

Annex 4: Process Lessons learned from AP-A2J Network’s Case studies (Draft)

<u>Case study</u>	<u>General Lessons</u>	<u>RBA PARAMETERS</u>			
		<u>Participation</u>	<u>Accountability</u>	<u>Non-discrimination and targeting</u>	<u>Empowerment</u>
<p>1.BANGLADESH Initiative to establish national human rights commission</p> <p>GOAL: Support the creation of a strong, independent national human rights institution to provide accessible remedies, particularly to those who are most vulnerable and disadvantaged</p>	<p><i>An inclusive, wide ranging and rational approach is required in working with human rights NGOs, human rights groups and the media.</i></p> <p><i>Close partnership with political leadership / national government might have an impact on relationship with civil society partners.</i></p>	<p>A Human Rights Participatory Rural Assessment (HRPRA) identified initial demand for centrally organisation human rights protection. However, claims holders and duty bearers were not adequately involved in design and implementation of the project.</p> <p>Participation of disadvantaged groups was seen as one of the activities of the programme, rather than a continued process and end in itself.</p> <p>During implementation dialogue with policy makers, professions, NGOs and civil society was limited to seminars, symposiums.</p> <p>The precise obstacles to transforming the participatory assessment into other forms of participation during project implementation were not identified, political sensitivity was a likely cause.</p>	<p>The project became an institution in its own right, responsible for filling a wide gap in government capacity to promote Human Rights. This had implications for government accountability to promote Human Rights.</p> <p>Distinction between sustainability of impact, and organisational sustainability should be explored.</p> <p>Mainstream legal and Human Rights NGOs were left out of the planning process and the inability to establish and create sustained links with civil society reduced scope of accountability mechanisms.</p>	<p>Programs to generate awareness and interest on the proposed Human Rights commission did not attain much success due to lack of meaningful and adequate participation. This suggests that key groups could have been excluded from the process, undermining targeting and non-discrimination.</p> <p>For outreach, multipliers like religious leaders, teachers, community workers etc should be targeted.</p>	<p>Participation of most disadvantaged groups was seen as one of the activities rather than a continued process that would be necessary to contribute to empowerment of groups.</p> <p>The degree of decision-making capacity in claim holders and duty-bearers was low. In order for the process and outcomes to be empowering it was concluded that more inclusive participation is needed.</p>

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<p>2. PHILIPPINES</p> <p>Establish baselines on access to justice by poor and disadvantaged people for the formulation, monitoring and evaluation of justice reform programmes.</p>	<p><i>Establishing an operational definition of A2J which was useful.</i></p> <p><i>Political sensitivity can undermine possibilities for creating strong ties with Civil Society and NGOs.</i></p> <p><i>Transparency and clarity about specific objectives of baseline study is necessary for overcoming political sensitivity. Strong political leadership helpful.</i></p> <p><i>Surveys cannot substitute for participation.</i></p> <p><i>Linkages to access to justice by poor and disadvantaged people should be explicit in designing the scope of the baselines and conducting institutional</i></p>	<p>The management team consisted of Supreme Court, UNDP and OHCHR. Participation of other stakeholders was limited to 'Consultations.' This was recognised by the management group and justified due to political constraints.</p> <p>Wider participation was limited to surveys or meetings, which does not reflect effective participation of claim holders.</p> <p>A national survey on knowledge and perceptions of the judicial system is planned to provide a picture of access to justice as perceived by the poor, causes of impeding access and suggested strategies were identified although not through fully participatory processes.</p> <p>However, baseline studies were sensitive, and efforts were made to gather information from a wide range of sources.</p>	<p>Programme outcomes will help assess the actual impact of justice reform programmes on A2J by poor and disadvantaged groups.</p> <p>Indicator frame work developed by management group based on nationally and internationally recognised HR..</p> <p>Sustainability of monitoring and evaluation baselines established unclear</p> <p>The involvement of a range of organisations and their networks led to opportunities for more coordinated reform agenda and broader base for accountability and sustainability of impact.</p> <p>The scope of the baseline studies and institutional assessments were suggested by the</p>	<p>The programme addressed the issue of adequate disaggregation of data as an explicit programme goal.</p> <p>Including a wide range of organisations helped broaden the scope of the project and ensure a greater scope of the baseline indicators although lack of active involvement of target groups means cant measure non-discrimination.</p>	<p>The process has triggered a series of institutional reforms beyond the judicature although empowerment of groups is unclear.</p> <p>Project did not seek to empower poor or disadvantaged groups and unclear whether process has increased capacity to seek remedy.</p> <p>Baselines transformed perceptions of lack of access in to hard facts and therefore may be an effective way to trigger reform processes in the justice system in the interests of disadvantaged groups.</p> <p>Participants were consulted and views voiced influenced the project but participants not</p>

