 countries (all UN member states and Kosovo, Palestine and Taiwan).
- The media can also be an important player in the collection and dissemination of information. Consult the tools from the [EU's Media4Democracy programme](#).

CSOs may be faced with capacity gaps, from limited human and financial resources to a shrinking civic space that limits their effective engagement in policy making and implementation processes. Building their capacity can promote the awareness of rights-holders and particularly the engagement of more excluded groups, such as women and girls with disabilities or from indigenous communities, and create opportunities for participation. Civil society organisations encompass a variety of structures, from organisations that deliver services, women's organisations, social partners (including trade unions and employers' groups), research centres, cooperatives, organisations of people with disabilities, to faith-based associations, youth organisations, umbrella entities and grassroots organisations.

Good practice: The [Indigenous Navigator](#) is a framework and set of tools for and by indigenous people to systematically monitor the level of recognition and implementation of their human rights. By using the Indigenous Navigator, indigenous organisations and communities, duty bearers, NGOs and journalists can access free tools and resources based on community-generated data.

3.1.3.3. The private sector and social partners

The private sector⁴⁹ is increasingly a strong and influential partner in EU development cooperation.⁵⁰ While the private sector is not a duty-bearer nor a rights-holder, they can play an instrumental role in respecting, protecting and remedying rights.⁵¹ Moreover, businesses have a responsibility to comply with human rights standards, labour standards and principles, and it is the mandate and duty of state institutions to regulate business' compliance be that related to equal opportunities, non-discrimination, environmental rights, labour rights, or anti-corruption, to name a few. The EU should promote the adherence to and implementation of the UN Guiding Principles on Business and Human Rights and to the Fundamental ILO Conventions.⁵² Established by the [UN Global Compact and UN Women, the Women's Empowerment Principles](#) offer guidance to businesses on how to promote gender equality and women's empowerment in the workplace, marketplace and community.

⁴⁹ ['Business and Human Rights – Towards a Common Agenda for Action' Perspectives Paper](#)

⁵⁰ EC Communication, A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries, 13 May 2014 (COM(2014) 263)

⁵¹ [Tools for 'Business and human rights' developed by the Danish Institute for Human Rights](#)

⁵² [Guiding Principles on Business and Human Rights](#)

Good practice: One of the Team Europe's aim is to mitigate the immediate social and economic consequences of the COVID-19 pandemic, including support to the private sector with a focus on Small and Medium-sized Enterprises, and government reforms to reduce poverty. The European Union in Timor-Leste helps vulnerable communities in reducing the economic impact of COVID-19 donating assets, hygiene materials and food on Atauro island. The support is part of the EU initiative "Cultural Entrepreneurship in Timor-Leste - A Driving Force for Inclusive Development and Equality", implemented by Empreza Di'ak - a local NGO.

Source: [#TeamEurope supports the most vulnerable families on Atauro island, Timor-Leste](#).

Engaging the private sector requires open, transparent and inclusive social dialogue mechanisms. Social dialogue is instrumental to the fulfilment of human rights and labour rights, through fostering better industrial relations and building trust and cooperation between all stakeholders: workers, employers and governments. Decisions taken by all social partners through social dialogue can lead to inclusive growth and reduced inequalities because they are able to better address the social consequences of economic decisions, such as the tackling of gender disparities and discrimination. An efficient social dialogue requires strong and free social partners operating on an adequately enforced legal framework and with appropriate institutional capacity. In many partner countries, both the legal framework and institutional capacity of social partners may need enhancement. The recommendations of the International Labour Organisation Committee of Experts on the Application of Conventions and Recommendations' directed to specific countries should guide the design of such activities.

Tools for practice:

Engaging with the private sector?

- Consult the [EC Communication on A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries](#).
- [Toolkit on Business and Human Rights for EU Delegations](#)
- To offer guidance on how to support businesses, consult the UN [Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework](#).
- The EU produced an [ICT sector guide on implementing the UN guiding principles on business and human rights](#).
- Browse the [reference document for support programmes financed by EU external assistance in the areas of Trade and Private Sector Policy and Development](#) (TPSPD).
- Check the [Trade and Private Sector Development Facility](#) for ideas from the field.
- The [International Labour Organisation \(ILO\)](#) is the only tripartite agency of the UN bringing together governments, employers and employees to set [labour standards](#) and promote decent work for all. Consult ILO country information [here](#) and the adoption of International Labour Standards [here](#).
- The [OECD Guidelines on Multinational Enterprises](#) and the [Due Diligence Guidance for Responsible Business Conduct](#), including sectoral documents, guide business to identify, prevent or mitigate and account for how actual and potential adverse impacts are addressed, including human rights violations.
- Additionally, the [UN Global Compact](#) can also provide useful information.
- [Women, Business and the Law report](#) from the World Bank measures gender inequality and women's economic inclusion.
- Find examples from ILO Global Business and [Disability network on inclusion of persons with disabilities in private sector workforce worldwide](#).

The stakeholders analysis addresses different types of actors involved in programming, design and implementation. In the continuation of the imaginary case, the analysis identifies the capacity gaps of the duty-bearers (government officials), rights-holders (f. ex. migrant women) and other stakeholders (CSOs). The analysis could result in the identification of activities to strengthen their respective capacities. The following stakeholder analysis illustrates the reflection that is expected from an HRBA perspective, using again the example of migration, for illustrative purposes.

Take away – stakeholder analysis

What information do we find for the above mentioned migration intervention?

- Policy dialogue with government officials, a concern emerged on the lack of financial resources of the Ministry of Interior that has been affecting its capacity to have administrative offices in the country.
- When consulting with the national CSO platform, a women's organisation was identified that worked specifically with migrant women, being considered the most pertinent avenue to engage with this group.
- Regarding the challenge to obtain legal status, the Mixed Migration Centre has a recent report stating that in country X, migrant women are exposed to scams, extortion and violence.

Stakeholder analysis framework for the imaginary migration case

Duty bearers	Mandate	Challenges in fulfilling its mandate	Potential role in the action	How to engage
Ministry of Interior	Coordinates national policies and plans	Technical expertise not covering migrant registration procedures	Lead national counterpart	Capacity building on registration procedures
Rights- holders	Human rights at stake	Obstacles to participation/ to rights realization	Potential role in the action	How to engage
Migrant women	Exposed to gender based violence (GBV)	Lack of awareness and fear of deportation	Inform of human rights abuses during registration procedures	Support CSO's in raising awareness on rights of migrants

3.1.4. Problem analysis: taking decisions

Designing an intervention means progressively fine-tuning all analysis without losing sight of the global picture. Priorities can only be set, when the challenges and capacity gaps have been identified and understood; relevant policy and strategic frameworks are considered; stakeholders identified and consulted. There must be a coherence and logic to priority setting, with the analysis establishing a clear justification, or the evidence base, for the objectives and approach taken. It is clear that the intervention will not be able to tackle all the problems identified. Therefore, there is a need for planning and for establishing strategic choices, linking to and coordinating with the wider national and human rights agenda. Most often, problems are interlinked in a chain of causality. The assessment of human rights and gender equality challenges, related root causes and capacities, allows to identify the strategic objectives and approaches that address both rights-holders and duty-bearers.

