



# Human Rights Impact Assessment in Practice

*Conference Report-Text version*

*Conference organised by Aim for human rights held on 29 and 30  
November 2007, in Zandvoort, The Netherlands*

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*Aim for human rights* in brief: is a Dutch human rights organisation which helps people all over the world to stand up for their rights. *Aim for human rights* distinguishes itself by focusing on making human rights measurable, as well as by cooperating with local human rights organisations and businesses. In addition, we engage politicians and policymakers in discussions on the concrete implementation of human rights policy.

[www.aimforhumanrights.org](http://www.aimforhumanrights.org)

## About this report

*Aim for human rights* (formerly known as Humanistisch Overleg Mensenrechten/Netherlands Humanist Committee on Human Rights, HOM) organised its second Human Rights Impact Assessment Conference on 29 and 30 November 2007, in Zandvoort, the Netherlands.

This report provides an overview of the presentations and discussions held during the two days at the conference. The complete overview, which includes the presentations and photographs along with participants comments, can be found at the HRIRC at <http://www.humanrightsimpact.org/hria-conference/>.

This report follows the outline of the conference, 2 plenary sessions and 4 thematic workshops. During the first plenary session, speed-dating took place, with the aim that the participants would get to know each other better and share their experiences in an informal way.

This report can be downloaded and printed. It can also be read online as it includes hyperlinks to presentations and other relevant material made available on the HRIRC and on other websites. The links are indicated in blue and underlined. Most of the title presentations are links.

*Aim for human rights* would like to thank all the participants of the conference for their active contributions and willingness to share experiences. In particular, *Aim for human rights* would like to thank those who presented during the conference, the chairs of the workshops and plenary as well as the reporters.

Plenary session Thursday 29 November 2007

Time: 10.00-11.00

Chair: Frans Huijnen (Aim for human rights)

Reporters: Dave Hardy (Aim for human rights) and Suad Shatou (Aim for human rights)

Frans Huijnen, chair of the conference and chairperson of the Board of *Aim for human rights* opened the conference by welcoming everybody and extending a particular word of thanks to all the speakers. He went through the agenda, encouraging participants to engage in discussions and exchange of ideas during the two days.

After this short introduction the speed dating took place, which provided the chance for everyone to get to know each other by sharing and exchanging introductions and stories with each other.

This was followed by 4 presentations by the key note speakers, providing background for each of the four workshop tracks.

- 1 ['Introduction to the Concepts of Human Rights Impact Assessment,' presented by Martha Meijer \(Director Aim for human rights\).](#)

Martha Meijer introduced the basic concepts of HRIA. Her presentation also looked at the work of *Aim for human rights* in HRIA.

Some of the main points:

- The reason for measuring HRIA is effectiveness, priorities and evidence based strategies. This can take many forms, ex ante, midterm, ex post and indicators as yardstick.
- HRIA was defined by dividing it in 3 terms namely, human rights (internationally agreed norms and targets), impact assessment (analysis based on independent research by using agreed indicators) and impact (result for a wider community and over a number of years).

*Aim for human rights* has been focusing on HRIA by concentrating on theory, where a number of publications have been produced such as "Dealing with Human Rights," and "Matching Principles with Practice." Practice is also an important area of focus where *Aim for human rights* has developed tools such as HeRWAI. The next logical step for *Aim for human rights* was to link the theory and practice by launching the Human Rights Impact Resource Centre (HRIRC) in 2005. Additionally, *Aim for human rights* has developed the eight step approach.

**The approach: eight steps**

1. Assessment of human rights situation
2. Analysis of political context
3. Identification the objectives
4. Selection of policy options/strategies
5. Identification of main issues/indicators
6. Implementation of the chosen strategy
7. Monitoring of output and outcome
8. Evaluation of effects and impact

*Aim for human rights* HRIA approach is an approach of eight procedural steps that together provide an approach for developing a cyclic approach to policy development and project management.

- *Aim for human rights* also has future plans in the areas of tool development, capacity enhancement and advocacy. Concerning tool development it is planned to develop tools in the following areas:
    - domestic violence
    - human rights and anti-trafficking
    - against enforced disappearances
- For capacity enhancement, there are several activities planned. For instance, HRCA will expand in Eastern Africa. There will be HeRWAI training sessions organised in Asia, Europe and Africa, as there is a demand for this. Finally, there will be further cooperation with partners in the Mediterranean region.
- These tools and instruments will be promoted by *Aim for human rights*.
- The last part of the presentation focused on HRIRC. Part of HRIRC is an online resource centre where publications, tools, reports and case studies can be found on HRIA.

[www.humanrightsimpact.org](http://www.humanrightsimpact.org)

- 160 publications of which 33 are concrete tools and 35 are case studies
- Developments since 2006:
  - expansion of available information
  - more input from stakeholders
  - online wiki based community on anti-trafficking
- Long term aims:
  - Be the knowledge centre on HRIA
  - Exchange of work and information. For instance through collaborative workspaces/discussion forum.
  - Promote cooperation with stakeholders

### Interesting statements

- *The development community and the human rights community have a different view of the meaning of impact.*
- *Matching practice with principles is a challenge*

2 ['Human Rights Impact Assessments in Practice: Women's Rights and Health,' presented by Helena Nygren-Krug \(Health and Human Rights Advisor, World Health Organisation\).](#)

Helena Nygren-Krug emphasised during her presentation that the various actors such as policy makers and practitioners need to work together more. She focused on the necessary elements for HRIA to advance women's health rights such as normative framework-consistency across HR, indicators, national ownership and awareness of human rights, human rights based situational and capacity gap analysis, and good inspiring practices. She also highlighted how a certain act can have an impact on human rights even unintended by using the example of constructing a dam and how it can have an impact on human rights.

The second part of the presentation concentrated on practical examples of WHO experiences with HRIA tools (namely matrix to review national health policies, plans, legislation and strategies from a gender and human rights perspective, the instrument to assess and monitor human rights situation in mental health facilities and lastly the maternal and newborn health tool to strengthening laws, policies and standards of care). The presentation ended with the challenges and ways forward, some of the main points being:

Challenges:

- interdependence and interrelatedness of health rights
- range of stakeholders involved in health including private sector
- access to data and ability to demonstrate evidence-base
- impact of impact assessment tools?

Ways forward:

- consistent and clear guidance
- strategic partnerships
- learning by practice

**Interesting statements**

- *Right to health is not just about access to healthcare (also about housing, water, food, discrimination, nutrition, etc). It is related to all human rights issues.*
- *Important to bring together all of us that work on isolated human rights sectors. Maybe task of OHCHR.*
- *We should not all have different indicators.*
- *The focus should be on the input of governments and maybe less on the impact. Impact can be good by the efforts of others without the government taking up its responsibility.*
- *The HRBA approach of the UN looks at the underlying and root causes*
- *We sometimes tend to forget the important role of the international community in fulfilling health right in a country*
- *In mental health institutions you find the worst human rights violations. Worse than prisons sometimes.*

3 ['Human Rights Impact Assessment and Business,' presented by Tarek Maassarani \(Staff Attorney, Government Accountability Project, Washington DC\).](#)

Tarek Maassarani began his presentation by focusing on Corporate Social Responsibility. He states that throughout the years Corporate Social Responsibility turns more and more to the language of human rights. The extractive industries are mostly associated with human rights violations.

*"Business changes the environment it operates in. The issue concerns every commercial undertaking from the corner store to the major production plant, yet in none is it as dramatic as in relation to the extractive industries-mining, oil and gas."*

Although there are benefits for business to focus on human rights in their work, and more and more

business do focus on human rights, it is not their obligation. Businesses are not subjected to international law like states are which makes it difficult to ensure that all businesses incorporate human rights issues into their work.

Even though this is the case, there are a number of voluntary human rights related initiatives such as the Global Compact, the United Nations Business Norms and the Extractive Industries Transparency Initiative (EITI). There have also been corporate contributions to HRIA today such as the BHP Billiton piloting human rights self assessment toolkit, the Anglo American Socio-Economic toolkit.