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	<i>assessment.</i>		management team rather than through consultations.		aware of influences therefore not empowered through the process.
3. PHILIPPINES Promoting gender sensitive in the Philippine Court system.	<p><i>Increased awareness through the study was translated into action as a result of openness and political will, the existence of champions in courts and designation of a gender focal point in the programme management office.</i></p> <p><i>A programme of action to mainstream gender in the judiciary should not only be inward looking but should also analyze other causes that impede women's access to justice that do not necessarily refer to the court system but also to other pillars of the justice</i></p>	<p>There was a lack of participation of civil society and community leaders in most of the project activities.</p> <p>The focus was exclusively on members of the judiciary.</p> <p>Lack of engagement of informal traditional judicial systems excluded important stakeholders from participation in the programme. The programme recognised that in order to fully address the issues of women's access to justice the focus should not only be on formal remedies.</p>	<p>Lack of participation reduced the effectiveness of the watchdog function as women's input was not ensured, reducing transparency of the gender mainstreaming process.</p> <p>Accountability of programme outcomes and impact was unclear. Organisational sustainability of outcomes is also unclear.</p> <p>Having committees rather than individual focal points helped build accountability and sustainability.</p>	<p>The project used several techniques to mainstream gender. Training, reviewing curricula, producing guidance, reviewing court processes, creating processes to ensure gender issues considered in operations and programmes. However, insufficient participation makes it unclear as to whether or not certain groups of women and vulnerable groups were excluded.</p>	<p>Socio-cultural and structural issues were examined which is important for understanding power imbalances although whether this translated into any action is unclear.</p> <p>Capacity building through access to information on the judicial system and legal literacy as well as availability of legal counsel is further needed. Trainings were insufficient for achieving attitudinal change.</p>

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	<i>system including informal systems and to structural factors.</i>				
4. TIMOR-LESTE Mentoring Programme GOAL: Transfer knowledge and technical expertise to East Timorese judicial officials	<i>It is unclear how programmes of this type contribute, without other supporting programmes, to access to justice from a rights-based perspective.</i>	<p>There was no participation from the mentees or the mentors in the design of the project. This caused misunderstandings and undermined the impact of the project as well as identification of necessary supplementary programme components in order to impact on access by the poor.</p> <p>There was apparently no efforts to engage mentors and mentees with the people that they are trying to provide services for.</p>	<p>Parameters and goals of mentoring were not conceptualised in detail. There were difficulties in assessing impact of work as a result.</p> <p>Accountability in terms of contributions to Access to Justice BY the poor was not a consideration.</p>	<p>A broad range of stakeholders were represented in management committee but the result was that mentees opinions were marginalised. The people that judicial officials are meant to represent (claim holders) were not represented.</p>	<p>No considerations of empowerment given in the project.</p>
5. FIJI Strategy for ratification and implementation of international human rights instruments for government accountability and access to services by the people.	<i>A Lack of participation and ownership of project is likely to have been in part responsible for why the project didn't result in spin off initiatives in country.</i>	<p>Advocacy for ratification should have addressed perceived and or real conflicts with traditional systems. This requires preparatory participatory analysis. This approach would allow efforts to target appropriate stakeholders and deal with specific concerns.</p> <p>Duty bearers and claims holders need to be involved in</p>	<p>Widespread and strongly held view that international human rights instruments will undermine traditional value systems. This concern lies with duty-bearers and claims-holders.</p> <p>Key constraints that hinder adoption and ratification were not</p>	<p>Workshops involving different participants should be well armed with detailed status of positions of key stakeholders – duty bearers and claims holders this is important for ensuring non-discrimination and was identified as such during the</p>	<p>In order to demand responsible government people must know about their rights to timely and affordable justice and to be able to fully benefit from the services and goods provided by government. Lack of sufficient involvement of claims holders</p>