<u>Tools for practice:</u>		
Check the coherence between the problem analysis and the setting of priorities	Y	N
Is the intervention addressing structural barriers (such as laws, social and cultural norms, language, discrimination, inequalities, other barriers, including access barriers for persons with disabilities, etc) preventing rights-holders to know, claim and enjoy their human rights and duty bearers to fulfil obligations?		
Were the 5 working principles applied? <ul style="list-style-type: none"> • Applying all human rights for all • Meaningful and inclusive participation and access to decision-making • Non-discrimination and equality • Accountability and rule of law for all • Transparency and access to information supported by disaggregated data 		
Does the problem analysis address how youth, women and men may be affected differently?		
Do the priorities address the identified issues in a specific and realistic way?		
Are all relevant stakeholders, in particular rights-holders and duty-bearers included in the intervention?		
Is there a specific role for CSOs?		

In the priority setting stage, it is vital to keep in mind the HRBA's working principles, particularly demonstrating how the intervention links to other human rights (applying all human rights for all), how stakeholders have been consulted and influenced the analysis and decision making (meaningful and inclusive participation and access to decision-making and non-discrimination and equality) and by communicating and providing feedback to the communities and authorities on the decisions made (accountability and rule of law for all and transparency and access to information supported by disaggregated data). The chosen strategy should be the most effective one for the desired change (for duty-bearers and rights-holders and their relations) and be realistic and achievable. Objectives should prioritise and address the people that are left furthest behind, while avoiding contributing to established patterns of discrimination or creating additional inequalities or discriminations (do no harm - as interpreted in the human rights arena).

3.1.5. Risk assessment: assess and mitigate risks

Decision-making in programming, design and implementation requires choosing the best way forward in any given context with the resources available. Sound planning should consider risks and possible changes in the current situation and their consequences. Assessing risks is often linked to abiding to the principle of do no harm. The risk of endangering or causing harm to people or groups within the population must be assessed and specific mitigation measures should be put in place, including safety strategies, and access to redress mechanisms.

The do no harm principle is used in the area of conflict sensitivity as well in its human rights perspective. The principle in the human rights arena is particularly relevant to: human rights monitoring; due diligence and business and human rights; and gender equality and anti-discrimination. In the human rights framework, do no harm approaches measure up against potential negative and harmful impacts on human rights and gender equality.

On the other hand, the do no harm principle as applied in conflict sensitivity approaches, tackles unintended negative and harmful impacts of development and humanitarian action on conflict situations/conflict risks and drivers, on violence and tensions, amongst others. It considers human rights dimensions related to fragile and conflict affected countries, but also

the expressions of various dimensions of fragility/resilience (economic, social, political, environmental, security-related). While HRBA focuses on human rights analysis, conflict sensitivity starts with a conflict sensitivity analysis.

If a risk is identified, it does not mean that the intervention has to be avoided, but mitigation measures should be foreseen, unless the risk is so high, that it makes mitigation impossible. Moreover, the mitigation measures should be coherent with the level of risk (high, medium or low). For example, if the risk is high, awareness raising might not be enough to mitigate it and other measures should be taken to address the unintended negative impacts on human rights or on gender equality. These risks should be continuously monitored throughout the intervention and mitigation measures can be adapted to respond to changing circumstances.

The capacity to be ready to adapt or to mitigate is critical during the implementation phase, particularly in more unstable and less predictable scenarios like political upheaval, or crisis or working with conflict-affected communities. Again, the identified stakeholders are in the best position to provide information on possible different and preferred scenarios and more efficient mitigation measures.

In practice, assessing and mitigating risks require sound analysis and the adoption of coherent strategies that take into account groups living in vulnerable situations, facing discrimination or inequalities, including from a gender equality perspective. The risk of corruption should always be considered, particularly in infrastructure interventions and when procurement is included. National anti-corruption agencies, civil society watchdog organisations, human rights defenders and the media are important stakeholders to consider and engage. Transparency International produces an index of perception of corruption for each country, helping to identify and evaluate the potential risk of corruption in the country of intervention (consult it [here](#)). Similarly, the World Bank's Worldwide Governance Indicators' Control of Corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, and could indicate the potential risk of corruption in the country (consult it [here](#)).

Human rights due diligence:

Human rights due diligence is a process by which companies can efficiently identify, prevent, mitigate, communicate on and account for any negative human rights impacts of their activities. The [United Nations Guiding Principles on Business and Human Rights](#) enshrined human rights due diligence as an operational principle. Although not currently a legal obligation for companies, due diligence or its elements are incorporated into national and international legal frameworks. Human rights due diligence standards have been incorporated into the [OECD Guidelines for Multinational Enterprises](#), the [OECD Due Diligence Guidance for Responsible Business Conduct](#) and the [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#).

The EU has taken important steps towards the development of corporate human rights due diligence, for instance with the adoption of sectoral measures such as [Timber Regulation](#) and the [Conflict Minerals Regulation](#), which establish due diligence obligations for importers of timber and certain minerals, or through horizontal measures such as the [Non-Financial Reporting Directive \(NFRD\)](#), which establishes companies' disclosure obligations on human rights risks and measures. The Commission has also announced an initiative on sustainable corporate governance to be put forward in 2021. It may include new horizontal and binding rules on directors' duties and due diligence on sustainability impacts such as climate change, environmental, and human rights harms in their own operations and in their value chain.

While assessing risks, attention has to be paid to the private sector as one of the important stakeholders that should also comply with the international human rights framework and in particular the ILO conventions. It is the responsibility of the states as duty-bearers to regulate and control the private sector's compliance. The intervention should ensure that human rights, gender equality and the protection of the environment are not put in jeopardy. Additionally, and in particular in interventions addressing women and children, risks related to sexual exploitation, harassment and abuse should be assessed carefully and mitigation measures included to ensure that ethical principles are monitored and respected during implementation. More information on the DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response can be found [here](#).

3.1.6. Integrate lessons learnt and promote synergies

According to the problems identified and the priorities set, all decisions should be informed by lessons learnt from previous interventions. Priorities should align with national policies and strategies respecting the international and regional human rights frameworks. However, it should be acknowledged that the intervention cannot address all the problems identified. If other partners tackle correlated problems, in an effective way and aligned with EU values and methodologies, duplication of efforts should be avoided, and collaboration strengthened.

The AAAQ framework is a tool to ensure that different aspects of services and goods of an intervention are adequate and relevant for the population.

Tools for practice:

The key aims of the AAAQ Framework are:

- To identify the core normative dimensions of the right in terms of the criteria of Availability, Accessibility, Acceptability and Quality.
- To develop a framework on the basis of the AAAQ criteria that consists of specific standards, generic indicators and generic benchmarks.

Use the AAAQ Framework for the provision of services and goods. Particularly relevant when focusing on public services and infrastructure to ensure that products and services of the intervention are:

- Available in sufficient quantity and throughout all areas of intervention;
- Accessible to all with no discrimination (including in terms of language, information, physical accessibility, and affordability);
- Acceptable including in ethical and cultural terms;
- Meeting the minimum Quality standards.