It is important to continue these developments and raise awareness in the business community, how their activities have an impact on human rights and what they can do about it.

#### **Interesting statements**

- *Central concept of CSR: "Sphere of influence" means What can the corporation affect*
- *Corporate complicity' is the second key-term. What is the corporation responsible for in its sphere of influence?*
- *For businesses protecting human rights is not their primary priority, contrary to governments*
- *Some of the troubles SHELL encountered in Nigeria might have been prevented with a HRIA*

4 ['Chances for Democracy and Human Rights: Enhancement in Egypt in the Framework of the European-Neighbourhood Policy,' presented by Moataz El-Fegiery \(Programs Director, Cairo Institute for Human Rights Studies\).](#)

Moataz El-Fegiery began his presentation by providing background information on the Euro-Egyptian Action Plan within the framework of the European Neighbourhood Policy. This presentation provided an analysis of the regional political context, and gave an insight in the lobby experiences and expectations of Egyptian human rights NGOs regarding the EU. He concluded with a passionate call for more human rights action in Egypt within the ENP framework, listing a number of recommendations including the importance of international human rights law standards above national legislation; the development of a detailed road map by the European Commission for the action plan specifying procedures, policies to achieve objectives, priorities and timelines and an evaluation plan; and the importance of engaging civil society and of protecting human rights defenders

#### **Interesting statements**

- *The main question: To what extent the EU has the political will to promote and protect human rights through its EU neighborhood agreements?*

- *Egypt wants to gain more economic support without doing political/human rights concessions.*
  - *The action plan between the EU and Egypt does not introduce human rights commitments from the Egyptian government.*
  - *No political will to introduce commitments on human rights, neither on the side of the EU, nor on the side of Egypt.*
  - *Contradiction: The period of negotiations about the action plan was characterized by increased limitations and oppression of civil society in Egypt.*
  - *The EU prefers to use 'soft policies' regarded to human rights agreements*
  - *How to solve the tension between security and freedom?*
  - *The EU should develop a monitoring system of the action plan with measurable indicators.*
  - *In the Arab region the economic development does not create political change in the long run. This classical approach of the EU does not work.*
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**Helena Nygren-Krug**, Health and Human Rights Advisor, World Health Organisation

*“This conference has provided a unique opportunity to engage with different people, all working to operationalise human rights through concrete tools. This is what I think is needed to move from theory to practice and I applaud Aim for human rights for taking this important initiative. I hope that we can continue to dialogue and stay engaged through the Resource Center. And I look forward to future conferences like this one.”*

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## Workshop Human Rights Impact Assessment- the concepts

Date: Thursday 29 November 2007

Chair: Piet van Reenen (Netherlands Institute of Human Rights)

Reporters: Dave Hardy (Aim for human rights) and Marloes van Noorloos (Aim for human rights)

### Introductory remarks

The aim of this workshop was to provide a better understanding of HRIA in general.

The meeting was opened by Piet van Reenen with some introductory remarks about HRIA. He stated that, thanks to HRIA's, for the first time human rights are being put

*“Yes it is juicy and yes I love it”*

into practice in a systematic way.

Piet van Reenen also informed the participants of the workshop that unfortunately Dr. Raana Zahid was unable to attend. Instead Babu Ram Gautam was willing and able to present about his experience with HerWAI.

### Presentations

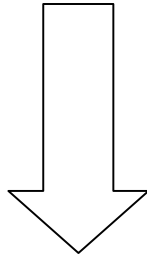
- 1 ['Basic Concepts of Human Rights Impact Assessments,' presented by Gauthier de Beco \(Catholic University of Louvain\)](#)

This presentation provided an overview of HRIA, clarifications and questions related to the basic concepts of HRIA. The presentation focuses on 4 main points, namely the history and types of HRIA, the purposes of HRIA, the challenges in the use of HRIA's, and finally the HRIA steps. The focus in this presentation was on HRIA of state actors, only aimed at policies and on Europe.

HRIA is a relatively new concept and comes more from civil society than from states, even though assessing the HRIA of policies is a state obligation under international human rights law. HRIA serves many purposes. These are ensuring compliance with human rights, integrating human rights into policy making, improving accountability, and facilitating empowerment. There are also challenges with HRIA:

### Challenges

- How do you determine impact on human rights?
- What is the role of human rights indicators in undertaking HRIA and what are the challenges in their use?
- What are the functions and differences between ex ante and ex post HRIA's?
- Who are the actors that take part in HRIA's?



### Solutions

- To determine the impact of policies on human rights, it is necessary to establish whether policies violate human rights. An example is the Dutch study on the impact on the right to health of women in the context of the closing of prostitution areas-called Toppelzones in the Netherlands. The closing of the Toppelzones prevented the women working there from accessing adapted health facilities. This violated an important attribute of their right to health, namely the accessibility of health facilities.
- Human rights indicators can evaluate the human rights situation before the adoption of a policy. They can also determine the actual impact of the policy on human rights after the implementation of the policy.
- ex ante HRIA's aim to evaluate the potential impact of policies on human rights whereas ex post HRIA's aim to determine the actual impact of policies on human rights.
- Policy makers, human rights experts, civil society, national human rights institutions and the ones that can be affected by policies should participate in HRIA.

### Interesting Statements

- *Which policies should undergo HRIA and which not?*

2 ['Human Rights Indicators,' presented by Gauthier de Beco \(Catholic University of Louvain\)](#)

This presentation also focused on 4 main points namely, the history and role of human rights indicators, the types of human rights indicators, the use of human rights indicators in

undertaking HRIA, challenges in using human rights indicators.

Human rights indicators are important as HRIA needs them. There are several reasons for this. They can be used in the screening process. Indicators can be used in the baseline assessment to examine the human rights situation that would potentially be affected by a policy. They could be used to monitor a policy during its implementation. And indicators could be used for the evaluation. There are two problems when using human rights indicators for HRIA. The first problem is that Human rights indicators for assessing impact on the general human rights situation do not yet exist. It is therefore impossible to use them for both the screening process and the monitoring. The second problem is that human rights indicators should remain limited in number to remain manageable.

*“Human Rights Indicators’ role is fundamental to HRIA. They can measure **the extent to which human rights are** – or could be – enjoyed in a particular situation.”*

3 [‘Women’s Rehabilitation Centre \(WOREC\) Nepal,’ presented by Babu Ram Gautam \(Programme Director Worec\)](#)

Babu Ram Gautam provided information on the practical aspect of HRIA as he explained his organisation’s (WOREC) experience with HeRWAI in Nepal.

WOREC and HeRWAI

WOREC has a long history of lobbying at local, national and international level for the improvement of women's rights. The organisation decided to start working with HeRWAI to strengthen these activities. In December 2006 *Aim for human rights* trained WOREC on the implementation of HeRWAI in practice. Following this introduction training, WOREC has been working with HeRWAI to analyse two subjects of their choice, violence against women and prolapsed uterus. Moreover, a start was made with the implementation of their findings in practice.

Results

WOREC decided to analyse two subjects with HeRWAI, prolapsed uterus and violence against women. These subjects were chosen because they are closely related to the current activities of WOREC. The data collection for the analysis of these two subjects was sometimes difficult due to change of staff members within the organisation and the political situation in which Nepal finds itself today. However, these difficulties did not stop the staff members of WOREC to achieve great results with major impact on health rights of women, more specifically on prolapsed uterus and violence against women. Related to prolapsed uterus there is now free surgical operation for women suffering from it, for which WOREC has been lobbying for a long time. Moreover, a new bill related to violence against women and a bill related to women's health will be tabled short after the effect measurement. WOREC contributed to the drafting of these bills, to the awareness raising of the importance of these bills and will continue to lobby for their final acceptance and implementation. Moreover, these results of the HeRWAI study will also be incorporated in the shadow report which WOREC will write this year.

Evaluation

The HeRWAI process has been received in a positive way by the staff members of WOREC. The staff members who have been involved in the HeRWAI process indicate that the

HeRWAI process gives a structure to make lobby more effective and rights based. The staff members of WOREC directly integrated the HeRWAI process into their other activities and they recognised the added value of the outcomes of each of the HeRWAI steps for their own work.

Inside the organisation, HeRWAI contributed to the knowledge of staff members about women's health rights, the rights based approach, the added value of it and how to integrate it into your daily activities.

WOREC will continue to lobby for the improvement of the health situation for women in Nepal related to prolapsed uterus and violence against women, thereby using the outcomes of the HeRWAI analysis.

## Discussion

- *Accountability*

An interesting question discussed was the accountability of the government for HRIA in the planning cycle. Can the government be held accountable for carrying out HRIA? And if so, how can the government be held accountable for this? Or can the government be held accountable for the implementation of the outcomes?

- *Mainstreaming of HRIA*

Mainstreaming of HRIA within the government is important. The policy makers should be involved as much as possible in the HRIA process. Dilemma of not too involved to over exhaust it. However at the same time if there is no capacity, no resources within government itself it will be very difficult to mainstream this into the government and to ensure that the government will work with this successfully. For instance, incapacity of governments in the policy planning cycle as well as carrying out HRIA is a big problem. The question of the role of NGOs arises, in the HRIA process if the government lacks skills and resources. Is it recommendable if NGOs take over the responsibility of governments carrying out the HRIA?

- *Other remarks*

- There needs to be independent control as governments as well as NGO's can be biased when carrying out HRIA.

- Who defines what human rights are and how they should be interpreted? With which argumentation does one start when developing and using the instrument? What does one do when different human rights conflict with one another?

- Using HRIA instruments has its limitations. It is a risk investing a lot of time, energy and resources in the use of a HRIA instrument as the outcomes are uncertain due to many limitations.



**Babu Ram Gautam**, Women's Rehabilitation Centre (WOREC)

*"Since we are familiar with one of the tools of HRIA – HeRWAI – this conference has an added value of showing what HRIA in general is. We focus on women's health rights: this conference brings a broader perspective. How in different countries the assessment is done and what major issues are in a specific country was interesting to hear."*

## Health Rights

### From development to implementation: challenges and strategies

*Date: Thursday 29 November 2007*

*Chair: Renée Römken (University of Tilburg, board member of Aim for human rights)*

*Reporters: Loeky Drogen (Aim for human rights) and Stéphanie Cassé (Aim for human rights)*

#### Introductory remarks

The goal of the workshop was presented by the chair of the meeting, Renée Römken. As NGO's and other organisations are becoming more and more familiar with Human Rights Impact Assessment as a concept and with the available tools, they need to start thinking about strategic uses. Organisations have to, for example, make choices in how to use the outcome of a Human Rights Impact Assessment in their political lobby and other advocacy activities. Therefore the objective of the workshop was to discuss dilemmas organisations have encountered in practice. The workshop was kicked off by two presentations

#### Presentations

1. ["Monitoring the right to health: who has which possibilities," presented by Aleid Bos \(IFHHRO, the International Federation of Health and Human Rights Organisations\).](#)

Incorporating a rights based approach in the work of health professionals is important since it raises awareness of rights. Violations of human rights, such as the right to food, may have a detrimental adverse effect on health and therefore the promotion of rights is essential for protecting public health. Moreover, health policies themselves might violate the human rights of people.

An important point Aleid Bos made is that health professionals working on the ground are both duty bearer and right holders in the implementation of health rights and function therefore in a kind of 'double role'. Moreover, health professionals often encounter the consequences of violations of Human Rights in their day to day work. For instance when they are called upon to treat victims of torture or police brutality. Creating awareness on the rights help to mobilize health workers to speak out on violations.

Health professionals can underpin the right to health by applying their medical skills and collecting medical data. They also have access to information not available to other organisations. After deciding on *what* to monitor (such as violations of rights and compliance with obligations) it is important to decide on *how* to monitor. Which type of data is relevant and reliable? And how do you analyse and interpret that data? IFHHRO members have used HeRWAI as an instrument to help them in carrying out research. Examples of activities which can be carried out by health professionals to monitor the realisation of the right to health include reviewing legislation, policies and practices, contributing to national policies on health, engage in research and documentation and raising awareness for court cases. IFHHRO members also contribute information to shadow reports to the different United Nation human rights treaty bodies.

#### Discussion (Part 1)

Helena Nygren-Krug of the World Health Organisation alerted everyone to the fact that WHO is supporting the idea to use court cases to advance the right to health. WHO has started work on a database in which national legislation and important court cases on the right to health are

collected. The idea is to create a database in which it is possible to search by country or topic. This would result in a tool to analyze how the right to health shaped up in the past years. Developing the database is a big task and WHO is not in a position to give this project adequate time and resources. WHO is looking at possibilities to have this project run by a university or other research institution. WHO would be pleased to receive any requests to adopt the project.

## **Presentation**

2. ["From Development to Implementation; Challenges and Strategies," presented by Mosotho Gabriel \(IPAS South Africa\).](#)

In 1994, an important reform on Reproductive Health Policies took place in South Africa. This reform was stimulated by the 1994 research done by the Medical Research Council on the impact of unsafe abortion on South African Women. The study found that

- 44, 686 women with incomplete abortions presented at public health facilities per year
- This resulted in 425 women dying in one year
- 99% were Black women.
- Health problems included sepsis, hemorrhage, infertility, and death.
- Total annual cost to the State was an estimated R18 700 000.00.

Having this detailed data strengthened the role of civil society in pushing for legal reform.

With 'choice' as a key principle, the current South African Abortion Law Act considers the state responsible for providing safe conditions for choosing on whether or not to terminate a pregnancy and have an early, safe and legal abortion. The numbers show that safe terminations save the lives of women.

### *Role of civil society:*

Mosotho Gabriel made the strong point that even if there is good legislation in place on abortion, the example of South Africa proves that civil society needs to remain vigilant. The achieved rights can come under pressure and need to be defended.

### *Challenges:*

The greatest challenges South Africa faces in terms of maintaining the legal standards and good practices are: the pressure to roll back the current laws by the political opposition and religious groups and conscientious objection by health professionals in the provision of Termination Of Pregnancy (TOP) services. (For example a pharmacist may refuse to give access to the drugs needed to terminate, based on his or her personal conviction or religious belief).

IPAS South Africa works on many levels to face these challenges. IPAS South Africa developed a Value Clarification Tool to address the issue of conscientious objection by health professionals (health professionals who refuse to provide determination of pregnancy based on moral and religious beliefs). This tool was developed to help discuss with health workers their underlying personal values that impact their relationships with patients. Discussing personal values versus the rights of the patients can help shift attitudes on the ground. E.g. a conscientious objector to the provision of safe termination pregnancy can decide to help a patient in a serious health crisis as a result of unsafe TOP, after reassessing his or her values. The manual that IPAS South Africa uses in this work is available for interested parties.

## **Discussion (Part 2)**

During the discussion the importance of constant vigilance was emphasized by an example from South Africa. The political opposition in South Africa started a court case about the adoption of

the Abortion Act in the South African Parliament. The opposition successfully claimed that conditions of due process were violated during the adoption of the Act. The court ruled that the Act had to go through parliament again in an 18-month period. This judgment caused a lot of commotion in society. Hospitals, for example, were not sure they could still provide TOP. IPAS makes sure to reassure people that abortion services will not be stopped and provides assistance to persons and organisations who want to attribute their submissions to the current legislation process.