The [Danish Institute for Human Rights](#) provides some sector examples related to the right to water : [The AAAQ Manual and the Right to Water - contextualising indicators](#) and [Sexual Reproductive Health and Rights](#).

The importance of learning from past experiences, through effective monitoring and evaluation, but also from other development partners, is crucial, in order to build on successes and not repeat mistakes. Coordination mechanisms with all relevant stakeholders are to be encouraged to harmonise complementary efforts, ensure aid effectiveness and avoid

replication. Moreover, the EU is committed to widening EU joint programming at country level.⁵³

Good practice: In Sudan, the EU co-financed a Vocational Training project implemented by GIZ. During the implementation phase, it was noticed that a low number of persons with disabilities were attending the training sessions organised by the project. In response, specific activities were conducted to ensure the inclusion of persons with disabilities, providing accommodated conditions and a working group to promote exchanges on disability inclusion with a wider audience.

Source: [Bridging the Gap: Inclusive Policies and Services for Equal Rights of Persons with Disabilities.](#)

3.2. The intervention logic: turning actions into transformative interventions

The development of the intervention logic is the key phase of the planning process. The intervention logic should reflect relevant SDGs, human rights and gender equality commitments. In the results chain, the impact (overall objective) should further the realization of human rights, while the outcome (specific objective) ideally focuses on strengthening the capacities of duty-bearers and rights-holders.

Ensuring the alignment between analysis and decision-making is pivotal for accountable, transparent and successful actions. The logical framework approach is composed by a “narrative” – the intervention logic (result chain plus assumptions, clarifying how and why we think the intervention will work) and an output (the logical framework matrix) reflecting the intervention and including indicators needed to monitor the intervention.

The ultimate beneficiaries of interventions are rights-holders; therefore, objectives must be oriented towards the achievement or improvement of their human rights and gender equality and respond to their development needs. While referring to the OECD gender and disability markers (see annex 1), objectives addressing these markers must be included in the intervention and be based on the findings of the comprehensive analyses. The EU aims at advancing gender equality further by ensuring 85% of all development actions are marked G-1 or G2.⁵⁴

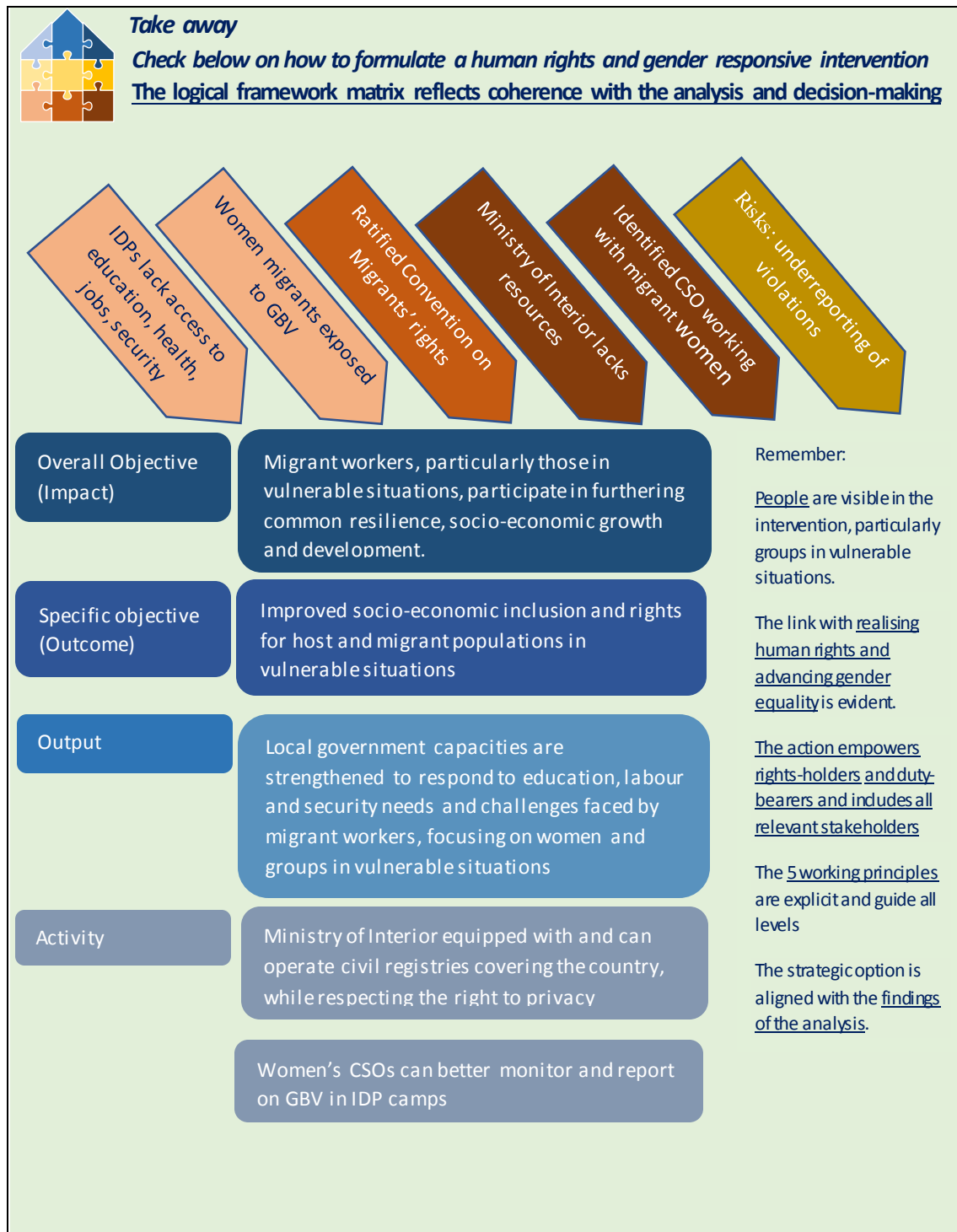
The HRBA operationalises the aim of putting rights-holders at the centre of EU external action. This requires the explicit inclusion and focus on people who are most excluded and marginalised and those living in vulnerable situations, ensuring the intervention responds to their human rights and needs, and addresses discrimination and inequality, in a way that does no harm. Meaningful and inclusive participation should be promoted, and ideally institutionalised. Access to information is essential for meaningful participation and a system of sharing information should be established. Finally, but essential to the HRBA, accountability mechanisms should be built or strengthened and made accessible to all, including for complaints and redress.

Good practice: An education and training project implemented by the Austrian Development Agency (ADA) in Burkina Faso set up training centres to provide basic education, vocational training and continuing education. The design of the project was conducted through intensive consultation with stakeholders which identified the need to ensure linguistic diversity and accessibility. As a result, teaching is conducted in six local languages to foster individual identity, culture and to ensure participation.

⁵³ [Joint programming of development cooperation](#)

⁵⁴ [Joint Communication to the European Parliament and the Council EU Gender Action Plan \(GAP\) III – An Ambitious Agenda for Gender Equality and Women’s Empowerment in EU External Action](#)

Interventions should ensure that they address human rights, while leaving no one behind. For example, instead of a general objective “road and transport infrastructure is improved”, the general objective should include the benefits in terms of human rights that this action will deliver to the people. That would turn this objective into “improved access to basic services for the population, especially those in vulnerable situations by improved road and transportation infrastructure”. In the imaginary case on migration, the different parts of the analysis and priority setting come together in the figure below.



3.2.1. Monitoring and evaluation: righting your indicators

Applying the HRBA to monitoring and evaluation calls for the measurement of change in the human rights of individuals and groups resulting from any given intervention. Effectively measuring the impact, outcomes and outputs of EU external action increases accountability and contributes to learning. Indicators can measure the various dimensions of human rights at stake and assess the level of compliance with the five working principles.

Tools for practice:

Applying HRBA to monitoring and evaluation

- Integrate human rights and gender equality principles and commitments into indicators and monitoring and evaluation processes. Disaggregate data in line with the commitment to leave no one behind and promote gender equality;
- Ensure the participation of the people and groups that are subject of the data in data collection, dissemination and analysis;
- Incorporate the AAAQ framework (Availability, Accessibility, Acceptability, Quality) into indicators and monitoring frameworks;
- Include human rights and gender expertise in evaluation teams. Promote transparency by providing clear, accessible information about indicators and data collection;
- Ensure the right to privacy of individuals data, abide by the principle of self-identification in order to respect personal identity and human rights, and avoid harm;
- Use data to increase accountability as data can, and should, be used to hold duty-bearers and development actors to account;

Consult available guidance on human rights and gender monitoring practices:

- [Results and Indicators for Development \(Capacity4devhome page\)](#)
- [The EU Resource package on gender mainstreaming in EU development cooperation](#) provides guidance on gender statistics and indicators, indicators for measuring results on gender equality.
- [OHCHR guidance on A human rights based approach to data and Human rights indicators: A guide to Measurement and Implementation.](#)
- CIVICUS ["People Power Under Attack"](#) December 2019.

Progress in the realisation of human rights and gender equality is only measurable if indicators are included to assess the actual change in the situation or capabilities of rights-holders and duty-bearers. The selection of indicators should inform any intervention's intended change. However, they may also depend on the availability of sources of information and the validity of the data.

Indicators and sources of data and verification should be aligned to the country's national development result framework and corresponding indicators⁵⁵, relevant SDG indicators⁵⁶, and the EU's Results Framework.⁵⁷ Whenever possible use GAP III indicators presented in part II of

⁵⁵ SDG indicator 17.15.1: Extent of use of country-owned results frameworks and planning tools by providers of development cooperation.

⁵⁶ [SDG indicators](#)

⁵⁷ [Results and Indicators for Development](#)

the SWD.⁵⁸ Specific gender and disability sensitive indicators are needed to comply with the G1/D1 and G2/D2 markers. The use of these markers is explained in the annex.

Tools for practice:

Disaggregated data: making the invisible visible. Development statistics have traditionally focussed on national averages. Averages can hide disparities and are inadequate as a sole measure of progress. If our aim is to genuinely promote gender equality and to leave no one behind, we must ensure indicators are gender-sensitive and include a clear focus on groups living in vulnerable situations.

- *Indicators should be disaggregated by sex, age and disability, at a minimum, and other categories, such as geographic location (urban/rural) and by specific groups depending on the national context, where relevant.*

Supporting national statistical capacities and additional data generation. EU development cooperation should integrate indicators from national development statistics and plans, wherever possible. If national statistical generation is insufficient or there are gaps in available data to measure progress in interventions:

- *Promote support measures for national statistical offices and other data generation activities, such as baseline, mid-term and final studies, in line with the HRBA working principles.*

A guide on the HRBA to data collection is published by OHCHR: “[A Human Rights Based Approach to Data, Leaving no one behind in the 2030 Agenda](#)”

Gender-sensitive indicators⁵⁹ measure changes for women and men in the areas addressed during the implementation, allowing to observe the differences in participation, but also in the benefits and impact. An example would be ratio women/men with and without disability working in agriculture. Gender equality indicators can also capture the changes in gender relations, either positive or negative. These indicators sharpen gender lenses and measure changes in inequalities.

Regarding the measurement of gender equality results, disaggregation of data by sex is fundamental while specific indicators should be included that measure the change in the situation and the availability, accessibility, acceptability and quality (AAAQ) of services for both women and men. Indicators can also be gender-transformative. These indicators measure the change in power dynamics that originate in gender inequalities or discrimination. They put the focus on the structural aspects of gender discriminatory social norms and barriers. The GAP III 2021- 2025 includes different types of indicators for multiple sectors.

⁵⁸ [EU Gender Action Plan III An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action](#)

⁵⁹ See [Gender Inequality Index](#), the [Global Gender Gap Index World Economic Forum](#), the [OECD Development Centre's Social Institutions and Gender Index](#)

Tools for practice:

Gender-transformative indicators:

- Average number of hours spent on paid and unpaid work combined (total work burden) by sex.
- Extent to which legislation is revised to remove gender-discriminatory clauses on family, divorce, custody of children, inheritance, employment, pay, social security, ownership of assets, land etc.
- The size of the gender pay gap in agriculture (amount of average women's wages as compared to men) or N# of financial products custom-made to rural women.

The [GAP III](#) provides for numerous indicators for gender equality. The following gender indexes can also inspire the intervention: [Gender Inequality Index](#), the [Global Gender Gap Index World Economic Forum](#), the [OECD Development Centre's Social Institutions and Gender Index](#).

Another example of where relevant data can help identify barriers and combat discrimination is for people with disabilities. The lack of data on persons with disabilities can be a large obstacle in disability-inclusive policymaking and programming. Persons with disabilities are often under identified in surveys and other data collection tools and this can be due to inconsistencies in how a disability is defined and in some contexts due to stigma and discrimination.

Tool for practice:

Disability and data in programming:

- **How many persons with disabilities are there:** Knowing how many persons with disabilities there are strengthens situational analysis and the design and planning of interventions.⁶⁰
- **Make sure indicators and other data and information collected is disaggregated by disability:** Disaggregating data on the basis of disability is important to understand how many persons with disabilities are targeted and reached by an intervention (the Washington Group Questions/WGQ is a tool for disaggregating disability data).

The EU having acceded to the Convention on the Rights of Persons with Disabilities CRPD, is required to collect data on persons with disabilities. These obligations are embedded in the political commitments of the 2030 Agenda for Sustainable Development, where countries have agreed to collect data on persons with disabilities and to disaggregate data by disability as part of the global indicator framework which includes 11 disability inclusive indicators.

Tools for practice:

Some tips adapted from INGOs and NGOs for use of Washington Group Questions in data collection.⁶¹

1. Be clear about the purpose of the WGQ – they cannot be used as a disability diagnostic tool.
2. If the target population is children, use the Child Functioning Module, as the WG Short Set is not appropriate for children under 5, and for older children many with developmental disabilities will be missed.