### **Presentation/Discussion (Part 3)**

#### **3. Saskia Bakker: "Setting the stage for further discussion"**

Saskia Bakker invited participants to share their experiences with the challenges they face when working with Human Rights Impact Assessment. Together the participants identified the following overview (which is by no means exhaustive):

4. Ipas: Fulfilling reproductive rights for women affected by HIV/AIDS: A tool for monitoring progress toward three Millennium Development Goals.
5. ICW: Positive women monitoring change: A monitoring tool on access to care, treatment and support and reproductive health rights and violence against women created by and for HIV positive women
6. People's Health Movement: The Assessment of the Right to Health and Health Care at the country level: A People's Health Movement Guide
7. WHO: Using human rights for maternal and newborn health: a tool for strengthening laws, policies and standards of care.
8. Aim for human rights: HeRWAI, The Health Rights of Women Assessment Instrument.

(Please note that all of these tools are available on [www.humanrightsimpact.org](http://www.humanrightsimpact.org))

9. BMA, IFHHRO and Commat: The right to health: a toolkit for health professionals
10. Commat: The Right to Health: A Resource Manual for NGOs

(Please note that these tools are available on [www.ifhhro.org](http://www.ifhhro.org))

Bakker outlined several challenges *Aim for human rights* has identified in the use of instruments; dissemination of the tool to relevant user groups, lack of skills of users to do research; lack of time and resources, problems in accessing data, problems with interpreting data, independence of research, involvement of grass roots organisations, involvement of health workers, involvement of government, selecting a proper scope and focus for the research.

#### **Challenges:**

- Which strategies to adopt for follow up and working towards change (e.g. presenting a draft law or starting public interest litigation).
- How to overcome the lack of human rights awareness within governments. (lack of resources or political commitment).
- A special challenge facing anyone doing research in the health sector is the fact that a lot of data is available on health issues, but not all data is collected in a relevant and

impartial way. E.g. it may not show which groups are excluded from care.

A human rights approach requires a broad, holistic vision and users of a tool should try to guard against only focusing narrowly on their own agenda and forgetting the bigger picture. At the same time tactical choices have to be made while selecting the information used in the analysis.

Participants discussed the fact that some instruments or tools focus on assessing compliance with human rights norms and others focus on impact assessment. Both approaches are useful and can compliment each other. A discussion emerged if one tool can actually measure compliance with human rights standards and at the same time measure the impact of an existing policy. It was suggested at a minimum, these two elements should be presented as separate issues in a tool.

*Challenges in health rights impact assessment:*

One of the challenges in health rights impact assessment is to develop clear indicators on health. There are projects ongoing to develop these indicators, but it is a challenge to find the relevant indicators. The distinction between structural indicators, process indicators and outcome indicators can be helpful as a basic structure in developing health rights indicators and to make a general assessment of the health rights situation in a country. For tools that are used to make more detailed assessments, divisions such as availability, accessibility, acceptability, quality may be more practical for users.

*Funding:*

Another interesting area to monitor is fund allocation in the health sector as fund allocation has a big impact on the provision to health services to specific groups of people. Fundar, Centre for Analysis and Research in Mexico has done interesting work on budget monitoring in the health sector.

A worrying development is that governments and donors are making fewer funds available for monitoring and evaluating policies by NGOs (and other outsiders). It is hard to find funds to carry out critical analysis. We need to think of strategic alliances, e.g. with universities, because civil society needs to maintain its critical role in monitoring and evaluating government policies.

An interesting contrast with this trend is the situation in Northern Ireland where civil servants have a duty to carry out Human Rights Impact Assessment on their own policies. Making Human Rights Impact Assessment part of the task of the government is an interesting way forward.



**Philda Muzofa**, Zimbabwe Women Lawyers Association

*“The conference met my expectations. For me it was looking at health rights. One thing I was looking forward to was sharing experiences to see how we can deal with some of the challenges that come up. It was an enriching experience and also good to create networks.*

*I was also very much impressed in the way the women’s rights as a concept are introduced into the area of business.”*

## Health Rights

### **Trade-offs: Seeking the balance between human rights demands and the reality of limited capacity**

Date: Friday 30 November 2007

Chair: Saskia Bakker, (Aim for human rights)

Reporter: Loeky Drogen (Aim for human rights)

#### **Introductory remarks**

Saskia Bakker introduced the goal of the workshop, namely to discuss and assess if the right to health is ever open to negotiation. If the answer is yes, what kind of trade offs are still acceptable?

The workshop continued with 2 presentations which were followed by short discussions concerning the presentations. The remaining part of the workshop focused purely on discussion between the various participants with the aim of exchanging and sharing of experiences.

#### **Presentations**

1. ['Monitoring the right to health; who has which possibilities,' presented by Phildah Mufoza \(Zimbabwe Women Lawyers Association\)](#)

Phildah Mufoza, representing the Zimbabwe Women Lawyers Association (ZWLA), presented the case of Zimbabwe and outlined the situation of trade offs in reality of limited capacity. One of the challenges in the Zimbabwean situation is that it has a legal system that requires an act of the parliament to make human rights part of the national legal system. The national constitution does not include the right to health. This makes it hard to make arguments based on the right to health as you have to deduct the right to health from the right to life. In Zimbabwe, customary law operates side by side with national law.

Because of the bad political situation, the international community has been withdrawing from the country and that seriously impacts the funding available for health. Resources are lacking and the brain drain is huge, so staff resources are becoming very limited. Basic health care has been compromised for the people on the street. The current government does not prioritise health within the remaining budget.

Phildah Mufoza gave an example of trades that were made by ZWLA in its advocacy for a domestic violence act. Advocacy for the bill took 10 years, in part because men are in power in Zimbabwe's parliament and they did not put priority on a law addressing domestic violence. The draft law included banning harmful traditional practices such as virginity testing (As a side note Phildah Mufoza shared that receiving a virginity certificate makes the woman actually more vulnerable for sexual abuse, because of the traditional believe that if you have sex with a virgin you will lower your HIV status) and wife inheritance. Wife inheritance is a practice in which a widow is given a dish of water to go around and give it to the man in the family that she wants to be with now that her husband has died. Of course, the choice is not a free choice as she needs to pick a man in the family if she does not wish to loose her house and children.

During the lobby for the implementation of the law, the partners realised they would not be able to pass a draft to include the banning of all virginity testing and all wife inheritance practices. A trade off had to be accepted to change the draft to instead include a ban on forced virginity

testing and forced wife inheritance.

### **Discussion (Part 1)**

In the discussion that followed the presentation, the question was raised if it is possible to stop the current brain drain from Zimbabwe or other developing economies. Participants wondered if it would help if a country stops taking in people from the health sector of country that is facing serious brain drain effects in the health sector, such as Zimbabwe. But participants agreed that a block on migration is not really a solution. People facing economic hardship in their own country, will then divert to a country that will still take them. Moreover you cannot punish the individual health worker by blocking their path to improving their life abroad. South Africa is trying to stem brain drain by implementing a serious pay raise in the health sector, but that is only possible in a more stable political climate. In South Africa the policy has actually lead to a return of some health workers from migration.

### **Presentation**

2. ['User fees in the health care sector,' presented by Roos Terhorst \(International Federation of Health and Human Rights Organisations\)](#)

Roos Terhorst works for the International Federation of Health and Human Rights Organisations (IFHHRO), and addressed the issue of user fees in the health care sector. She asked the participants to define user fee. The experience of IFHHRO has shown that the concept is used to define different things in different countries. Usually the term user fee is used to distinguish a service which is free from a service which is not free. In many systems, people have to pay the user fee on the spot. But other models are possible, for instance, South Africa has some free services, where depending on your income, you pay a different rate for health services on offered. In Mozambique, some services are free, but for other services a fee needs to be paid, which does not usually reflect actual cost as the service may be subsidised. In the Netherlands, some services are free, insurance is necessary which covers all the fees of a basic package of health care services. If you are not insured, you have to pay. This insurance system is, in fact a kind of a user fee.

So user fees should be defined as any kind of payment, a patient has to make for using the health services. The introduction of user fees has not had the expected impact. It has not generated more revenues for the health sector. It has not created more access for poor people. It did not lead to increase community participation.