⁶⁰ There are a number of different data portals on disability. Check out what is available from your National Statistical Office. Other sources of information include the [United Nations Statistical Division](#) resources on different countries and data and disability and INGOs such as Leonard Cheshire have a [disability portal](#) with statistics.

⁶¹ Humanity and Inclusion and Leonard Cheshire (2018), '[Disability Data Collection: A summary review of the use of the Washington Group Questions by development and humanitarian actors](#)', p 30.

3. Use the questions exactly as they are written (never skip a question or guess the answers); never use a screening question and/or refer to 'disability' or 'medical condition'.
4. Use translations of the questions verified by the WG. Consult the translation protocol on the [WG website](#) for guidance.
5. Ensure that data collection tools and management information system can be adapted to use the WGQ.
6. Make training available to staff involved in the data collection and analysis and integrate training around disability awareness and inclusion.
7. Ensure that enumerators are trained to ask questions sensitively and manage expectations when asking questions.
8. Ensure that the data analysis phase is planned and adequately supported and resourced.
9. Work with other agencies and organisations, to share knowledge, data and best practice.
10. Promote the participation of and accountability towards persons with disabilities and organisations of persons with disabilities (OPDs) in efforts related to data collection and decision-making processes.

3.2.2. The logical framework matrix

The logical framework is the systematisation tool of all previous steps taken during the process of analysis, decision-making and planning of the action. It provides an overview of general objectives, outcomes and outputs and give information on the assumptions that might influence the action. It should inform how the intervention will be monitored and reflect the coherence between all the steps taken throughout the intervention cycle.

Tools for practice:

Checklist for applying the HRBA in the logical framework:

- Does the overall objective orient towards the realisation of human rights, especially for women and men living in vulnerable situations?
- Do specific objectives/outcomes respond to the five working principles (Applying all human rights for all; Meaningful and inclusive participation and access to decision-making; Non-discrimination and equality; Accountability and rule of law for all; Transparency and access to information supported by disaggregated data)?
- Is at least one of the specific objectives/outcomes gender sensitive (meeting the requirements of the GAP III and the OECD G-Marker 1 (see annex 1)?
- Does the intervention and corresponding activities respond to the interests, needs and capacity gaps of the rights-holders (especially women and groups in vulnerable situations) and duty-bearers (including oversight institutions, human rights institutions, and gender machinery) detected during the context analysis?
- Does the intervention promote meaningful and inclusive participation of rights holders?
- Does the intervention contribute to reinforce duty-bearers transparency and accountability?
- Are the measures envisaged to mitigate risks in line with human rights and gender equality principles, including measures for the private sector and anti-corruption?
- Are indicators disaggregated at least by sex, age and disability, and any other relevant category when relevant and possible?
- Are there indicators measuring progress towards gender equality objectives and specifically addressing disparities? Which disparities were established in the context analysis?

- Are indicators included to measure progress in applying the HRBA working principles?

Acronyms

AAAQ	Availability, Accessibility, Acceptability, Quality framework
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisations
GAP III	Gender Action Plan III (2020 – 2025)
GCP	Gender Country Profile
GBV	Gender-Based Violence
IDP	Internally Displaced Persons
ILO	International Labour Organization
NDICI	Neighbourhood, Development and International Cooperation Instrument – Global Europe
OECD-DAC	Organisation for Economic Co-operation and Development - Development Assistance Committee
OHCHR	The office of the United Nations High Commissioner for Human Rights
SDG	Sustainable Development Goals
UPR	Universal Periodic Review
WGQ	Washington Group Questions
WHO	World Health Organisation

Annexes

Annex 1: Mind the ‘Markers’

To ensure that human rights and gender equality are taken into consideration, a specific focus on the OECD markers is systematically integrated during the whole cooperation process.

The gender marker

The Gender Action Plan III 2021 – 2025 “An ambitious agenda for gender equality and women’s empowerment in EU external action”, uses the OECD gender equality policy marker (gender marker) in its objectives and indicators and aims at increasing the number and the funding of actions that are gender mainstreamed (G1) and targeted (G2). The OECD-DAC gender marker tracks Official Development Aid (ODA) in support of gender equality and women’s empowerment. It is a key monitoring and accountability statistical tool in the context of the 2030 Agenda, to record aid activities targeting gender equality as a policy objective.⁶² The marker has three defined scores (G0, G1 and G2), according to a set of criteria.⁶³

- **Score G2:** Gender equality is the main objective of the intervention and is fundamental in its design and expected results. The intervention would not have been undertaken without this gender equality objective.
- **Score G1:** Gender equality is an important and deliberate objective, but not the principal reason for undertaking the intervention. The intervention, in addition to other objectives, is designed to have a positive impact on advancing gender equality and/or the empowerment of women and girls, reducing gender discrimination or inequalities, or meeting gender-specific needs.
- **Score G0:** The intervention has been screened against the marker but has not been

Score 0 is not by default

A gender analysis must always be conducted (or questions about the gender dimension have to be asked) and the score “0” has always to be justified in view of the results of the gender analysis. OECD Marker 0: the intervention has been screened against the marker but has not been found to target gender equality. This score cannot be used as a default value. Interventions that have not been screened should be left unmarked – i.e. the field should be left empty.

Source: [GAP III 2021 – 2025 “An ambitious agenda for gender equality and women’s empowerment in EU external action”](#).

found to target gender equality.

All interventions scored G0 must be duly justified in the programming document, as targeted in the GAP III 2021 – 2025.⁶⁴ While a principal score (G2) is not by definition more effective than a significant score (G1), the EU has set clear targets in the GAP III. The EU has committed

⁶² As part of the annual reporting of their aid to the OECD Development Assistance Committee (DAC), DAC members are required to indicate for each intervention whether it targets gender equality as a policy objective according to a three-point scoring system.

⁶³ [OECD, Handbook on the OECD-DAC Gender Equality Policy Marker](#)

⁶⁴ GAP III 2021 – 2025, Part 1, GAP III EU institutional and strategic objectives and indicators, 1. Gender mainstreaming of all actions and targeted actions, Objective 1. Increase the number and the funding of actions that are gender mainstreamed (OECD G marker 1) and targeted (G2). Action 1.1. Design and implement actions that are gender-mainstreamed in all priority areas and sectors, corresponding to the OECD definition of the Gender Marker G1 and G2 at both national and regional level. Target 2: 100% of G0 actions justified over 2021-2025.

to ensuring that at least 85% of its actions conform to at least score 1 or 2.⁶⁵ The EU is also committed to assign at least one G2 action per country allocation over 2021-2025 financed from national allocation⁶⁶ and at least one G2 action per regional allocation over 2021-2025.⁶⁷

Actions scored as G1 “Significant objective” meet the following OECD criteria:

1. A gender analysis of the intervention has been conducted or used.
2. Findings from this gender analysis have informed the design of the intervention and the intervention adopts a ‘do no harm’ approach, as interpreted in the human rights arena.
3. Presence of at least one explicit gender equality objective backed by at least one gender-specific indicator (or a firm commitment to do this if the results framework has not been elaborated at the time of marking the intervention).
4. Data and indicators are disaggregated by sex where applicable.
5. Commitment to monitor and report on the gender equality results achieved by the intervention in the evaluation phase.

Source: [Handbook on the OECD-DAC Gender Equality Policy Marker, 2016.](#)

The GAP III recommends to adopt a three pronged approach to gender equality combining

Actions scored as G2 “Principal objective” are the same as for the G1 criteria, with the following exceptions:

- The top-level ambition of the intervention is to advance gender equality and/or women’s empowerment.
- The results framework measures progress towards the intervention’s gender equality objectives through gender-specific indicators to track outcomes/impact.

Source: [Handbook on the OECD-DAC Gender Equality Policy Marker, 2016.](#)

dedicated/targeted interventions (usually score 2) with gender mainstreaming (usually score 1) and dialogue. A gender analysis is necessary for all activities to ensure, at a minimum, that actions do not perpetuate or exacerbate gender inequalities. Equally important is the monitoring and reporting of gender equality results achieved with appropriate sex-disaggregated indicators.

⁶⁵ [Joint Communication to the European Parliament and the Council EU Gender Action Plan \(GAP\) III – An Ambitious Agenda for Gender Equality and Women’s Empowerment in EU External Action](#)

⁶⁶ GAP III 2021 – 2025, Part 1, GAP III EU institutional and strategic objectives and indicators, 1. Gender mainstreaming of all actions and targeted actions, Objective 1. Increase the number and the funding of actions that are gender mainstreamed (OECD G marker 1) and targeted (G2). Action 1.2. Design and implement actions targeting gender equality and women empowerment (GEWE) as their principle objective at country and regional level, corresponding to the definition of the OECD Gender Marker G2. Target 1: At least one G2 action per country allocation over 2021-2025 financed from national allocation.

⁶⁷ GAP III 2021 – 2025, Part 1, GAP III EU institutional and strategic objectives and indicators, 1. Gender mainstreaming of all actions and targeted actions, Objective 1. Increase the number and the funding of actions that are gender mainstreamed (OECD G marker 1) and targeted (G2). Action 1.2. 1.2. Design and implement actions targeting gender equality and women empowerment (GEWE) as their principle objective at country and regional level, corresponding to the definition of the OECD Gender Marker G2. Target 2: At least one G2 action per regional allocation over 2021-2025.

The disability marker

The EU ratified the UN Convention of the Rights of Persons with Disabilities (CRPD), which entered into force in 2011 and therefore has a direct legal obligation to abide by its provisions, which include Article 32 that was created to respond to the lack of disability inclusion and mainstreaming in the international development and cooperation agenda.⁶⁸ The rights of persons with disabilities are often curtailed due to the lack of adequate information on how they are being supported. Therefore, the EU should track commitments and data related to persons with disabilities, using the disability marker.⁶⁹

The OECD-DAC policy marker on the inclusion and empowerment of persons with disabilities was introduced to allow data providers to identify and report activities related to disability inclusion, increasing the attention on this topic and transparency on financing flows. The policy marker on the inclusion and empowerment of people with disabilities or the disability marker provides three scores ranging from where inclusion and empowerment of persons with disability is a principle objective to where disability is not targeted. The scoring system, is detailed below and is similar to how the gender marker works⁷⁰:

- **Score 2 – Inclusion and empowerment of persons with disability is the principal objective.** Principal (primary) policy objectives are those which can be identified as being fundamental in the design and impact of the activity and which are an explicit objective of the activity. They may be selected by answering the question “would the activity have been undertaken without this objective?”
- **Score 1–Inclusion and empowerment of persons with disability is the significant objective.** Significant (secondary) policy objectives are those which, although important, are not one of the principal reasons for undertaking the activity. The activity has other prime objectives but has been formulated or adjusted to help meet the relevant disability concerns.
- **Score 0 –The activity is screened but it does not target disability.** The score not targeted means that the activity has been screened against, but was found not be targeted to, the policy objective.

⁶⁸ [UN \(2006\), Convention on the Rights of Persons with Disabilities](#), Article 32

⁶⁹ [Strategy for the Rights of Persons with Disabilities 2021-2030](#)

⁷⁰ [The OECD-DAC policy marker on the inclusion and empowerment of persons with disabilities. Handbook for data reporters and users. December 10, 2020](#)

Annex 2: The 'do no harm' approach from a human rights and gender equality perspective

Applying all human rights for all. Realistically assess impact and measure risks on human rights with a gender perspective for potentially affected communities and adequately address or mitigate them. Undertake human rights impact assessments, risk analysis and due diligence (see box below) during the design phase.

- Will the action put individuals or groups at risk? For example, by supporting civil society in monitoring government performance, will organizations be exposed or threatened?
- Will the action generate unintended harm on gender equality and human rights? For example, when creating jobs is it perpetuating gender inequalities, does it exclude persons with some types of disabilities, or use child labour?

To assess risks, get inspired by the OHCHR "UN Guiding Principles for human rights impact assessments for economic reform policies".

Meaningful and inclusive participation and access to decision-making. Promote the effective participation of potentially affected groups, communities and minorities, and the equal representation and participation of women and persons with disabilities. Abide by the commitment to "free, prior and informed consent" for indigenous peoples. Ensure human rights are protected, for example, when working in the health sector, improving capacities regarding childcare, and respect the "best interest of the child" principle.

Non-discrimination and equality. Ensure that there is no discrimination (intentional or otherwise) committed against any person or group throughout all phases of the intervention and in particular in conflict-affected contexts. Take steps to ensure the analysis informing an intervention and the implementing measures are not discriminatory by design, conduct or aim. The principle should contribute to leave no one behind and reduce inequalities.

Accountability and the rule of law for all. Provide open and constructive means of channelling grievances and resolving disputes, and ensure equal access to adequate and acceptable accountability mechanisms. Strengthen the rule of law and access to justice where appropriate.

Transparency and access to information supported by disaggregated data. Ensure that data and indicators adequately reflect the situation and impact on affected groups, while strengthening capacities for data collection, disaggregated by sex, age, disability and other categories where relevant, and analysis. Promote transparency and access to information and the awareness of human rights entitlements amongst both rights-holders and duty-bearers.

Annex 3: The HRBA working principles in conflict and/or fragile contexts

The five HRBA working principles, the gender marker and the disability marker are to be considered and applied in all actions, independent of the sector or context. To give a concrete example, the principles are applied below for conflict and/or fragile contexts.

Applying all human rights for all: Ensure a focus on all human rights when supporting the implementation of peace agreements (including the commitments made under the EU Action Plan on Women, Peace and Security (WPS) 2019-2024⁷¹ and the Council Conclusions EU Strategic Approach on Women, Peace and Security, 2018⁷²; analyse human rights and gender-related clauses and aspects; consider the implications for human rights defenders, women and men with disabilities and for victims and survivors of conflict; also link with other human rights for example sexual and reproductive rights.