But there are some positive results of the introduction of user fees. In general it seems to lead to more availability of drugs. Moreover, paying for a service makes patients feel, they are getting something worthwhile and user fees seem to increase the use of health services. The positive impact for service providers is that they have access to cash money immediately and are less dependant on the central government. (Of course this brings a new challenge as underpaid health workers may be very tempted to take the money for their own use rather than for the improvement of service provision) Moreover, having money in the health care system does not address other issues around the access to health care such as the fact that people do not have the money to get to the hospital or to pay for the medicines after having seen a doctor.

And unfortunately governments often use the excuse of money coming in through the user fees to defend a cut in health budgets by the central government. User fees by themselves therefore cannot solve the overall budgeting issues around a health care system. WHO is against user fees in health care, as it negatively impacts poor people.

## Discussion (Part 2)

After the presentation, the participants divided into smaller groups to discuss trade offs on health rights from their own experience.

The questions the small groups discussed were:

- *Which dilemmas have you encountered in getting the right to health realised?*
- *Which arguments/strategies did you use to minimize the trade off?*

## Outcome of group discussions

### Group 1

- *Dilemma:* This group talked about the dilemma's around balancing cultural perspectives with Human Rights, such as Female Genital Mutilation (FGM) the age of marriage and on food restrictions/taboo (such as exists in Nepal).
- *Strategies:* The discussion centred on strategies that can be used to address these issues in a constructive way. For instance, FGM is a right of passage in many societies, so perhaps alternative rights of passage ceremonies should be invented. It might also help to present scientific proof that the practice does not achieve what it purports to achieve. It is helpful not to approach the issue as a problem but argue from the consequences in order to change the perspectives and include the custodians of culture in the debate. Presenting the issue in the light of the rights of children might be more convincing than referring to the rights of women.

### Group 2

- *Dilemma:* This group addressed the influence of religion on health rights, specifically the example of the growing influence of the Catholic Church in Croatia.
- *Strategies:* Strategies that have been useful include targeting training towards religious leaders. Other good strategies include getting users to ask for good health care and awareness raising on the right to get health care. Although indicators are a useful tool in assessing health rights, they are difficult to use by NGO's and complicated to explain to government officials. Therefore, it might be worthwhile to start with a simple tool to get people used to working with indicators and to make it more elaborate eventually. Doing a comparison between similar countries on different service provision levels can generate very relevant data, but that requires a very high level of research capacity. However, sharing the outcomes of the analysis/research carried out with the same tool, such as HeRWAI, can serve as a platform for comparison.

### Group 3

- *Dilemma:* Group 3 contained participants who did not have too much experience in health rights, so it was decided to discuss the situation in Northern Ireland and the high level of service provision available there. In Northern Ireland, health care is provided in the UK's National Health Service, NHS model, which is based on the idea that all people have the right to health. The NHS is paid for by progressive taxation. The remaining inequalities in access to health occur because the system does not manage to address the inequalities in health that come from a person's general social/economic situation.
- *Strategies:* The group also discussed that vested interests of the people or parts of the system can get in the way of changing health care systems. For example, in the USA the insurance companies are not willing to accept changes that might impact their profits.

#### Group 4

- *Dilemma:* This group also discussed culture as a barrier to achieving the right to health. Often there is unwillingness at the national level to address these barriers and international organisations such as WHO do not have a human rights mandate, inhibiting their ability to bring the issues to the table.

#### **Discussion (Part 3) with the whole workshop**

Following the discussion within the groups, the participants shared the most interesting issues that came up in their discussion with the rest of the workshop. This section reflects the discussions.

#### Main Dilemmas:

The main dilemmas which were regarded as important and shared by all the groups were that of the following:

- Culture and religion clearly create blocks in the achievement of health rights.
- Lack of leadership in the government.
- Using human rights language, can be counter productive in some political contexts. In those cases it may be preferable to refer to other documents like Millennium Development Goals.

#### *Money and the right to health*

As there was no time to address all the discussed dilemmas, the issue of money and the right to health was focused on. One of the challenges in the right to health is that the resources need to be spread in a way that creates maximum benefits for the largest group of people. However, the funding structures can get in the way. There is a problem with the division of funding where for example there are funds available from abroad, but these are not much for staffing and a lot of funding may be available only for special diseases (HIV/aids; and increasingly malaria). This can be a dilemma as these funds might draw money away from other relevant health issues and donors should be aware of this effect.

NGO's must express that they are not convinced by government hiding behind the argument of limited resources to explain a poor track record on health. Advances are also possible in resource low environments. What is required in those situations is clear leadership by the government.

However, pressure from outside can negatively impact the governments choices.

In Mozambique governmental expenses were investigated to see if the government could meet its core obligations on health. And this information was contrasted with the required cuts expected by the IMF. The research showed that you cannot meet the requirements of IMF and also meet the core obligations. Therefore, international pressure can force a country to violate their health rights obligations. That is very odd and something that should be looked at further. Moreover, the IMF forces a country to add the private sector to the health care system, even if they do not want it. There is a ceiling on the number of people you can hire in the public system.

Participants agreed that we need to really look at the IMF policies and the impact on the health rights of people. It is very hard to prove how the IMF rules impact on the ground as it is a very indirect impact but people working on the ground level, have seen the impact. We need health economists to research this point. And we should prevail on the IMF to make exceptions in the field of education and health.

Fundar in Mexico did work on budget issues in the health sector and concluded that this research does not always require a lot of economic knowledge. In Mexico you can easily prove that the money budgeted on health is not spent. Under spending happens in part because the budget is unstable. People expect it might change over time so they do not spend everything. Money gets stuck in provincial levels. Through budget reallocation tracking, you can get a lot of information on the choices that were made.

### **Concluding remarks**

As a round up of the discussion, participants were asked to indicate what message they would take home from the workshop. Below are some of the comments that were made.

#### Lessons learned:

- Health rights activists and health economists should start to talk to each other and take each other seriously.
- Different roles and interests have to be clear to you before you start a lobby. You clearly need a multi disciplinary approach in achieving health not just lawyers.
- Partners should try to develop HRIA for governments on health rights. The discussion on indicators needs to be pulled into that.
- We need to connect more often with all the actors, but it is hard to keep track of all the developments. It would be great if there was a format for further exchange of information.
- Wemos want to look at rolling HeRWAI into budgeting analysis
- HRIA is not as developed as we believed.
- All policies need to be evaluated ex ante and ex post on the impact on the Human rights of people and more work on this is required.
- IFHHRO is thinking about setting up a portal on the right to health. They might want to explore a collaboration with *Aim for human rights* resource centre, [www.humanrightsimpact.org](http://www.humanrightsimpact.org)



**Wilson Duncan**, Amnesty International

*"I think HRIA is a very important issue. The potential for HRIA is massive. But the trick is to find out what we mean by it. This conference has been really useful in helping me understand the range of potential for HRIA."*

## Workshop Business and Human Rights: HRIA for private enterprises and corporate stakeholders: practical experiences

Date: Thursday 29 November 2007

Chair: Sune Skadegaard Thorsen

Reporters: Marieke de Leede (Aim for human rights) and Saskia Berends (Aim for human rights)

### **Introductory remarks**

The aim of this workshop was to exchange practical experiences with HRIA tools for business between private enterprises and corporate stakeholders. The format of this workshop was that of a market place. There were 6 market stands where 6 tools were presented to small groups, which enabled the participants to be more interactive and have the opportunity to share personal experiences.

### **HRIA for businesses and corporate stakeholders**

Complexities regarding HRIA for private enterprises and corporate stakeholders were raised as an introduction to the workshop:

- What are the responsibilities for business?
- Which norms form the base line for HRIA?
- What shall we call it? compliance, risk or impact assessment
- What is the added value Impact Assessment of businesses can have on the realisation of Human Rights?
- How do we get HRIA into our business management systems?
- HRIA is only one approach to HR& B
- Importance of participatory approach / empower and include civil society.

### **Market place**

6 tools were presented at market stands. Stand holders explained the basic methodology and framework of the tool as well as practical experiences with the tool.