Meaningful and inclusive participation and access to decision-making: Support the inclusion of a broad spectrum of the population in the peace process, particularly women with regard to protection and prevention issues, and women and men with disabilities to consider potential increased risks of violence. Consider all people, particularly more marginalised and excluded groups of the population, not only victims, but also as agents of change before, during and after conflicts.

Non-discrimination and equality: Ensure voice, inclusion and visibility of ethnic, racial and religious minorities, LGBTIQ persons and persons with disabilities, in particular of women or persons with psycho-social or intellectual disabilities, and those affected or targeted by past or current conflicts and fragilities (e.g., climate change, natural disasters, forced displacement); ensure access to justice through local languages.

Accountability and the rule of law for all: Consider support to processes of the “Right to Free, Prior and Informed Consent” for Indigenous Peoples⁷³, which in turn may support conflict prevention and promote do no harm approaches (also in relation to exploitation of natural resources and management of protected areas) and conflict sensitivity of interventions. Support gender-responsive and bottom-up approaches to transitional justice processes.

Transparency and access to information supported by disaggregated data: Promote meaningful and participatory human rights monitoring, based on disaggregated data (sex, age and disability as a minimum); support access to information as an essential step for justice and reconciliation.

Gender mainstreaming: Consider gender-responsive and human rights based responses to processes of demobilisation, reintegration and security sector reform in line with UN Security Council Resolution 1325 on Women, Peace and Security.

⁷¹ [EU Action Plan on Women, Peace and Security \(WPS\) 2019-2024](#)

⁷² [Council conclusions on Women, Peace and Security as adopted at the 3662nd meeting of the Council on 10 December 2018](#)

⁷³ [Council Conclusions on Indigenous Peoples](#)

Annex 4: Disability and data in programming

The [Washington Group Questions](#) (WGQ), developed in 2001 are a set of data collection tools with the main objective of applying internationally comparable questions for identifying persons with disabilities in censuses and surveys. The best known tool is the Washington Group Short Set, which is also the tool recommended to use for SDG monitoring and data disaggregation. The Short Set has 6 questions that allows self-reporting of difficulties in functioning in seeing, hearing, mobility, communication, cognition and self-care.⁷⁴ These 6 questions can be introduced in national censuses, surveys and development programmes to highlight difference in outcomes for persons with disabilities vis a vis outcomes for persons without disabilities. For example, if the WGQ are used as part of a national survey on education participation rates of children, they can highlight the differences in participation rates between children with and without disabilities.⁷⁵

Tips for the use of Washington Group Questions in data collection:⁷⁶

1. Be clear about the purpose of the WGQ – they cannot be used as a disability diagnostic tool.
2. Use the Child Functioning Module of the WGQ if you target children, as the WG Short Set is not appropriate for children under 5.
3. Use the questions exactly as they are written (never skip a question or guess the answers); never use a screening question and/or refer to ‘disability’ or ‘medical condition’.
4. Use translations of the questions [verified by the Washington Group](#).
5. Ensure that data collection tools and management information system can be adapted to use the WGQ.
6. Make training on the tool for staff and enumerators involved in data collection inclusive of disability and inclusion
7. Ensure that enumerators are trained to ask questions sensitively and manage expectations when asking questions.
8. Ensure that the data analysis phase is planned and adequately supported and resourced.
9. Work with other agencies and organisations, to share knowledge, data and best practice.
10. Promote the participation of and accountability towards persons with disabilities and organisations of persons with disabilities in efforts related to data collection and decision-making processes.

The [Model Disability Survey](#) developed by WHO is stand-alone data collection instrument which can provide in-depth information about persons with disabilities. It is a general population based survey and questions are intended for representative sample of the whole population. It provides a wide range of information about persons with disabilities which can be compared to persons without disabilities. It is not applicable to insert into census or surveys but rather as a complement, and therefore usually applied every 5-7 years.

⁷⁴ OCHCR SDG-CRPD Indicators – [Data Sources Guidance](#)

⁷⁵ Humanity and Inclusion and Leonard Cheshire (2018), ‘[Disability Data Collection: A summary review of the use of the Washington Group Questions by development and humanitarian actors](#)’

⁷⁶ Humanity and Inclusion and Leonard Cheshire (2018), ‘[Disability Data Collection: A summary review of the use of the Washington Group Questions by development and humanitarian actors](#)’, p.30.

Annex 5: The logical framework matrix considering the HRBA and gender mainstreaming



Annex 6: Resources

I. EU resources

EU human rights policies and resources

- [Council conclusions on Human Rights and Democracy \(2012\)](#)
- [EU Action Plan on Human Rights and Democracy 2020-2024](#)
- [INTPA Academy portal on Disability – Inclusive development](#)
- [INTPA Academy portal on the Rights-based approach](#)

EU policies on the rights-based approach to development

- [Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights \(2014\)](#)
- [New European Consensus on Development \(2017\)](#)

EU Charter of Fundamental rights

- [EU Charter of Fundamental Rights](#)
- [Putting the Charter of Fundamental Rights into practice](#)

EU Human Rights Guidelines

- [Agreement between the EU and the International Criminal Court \(ICC\)](#)
- [Children's rights and armed conflict](#)
- [Death penalty](#)
- [Freedom of Expression Online and Offline](#)
- [Human Rights Defenders — EU support](#)
- [Human rights dialogues with non-EU countries](#)
- [Non-discrimination in External Action](#)
- [Promote and protect the enjoyment of all Human Rights by lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Promotion and protection of freedom of religion or belief](#)
- [Promotion of compliance with international humanitarian law](#)
- [Protecting children's rights](#)
- [Safe Drinking Water and Sanitation](#)
- [Torture and other cruel treatment](#)
- [Violence against women and girls: EU guidelines](#)

EU webpages

- [EEAS page on Human rights and Democracy](#)
- [EP page on Democracy and Human rights](#)
- [Intervention Cycle Management for International Partnerships](#)
- [INTPA page on the human rights based approach to development cooperation](#)

Sector specific policies

Arms and weapons

- [Illicit weapons and ammunition - global reporting mechanism](#)
- [Towards more responsible arms transfers: the EU and the Arms Trade Treaty](#)

Artificial intelligence

- [White paper on Artificial Intelligence - A European approach to excellence and trust](#)

Child

- [EU Strategy on the Rights of the Child](#)

Civil society

- [The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations](#)

Death penalty

- [Report on impact of EU funding to stop torture and the death penalty](#)

Disabilities

- [Concluding observations on the initial report of the EU by the CRPD Committee](#)
- [Department of Economic and Social Affairs Disability](#)
- [Department of Economic and Social Affairs Disability/Issues](#)
- [Disability-Inclusive Development Cooperation – Guidance note for EU staff](#)
- [European Parliament's Resolution on Disability and Development](#)
- [Protection at international level of the rights and freedoms of persons with disabilities](#)
- [Strategy for the Rights of Persons with Disabilities 2021-2030](#)

Disinformation

- [Action plan against disinformation](#)
- [Code of practice on disinformation](#)

Economy

- [EU trade policy towards developing countries, including Aid for Trade](#)
- [Fair trade — trade-related sustainability assurance schemes](#)
- [Involving the private sector in generating jobs and growth in developing countries](#)

Elections

- [EU global election assistance and observation strategy](#)

Environment & climate change

- [Basel Convention on the control of transboundary movements of hazardous wastes and their disposal](#)
- [Building up resilience in developing countries](#)
- [Combatting deforestation](#)
- [Combating illegal logging](#)

- [Convention on Biological Diversity](#)
- [Convention on Biological Diversity — Cartagena protocol on biosafety](#)
- [Emergency humanitarian support within the EU](#)
- [Financial cooperation with non-EU countries on nuclear safety \(2014–20\)](#)
- [International trade in hazardous chemicals \(Rotterdam Convention\)](#)
- [Licensing system for imports of timber to the EU](#)
- [Prevention of natural or man-made disasters in the European Union](#)
- [Risk reduction - natural and man-made disasters](#)
- [Tackling threats posed by chemicals \(Stockholm Convention\)](#)
- [United Nations Convention to combat desertification in countries seriously affected by drought](#)

Food & agriculture

- [The International Coffee Agreement 2007](#)

Gender

- [Gender Action Plan – an ambitious agenda for gender equality and women’s empowerment in EU external action \(2021-2025\)](#)
- [Gender-aware Stakeholder Analysis](#)
- [LGBTIQ Equality Strategy 2020-2025](#)
- [Resource package on gender mainstreaming in EU development cooperation](#)

Human development

- [Certain key medicines for developing countries — avoiding trade diversion into the EU](#)
- [Children as a focus of EU external action](#)
- [Corporate social responsibility in the EU](#)
- [Eradicating poverty and achieving sustainable development](#)
- [Export of generic medicines to developing countries: compulsory licences](#)

Indicators

- [EU Results Framework and guidance on identification and formulation of indicators](#)

Inequalities

- [Commission Recommendation on Standards for Equality Bodies](#)
- [Commission Staff Working Document “Implementation of the new European Consensus on Development – Addressing inequality in partner countries”](#)
- [Council conclusions on addressing inequality in partner countries](#)

Migration & asylum issues in origin countries

- [External EU action to address the refugee crisis](#)
- [Migration and development](#)

Private sector

- [A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries](#)

- [Toolkit on Business and Human Rights for EU Delegations](#)

Racial and ethnic origin

- [EU Anti-racism Action Plan 2020-2025](#)
- [EU Roma strategic framework for equality, inclusion and participation](#)

Relief, rehabilitation and development

- [Linking relief, rehabilitation and development \(LRRD\)](#)

Terrorism, Organised Crime and Cybersecurity

- [Integrating a Rights-based approach to EU programming in Terrorism, Organised Crime and Cybersecurity](#)

Torture and genocide

- [European Genocide Network](#)
- [EU Regulation on trade in instruments of torture](#)

II. EU Member States' resources

- [EU Member State country briefs on the rights based approach \(RBA\)](#)

III. International resources

International human rights system

- [Global Alliance of National Human Rights Institutions \(GANHRI\)](#)
- [ILO Labour standards](#)
- [UN Human Rights Bodies](#)

Regional Human rights systems

- [African Commission on Human and People's Rights](#)
- [Council of Europe](#)
- [Inter-American Commission on Human Rights](#)

United Nations

- [A Human Rights Based Approach to Data, Leaving no one behind in the 2030 Agenda \(OHCHR\)](#)
- [ILO Conventions on Labour Rights](#)
- [International Human Rights and the International Human Rights System: A Manual for National Human Rights Institutions](#)
- [OHCHR: Frequently Asked question on a Human Rights based approach to development cooperation](#)
- [OHCHR: SDG- CRPD resource package - disability](#)
- [Principles relating to the Status of National Institutions \(The Paris Principles\)](#)
- [SDG indicators](#)
- [The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies](#)

- [UNFPA: A human rights based approach to programming](#)
- [UNICEF: Human Rights-based Approach to Programming](#)
- [UN Guiding Principles on Business and Human Rights](#)
- [UN Practitioners' Portal on HRBA](#)

OECD

- [Handbook on the OECD-DAC Gender Equality Policy Marker](#)

OECD, World Bank

- [Integrating Human Rights into Development – Donor Approaches, Experiences and Challenges, 2nd edition](#)

IV. Indicators

- [Align and incorporate relevant indicators from the EU's Gender Action Plan SWD](#)
- [EU Results Framework and guidance on identification and formulation of indicators](#)
- [Human rights indicators: A guide to Measurement and Implementation](#)
- [Human Rights indicators on the CRPD in support of disability inclusive SDGs \(OHCHR\)](#)
- [National Statistical Offices](#)
- [SDG indicators](#)

Annex 7: Core Human Rights Instruments⁷⁷, including ILO Conventions

Treaty	Description	Date	Monitoring Body
<u>ICERD</u>	<u>International Convention on the Elimination of All Forms of Racial Discrimination</u>	21 Dec 1965	<u>CERD</u>
<u>ICCPR</u>	<u>International Covenant on Civil and Political Rights</u>	16 Dec 1966	<u>CCPR</u>
<u>ICESCR</u>	<u>International Covenant on Economic, Social and Cultural Rights</u>	16 Dec 1966	<u>CESCR</u>
<u>CEDAW</u>	<u>Convention on the Elimination of All Forms of Discrimination against Women</u>	18 Dec 1979	<u>CEDAW</u>
<u>CAT</u>	<u>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u>	10 Dec 1984	<u>CAT</u>
<u>CRC</u>	<u>Convention on the Rights of the Child</u>	20 Nov 1989	<u>CRC</u>
<u>ICMW</u>	<u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u>	18 Dec 1990	<u>CMW</u>
<u>CPED</u>	<u>International Convention for the Protection of All Persons from Enforced Disappearance</u>	20 Dec 2006	<u>CED</u>
<u>CRPD</u>	<u>Convention on the Rights of Persons with Disabilities</u>	13 Dec 2006	<u>CRPD</u>
<u>ILO</u>	<u>Forced Labour Convention</u>	<u>1930</u>	<u>C029</u>
<u>ILO</u>	<u>Freedom of Association and Protection of the Right to Organise Convention</u>	<u>1948</u>	<u>C087</u>
<u>ILO</u>	<u>Right to Organise and Collective Bargaining Convention</u>	<u>1949</u>	<u>C098</u>
<u>ILO</u>	<u>Equal Remuneration Convention</u>	<u>1951</u>	<u>C100</u>
<u>ILO</u>	<u>Abolition of Forced Labour Convention</u>	<u>1957</u>	<u>C105</u>
<u>ILO</u>	<u>Discrimination (Employment and Occupation) Convention</u>	<u>1958</u>	<u>C111</u>
<u>ILO</u>	<u>Minimum Age Convention</u>	<u>1973</u>	<u>C138</u>
<u>ILO</u>	<u>Worst Forms of Child Labour Convention</u>	<u>1999</u>	<u>C182</u>

⁷⁷ [The Core International Human Rights Instruments and their monitoring bodies](#)