1. [IBLF / IFC and UN Global Compact; a Guide to HRIA \(presented by Marina D'Engelbronner and Marieke de Leede \(Aim for human rights\)\)](#); the guide is intended to provide business with a seven step process through which operational managers ensure that full account is taken of the human rights implications and challenges within any business operation or project. The guide is available for road testing by companies within different business sectors now.
2. [DIHR; Human Rights Compliance Assessment \(presented by Saskia Berends and Olga Lenzen \(Aim for human rights\)\)](#); a voluntary self-assessment tool for companies to help companies detect potential human rights violations caused by the effect of their operations on employees, local residents and all other stakeholders. The tool is under constant development and tested by different stakeholders.
3. [Rights and Democracy \(Caroline Brodeur\) ; HRIA for Foreign Investment Projects](#)  
An initiative which aims to improve the capacity of civil society organisations to evaluate the impacts of foreign direct investment on human rights.

4. [International Alert \( Salil Tripathi\); Guide Conflict- Sensitive Business Proactive; guidance for Extractive Industries](#); a tool specifically developed for companies in conflict zones. This publication presents a set of tools for companies engaged in oil, mining and natural gas to help ensure their operations are conflict-sensitive. The tools help companies to anticipate, monitor and assess the interaction of business operations with tensions, triggers and accelerators of conflict and enable them to design conflict prevention strategies.
5. [Mr. Jenik Radon \(Colombia University\) and Mrs. Margo Tatgenhorst Drakos \(staff attorney Government Accountability Project\)](#); HRIA framework; the case of Unocal in Burma; a presentation dealing with the history of Impact Assessment. Environmental Impact Assessment, Environmental and Social Impact Assessment and now also Human Rights Impact Assessment.
6. [Kenya Human Rights Commission \(Steve Ouma Akoth\)](#); Environmental Social Impact Assessment on Tiomin company in Kenya; an Environmental Social Impact Assessment study on Tiomin company in Kenya by the Kenyatta University and Civil Society Organisations based on the principle that the mining programme must leave the communities and the national economy better of than it was before the entry of the company.

**Mind – mapping in four sub- groups on the following issues:**

For the second part of the workshop, the participants were divided into small groups and each group was given an issue which they had to brainstorm about. The following results highlight the most important points for each issue.

- the conceptual framework of corporate HRIA tools
  - o *there is no legal framework for companies yet: there is no clarity on what a company is responsible for*
  - o *There are limitations of human rights as a conceptual tool*
  - o *is the conceptual framework clear to intended beneficiaries?*
  - o *It's positive to have a common framework that is internationally recognised (UDHR + ICCPR + ICESCR)*
- common HRIA guiding principles
  - o *inter-relatedness of rights;*
  - o *universality of Human Rights: dignity of the person;*
  - o *participatory / inclusive*
  - o *fairness / equity*
- compatibilities and differences between HRIA tools
  - o *lack of alignment between the tools;*
  - o *not all tools include community involvement*
  - o *all tools imply a circle process*
  - o *not all tools appreciate structural issues (poverty, power imbalances)*
- challenges and opportunities
  - o *how to include medium and small sized companies or other sectors*
  - o *keep it simple*
  - o *local culture versus international law*
  - o *scope for improvement of assessment*
  - o *clarify relationship of HRIA with EIA / SIA*
  - o *transparency: how to deal and get information from companies.*

## Conclusion

Following the marketplace where different tools were presented on HRIA and their practical experiences and following the brainstorming session, the participants of the workshop gained a better insight into the developments within HRIA and business as well as the practical experiences, challenges and opportunities.

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**Tagbo Agbazue**, African Institute for Corporate Citizenship

*It is a very interesting conference. It's great to have all this practitioners together. The break-aways have been structured to promote a lot more interaction."*

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## Workshop Business and Human Rights- HRIA for private enterprises and corporate stakeholders: mapping the future

Date: Friday 29 November 2007

Chair: Sune Skadegaard Thorsen

Reporters: Marieke de Leede (Aim for human rights) and Olga Lenzen (Aim for human rights)

### Introductory Remarks:

As a starting point of day 2, Sune Skadegaard Thorsen discussed the outcome of the mind-mapping session of day 1. For every issue, the four main points were dealt with shortly. This workshop continued by focusing on the issues for the future activities concerning HRIA.

### Presentation

[Kathryn Dovey, Business Leadership Initiative for Human Rights \(BLIHR\); Mapping HRIA tools](#)

BLIHR was initiated in 2003 “in order to try to find practical ways of applying the Universal Declaration of Human Rights and to inspire companies to do likewise”. Within BLIHR, 14 multinational companies participate and test the BLIHR Matrix. In 2009 a full comprehensive report will be published. Within the BLIHR Matrix, tools are ranked according to 9 policy areas familiar to companies and according to the level of compliance to human rights standards; ‘essential’, ‘expected’ and ‘desirable’.

#### What is needed in the future?

- Cross-learning between private companies and public sector impact assessments.
- A deeper understanding of the rights-based approach. (aware-based)
- More evidence of improvements on the grounds.
- Move towards voluntary and mandatory approaches.

### Discussion

The following points highlight the main issues that were discussed.

- *Promotion of HRIA at the levels of private enterprises, corporate stakeholders, governments and international organisations*

Some of the ideas that came up during the discussion were:

- Law reform; now done on economic impact and not on social/human rights impact. This is primarily done in ministry of justice. Institutions to implement; and assess impact of these laws.
- Donor coordination; donors could be asked to prescribe HRIA in their meetings. To implement HRIA into their principles. Until now there has been a focus on environment and a limited concept of CSR. Human rights are not included so far.
- Export credit agencies could be engaged with HRIA

- Development aid; should they use the HRIA tools? Business sector; direct support; indirect financing. Put up requirement? Than need some impact assessment?
- o *Extension of HRIA to other business sectors and to small medium sized enterprises.*
  - reporting; should there be a connection to Global Reporting Initiative?
  - Financing institutions could use HRIA more extensively
  - Materiality? Non-quantifiable risk (UNEP FI / IFC)
  - Supply Chain Management; this IS about HRIA. (Procurement)
  - Due diligence (Mergers & Acquisitions)
  - Company law requirements (rewarding ethical corporations)
  - Only financial economic ethics? Strong movement; Pressure from shareholders; standards: corporate pressure, more important than the law?
- o *Role of the Human Rights Impact Resource Centre in sharing experiences with and promoting the use and development of HRIA tools*

Most participants of the workshop had not used the HRIRC before. Goal of the discussion was to come up with ideas on how to promote the use of the HRIRC and how to structure it. Some of the ideas were:

- Use a network blog; not independently but intermediary
- link the tools to experiences on the ground. Document on how the HRIA changes the conditions on the ground and publish lessons learned / best practices.
- Install a steering committee with advisors/experts: both internal (content managers) as external (review from different perspectives; sector specific – community perspective)
- Look at search mechanism (criteria)
- Promotional issues are important; maybe a newsletter?
- Link the website of the Resource Centre with [www.business-humanrights.org](http://www.business-humanrights.org) and other portals.
- Keep it easy, simple and accessible for companies (also SMEs) to access and let them start with the process of HRIA (taking in consideration the different levels of knowledge of the issues)
- Be aware of issues as objectivity / reliability; value criteria.
- Make an interactive network for two streams: One about mapping that only looks at HRIA tools (development, process etc). One other focuses on broader perspective: how to implement HRIA in the management processes.
- Create a space within the HRIRC for (online) training modules tools / concepts which address the needs of different actors.
- o *Further development of a common agenda for development and use of HRIA for private enterprises and corporate stakeholders*

The focus and scope for future development of HRIA for private enterprises could be on:

- Normative framework should be developed
- Learning / sharing practical experiences with the tools
- Extension to other sectors / SME's
- Relate to and embed in the management process
- Deeper understanding of the rights-based approach

- Build capacity / training of all stakeholders / empowerment of the community

## Conclusion

Some of the important activities for the future are:

- Develop and use HRIRC for raising awareness on tools and sharing experiences
- Map tools and relate them to the management processes (Aim for human rights to publish comparison)



**Kathryn Dovey**, Business Leaders Initiative on Human Rights

*“This is obviously a very key event on HRIA. Bringing together the public sector approach and the private sector approach is good because it facilitates cross-learning. Learning a shared human rights based approach is fundamental.”*

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**Workshop Human rights in European Policies  
Towards a framework for a monitoring and advocacy tool**

Date: Thursday 29 November 2007

Chair: Paul Aarts

Reporters: Ewoud Plate (Aim for human rights) and Franka van Hoof (Aim for human rights)

### **Introductory remarks**

This was the first workshop in a new 4-year programme by Aim for human rights: “Human rights in European policies”. In this programme a methodology by and for NGOs will be developed to monitor human rights related situations and use this information in evidence based advocacy towards the EU. Context of the programme is the European Neighbourhood Policy as part of the foreign policy of the EU. First pilot-country is Egypt. The workshop was the first opportunity within the programme for an exchange of views between Egyptian and European NGOs, researchers and policy-makers from the EU and the Dutch government on how to develop such a monitoring and advocacy tool.

The workshop addressed the political framework to be taken into consideration in the development of a monitoring and advocacy tool by Egyptian and European NGOs. Also, practical examples of advocacy strategies were discussed in order to define some essential elements for the development of such strategies. A first inventarisation was made of suggestions for the topic of the monitoring and advocacy tool.

### **Presentations**

- 2 [\*'Chances for Democracy and Human rights Enhancement in Egypt in the framework of the European Neighbourhood Policy,' presented by Moataz El-Fegjery \(Program Director of the Cairo Institute for Human Rights Studies\).\*](#)

This presentation provided an analysis of the regional political context, and gave an insight in the lobby experiences and expectations of Egyptian human rights NGOs regarding the EU. He concluded with a passionate call for more human rights action in Egypt within the ENP framework, listing a number of recommendations including the importance of international human rights law standards above national legislation; the development of a detailed road map by the European Commission for the action plan specifying procedures, policies to achieve objectives, priorities and timelines and an evaluation plan; and the importance of engaging civil society and of protecting human rights defenders.

- 3 [\*'Human Rights in an EU framework; theory and practice,' presented by Tessa Terpstra \(Second Secretary Political Affairs and Press at the Embassy of the Kingdom of the Netherlands in Cairo\).\*](#)

She described the Dutch and the EU approach in the dialogue on human rights with the Egyptian government. This approach characterises itself by a result-oriented, pragmatic approach to discuss human rights issues and a need for a mix of dialogue, cooperation and confrontation. Political engagement and projects with different partners, including NGOs, addressing various topics and making use of various forums, forms part of this approach. Sensitive issues are often raised through means of silent diplomacy, as public statements are considered to have limited effect and are mainly directed at other audiences. Ms Terpstra emphasized the importance of building trust and thorough knowledge of the local context as one of the basic requirements for success.

The presentation planned to be held by Hafez Abu Seada, Secretary-General of the Egyptian Organisation for Human Rights, on monitoring human rights in Egypt could not take place, as unfortunately he was unable to attend.

## **Discussion**

In the discussion following the presentations, a number of issues were highlighted:

- It was noted that there is a conflict between security and freedom in the Arab region which is to some extent reflected in the EU approach. NGOs sometimes feel that the EU cherishes security more as a priority than human rights and that the EU could do more to emphasize the latter. The EU considers the ENP and the Action Plan on Egypt as a first step. The Plan contains activities and intentions but does not – as some NGOs emphasized – set clear benchmarks or introduce a form of conditionality in the cooperation agreements.
- The human rights situation in Egypt was said to have deteriorated since and despite the signing of the Action Plan. This raised the question of timing; should the EU have gone ahead with the Action Plan even though there were indications that the human rights situation was deteriorating? In this context, NGOs made notes of caution as to the inappropriate use of religious arguments by the Egyptian government in the human rights dialogue. The establishment of the National Council for Human Rights was welcomed as an entry-point, but at the same time it was noted that the Council functions somehow isolated from both civil society and influential government circles.
- The strengths and weaknesses remain difficult to assess without ways of measuring progress and deterioration in the field of human rights, by using clear indicators. The role of civil society was also discussed in this respect. It was argued that one cannot assume that the strengthening of civil society directly correlates to the advancement in democracy. In some countries civil society fulfils governmental duties and thereby contributes to maintaining the status quo. In the Arab region, many NGOs are seen as slightly 'elitist'.

The second half of the workshop focused on advocacy and lobby experiences by NGOs. Several practical examples were discussed in small groups. The examples were analysed based on a number of questions in order to define some essential steps/elements for the development of advocacy strategies. The following examples were analysed:

### Lobby on the ENP Action Plan between Egypt and the EU

Discussed was the lobby process and activities by Egyptian and European NGOs in trying to influence the contents of the ENP Action Plan during the negotiation process between the Government of Egypt and the EU. The example was introduced by the Cairo Institute on Human Rights Studies, as one of the main organisers of the lobby on behalf of Egyptian NGOs.

### Advocacy campaign around flooded Egyptian village due to sewage water from a nearby factory

Discussed were the practical steps taken by the Egyptian NGO in addressing this specific problem together with the villagers and the local authorities. The problem was solved successfully. The example was introduced by the Land Centre for Human Rights, as the organisation responsible for the campaign.

### International campaign for ratification of the new Convention Against Disappearances

Discussed was the way in which the campaign was and is being designed and how networking with other partners, including NGOs, forms an important part of it. The example was introduced by Aim for human rights as the NGO coordinating the campaign.

The overall analysis of the above examples highlighted that it is important:

- To make a realistic assessment of the general political context/climate and of the capacities of the organisation(s)/persons involved in relation to the objective(s) to be attained;
- To set clear SMART objectives i.e. Specific, Measurable, Attainable, Relevant and Time-framed;
- To keep timing and momentum in mind as important factors in advocacy strategies; certain flexibility may be needed in adjusting objectives, targets and language/types of advocacy.

With respect to the monitoring/advocacy tool to be developed, it was clear that monitoring the entire ENP Action Plan on Egypt would be too ambitious an objective, given the very broad range of subjects being covered by the Action Plan. In the last part of the workshop, participants were asked to identify a specific human rights field for which such a tool could realistically be developed, taking into consideration the political context.

This preliminary selection of ideas for the topic of the tool resulted in the following suggestions:

freedom of thought/belief; freedom of expression/association/media; economic and social rights; right to (human rights) education; right to be free from torture; right to housing; minority rights; right not to be subjected to secret detention; terrorism and human rights; right to not to be enforcedly disappeared; independence of the judiciary; environmental rights; right to health; children's rights; right to safe possession of agricultural land; right to reparation; a topic related to the ENP Action Plan; a topic relating to the OHCHR structure of indicators.

A further selection among these topics was made during the closed meeting on Friday 30 November 2007, attended by NGOs participating in the development of the monitoring/advocacy tool (see for the outcome the report of the workshop Human rights in EU policies – Day 2)

The workshop was concluded recognising the importance of involving NGOs with different expertise as well as policy-makers at EU and national level in developing the monitoring and advocacy tool, so as to make it as useful and effective as possible.



**Karam Saber**, Land Centre for Human Rights

*The conference was very exciting for me. It was a first time for me to participate in such a conference. It gave me a chance to exchange experiences with international organisations and also with Egyptian organisations.*

## Workshop Human rights in European policies: Cooperation in developing the monitoring and advocacy tool

*Date: Friday 30 November 2007*

*Chair: Marike Radstaake and Anne Marie Kuijpers*

*Reporters: Ewoud Plate (Aim) and Suad Shatou (Aim)*

### **Introductory remarks**

This workshop was a closed meeting for the Egyptian and European NGOs who had expressed an interest in participating in the development of a monitoring/advocacy tool. The discussions focused on the characteristics of the tool, its thematic topic, the expertise and possible input of participating NGOs and the work plan.

### **Discussion (first part)**

During the first part, the general characteristics of the tool were further discussed. Basically, two different approaches were discussed among the participants. Should the tool concentrate on EU policies affecting human rights in Egypt or on policies of the Government of Egypt affecting the human rights situation in Egypt? What could be the added value of each of these approaches? And should the tool be mainly made for monitoring or advocacy? Or should it combine different elements and approaches? What could be the added value?

It was concluded that no 'either/or' option would be satisfactory; a combination of both approaches was preferred. A tool focussing only on monitoring the human rights obligations of the Government of Egypt would only have little added value to the already existing monitoring mechanisms. Monitoring would therefore in any case have to be linked to evidence-based advocacy towards the EU and/or other international institutions. A tool focussing only on monitoring the human rights policies of the EU with respect to Egypt would be complicated as EU policies tend to be phrased in very general terms and take different forms. Keeping a link with the international human rights standards to which individual governments have committed themselves would therefore be recommendable as standards are more stable than policies and individual governments are easier to be held accountable than the EU under international human rights law.

In defining the general characteristics of the tool, it was agreed to develop:

- a tool combining monitoring and advocacy elements, as both elements cannot be seen separate from each other and are complementary in achieving human rights improvements;
- a tool of which the monitoring aspect focuses in principle on human rights obligations of the Government of Egypt and relates to the priorities for action mentioned in the ENP;
- a tool of which the advocacy aspect is meant to contribute to the fulfilment of these human rights obligations and links in to advocacy strategies, in particular directed towards the EU and relating to the ENP, thereby relating to EU human rights policies.

As for the thematic topic of the tool, the suggestions made during the workshop on Thursday were further analysed. In discussing the various topics, it appeared that the NGOs preferred to develop a tool focussing on economic and social rights as an area which merits special attention in Egypt and to which a human rights based approach could be complementary to the

development approach. In this area the following rights were selected as deserving particular attention:

- right to health (including a healthy living environment)
- right to adequate housing
- right to work
- right to safe possession of agricultural land

In making the selection for an economic and social right, it was taken into consideration that on civil and political rights such as freedom of association/expression and the right to be free from torture (which both ranked high on the general list of topics) many initiatives had already been taken. A tool relating to these topics was not considered complementary. It was agreed to make a further selection in the above-mentioned 4 topics after the conference in consultation with all the NGOs participating in the program.

Specific attention was paid to the right to (human rights) education/training. Eventually, it was decided not to address this right as a specific thematic topic, but to consider it as part of the advocacy component. This was based on the idea that the development and use of the tool adds to further insights in how to effectively promote human rights as well as the idea that (human rights) education/training is inherent to any advocacy strategy on human rights.

The tool has to be complementary and useful for the work of human rights NGOs. Therefore, the two points below were added as general characteristics:

- a tool meant to support the monitoring and advocacy work of NGOs in Egypt - in particular vis-à-vis human rights policies of the EU - and to further enhance the cooperation between NGOs in Egypt and Europe by developing the tool together.
- a tool in the development of which every participating NGO can have its own input based on its specific expertise.

The tool is meant to be ready for testing by Egyptian NGOs by the end of 2008.

### **Discussion (second part)**

In the second part of the workshop, more attention was paid to the expertise and possible input of participating NGOs ('participatory approach'), the next practical steps and an evaluation of the discussions. As this was mainly an internal part of the discussion, the following is a summary; a more detailed version has been made available to the NGOs who are involved in the tool-development program. All NGOs shared experience in monitoring / advocacy / research, a certain interest in EU policies and in cooperation with other NGOs on both sides of the Mediterranean. As a group, their expertise was seen as complementary to each other. The involvement of Egyptian NGOs was considered crucial to ensure inclusion of different experiences and views and to avoid making the 'tool' too European oriented. Some of the complementary aspects highlighted were:

*close to the field work; local monitoring on civil and political rights; local monitoring on economic and social rights; lobby/advocacy activities at national and international level; political strategic views; political context analysis; a regional view and outreach; training experience; human rights defenders perspective; creativity; 'young' organisations; 'old' organisations; expertise in networking between Euro-Mediterranean NGOs in EU context; international monitoring and advocacy experience; experience in 'tool'-development on*

### *impact assessment*

As next steps in the work plan were defined: the final selection of the thematic topic of the tool in January 2008; the drafting of the first framework of the tool in relation to thematic topic selected; and preparing the next tool-development meeting to be held in Cairo in the second half of May 2008.

On an evaluative note, the discussions were considered positive and constructive. The process of developing the tool was seen as a rather difficult but challenging exercise. Following the Conference, a final selection round was held among the NGOs participating in the programme concerning the thematic topic of the tool. A clear majority selected the right to health as the preferred topic for the monitoring/advocacy tool. Based on this preference, the framework of the tool is being drafted around the right to health.



**Arwa Khader El-Boreaei**, Arab Program for Human Rights Activists

*"I see that the conference is a very important starting point for having a discussion to see what human rights impact assessment can mean for Egypt and to see what Aim for human rights can offer us, based on your experience with HRIA. For me, I found that we are much in need to build on HRIA work that we are going to do with Aim for human rights. And I am very*

*optimistic about the future plans.."*

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### **Plenary Session Friday 30 November 2007**

*Time: 14.30-17.00*

*Chair: Frans Huijnen (Aim for human rights)*

*Reporters: Loeky Drogen (Aim for human rights)*

#### **Introductory remarks**

There was a change in the agenda as most workshops expressed their wish to continue with the workshops focusing on specific themes. Therefore, there was less time available for the plenary. The plenary started with the presentation by Frans Huijnen providing a conclusion of the whole conference. One of the focus areas was the overlap among the various thematic workshops. It was concluded that there was not much overlap, no synchronisation. This emphasises the diversity in approaches in impact assessment. It raises questions and challenges for the Resource Centre to address for which new opportunities arise towards the development of on-line interaction and personal exchange through organised events.

## Short presentations

After the concluding remarks of Frans Huijnen each programme manager of the workshops were asked to give short summary of the conclusions if the workshops.

### *Health rights*

Saskia Bakker stated that there are different needs of different user groups. It is important that the information is right. There is also a strong need to work on indicator needs for improvement and to link up with each other as well as network as these are important aspects of the work. In particular it is important to link up with health rights economist and with traditional culture bearers.

### *Business*

Marina d'Engelbronner expressed how much fun it was but at the same time also serious business. Companies still need a mirror to look at themselves. Issues such as scope and focus, which normative framework applies to companies need to be clarified in more detail. The tools need to branch out to broader areas. Capacity enhancement of companies and the NGO's and communities should also be focused upon.

The Human Rights Impact Resource centre should be used more, to share experiences. The existing Tools need to be mapped and compared.

### *EU policies*

The main question discussed during this workshop was how can NGO's better impact the EU neighbouring policies, and how can we develop a tool? Discussions were intense. The tool for NGO's and the topic still needs to be developed but the focus will be social and economic rights. In 2008 framework will be developed and tested.

## Concluding remarks

The plenary came to an end with concluding remarks by Martha Meijer. She stated that *Aim for human rights* will map out the different tools for business and will try to identify possible gaps. Impact assessment as a mirror is a good vision to keep in mind. It is as well good to see that the EU policies programme has taken the first steps to develop a tool in 2008.

The Human Rights Impact Resource centre is an open space and we encourage people to use the Resource Centre. Please register. If you login now you see pictures of today and all the presentations and short reports. We will ask you to allow us to publish your contact information.

### Interesting remarks:

- The diversity of the participants (background, organisation, country) was one of the key successes of the conference.
- The importance of sharing experiences with others was emphasised by a great number of participants and most enjoyed the participatory approach at the conference.
- There is a strong need for the actors in the field of HRIA to remain in contact, share experiences and knowledge as it is still a fast developing topic, there is a lot that can be learned from on another.