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Four initiatives: Accountability and Transparency, Judicial Training and Reform, Parliamentary Support and Capacity Building, Human Rights Advocacy and Institutional support.		<p>identifying factors that constrain and those that could facilitate adoption, ratification and implementation of international standards.</p> <p>The programme was implemented mainly through a series of trainings. However, scope of participants trained, involvement of target groups in defining content of trainings, follow up and supplementary activities were lacking.</p>	identified in planning / implementation.	programme.	made this difficult.
6. INDIA Community Policing in India	<p><i>Sensitivity to capacity needs of both claims holders and duty bearers simultaneously contributed to success of project.</i></p> <p><i>Strong linkages with NGOs and other CBOs, who were used to develop programme components based on their organisational</i></p>	<p>PRIA – Specialised participatory research institute was used to conduct research. In particular for a study of Community Liaison groups. Survey of duty-bearers (police and citizens) and Claims-holders (citizens)</p> <p>Survey respondents recommended how project outputs (e.g. strengthen CLG) should be developed and the process that should be followed.</p> <p>Participant oriented and experiential training is most</p>	<p>The project showed that it is important to maintain diverse representation from a cross section of the community in committees such as CLGs that play a facilitation and watchdog role.</p> <p>Process closely monitored periodic evaluations measuring outcomes against predetermined indicators (determined during participatory</p>	<p>Use of experienced participatory monitoring organisation with broad network in target areas was useful in this regard.</p> <p>Broad participation advocated at all times and revisited during the project helped ensure non-discrimination and targeting of vulnerable groups during programme cycle.</p>	<p>Survey respondents identified the process that should be followed in developing project activities, this empowered people through establishment, on their terms, of CLGs this was done without alienating duty – bearers (police)</p> <p>Importantly this project recognised and addressed the need to empower</p>

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	<p><i>strength contributed to success of project and accountability and sustainability.</i></p> <p><i>Target groups participated actively in choosing training methodology and content which was important for attitudinal change.</i></p>	<p>effective. (Necessary for attitudinal change)</p> <p>In terms of the training programmes non-traditional methodology was successful – participants contributed to the training agenda and were encouraged to share personal experience. Trainees were part of training team. Participants had CONTROL.</p>	<p>analysis).</p> <p>Recognises that it is important that informal structures – CLGs do not inappropriately substitute for official local government and that CLG members are proper training and monitored in their new roles and responsibilities</p> <p>However, in terms of accountability of the project M and E was insufficient relying on anecdotal evidence. Time and resources need to be given to identifying qualitative indicators and quantitative data such as pre- and post-surveys.</p>		<p>police officers (duty bearers) as well as claims holders. By empowering the two groups simultaneously this also alleviated possible conflicts as a result of shifts in power. Empowering the police whilst ensuring accountability for citizens assuming new roles.</p> <p>Trainees were part of training team. Participants had CONTROL which encouraged empowerment through the programme process.</p>
<p>7. INDIA Access to Information Initiatives.</p> <p>Supporting building the capacity of community</p>	<p><i>Future ‘access to information’ initiatives should adopt a more demand driven orientation and focus on the information needs</i></p>	<p>Mobilisation around community-level information was far more challenging than mobilisation around individual-level information.</p> <p>The specific informational needs of citizens should be</p>	<p>Information is critical element in demanding public accountability.</p> <p>Public hearings were valuable tools for sharing information about the project and</p>	<p>The case study recognised that future access to information initiatives should take into consideration the specific needs and obstacles of marginalised</p>	<p>Indicators on empowerment not developed.</p> <p>The distinction between individual and group empowerment should</p>

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members and government officials to exercise their rights and fulfil their duties under new right to information legislation.	<i>of citizens, identifying these through participatory processes.</i>	ascertain in the planning phase. Existing social networks are useful for mobilising community members around access to information. Utilising existing social groups is essential and important for trust, targeting reaching marginalised groups and sustainability.	about legal rights.	subgroups. Men utilised the scheme more than women, more marginalised groups left out, in particular project wasn't deigned with needs of illiterate and disabled in mind. Future initiatives should cater to the most needy in society Disseminating information to most marginalised groups was recognised as a challenge.	be addressed and the linkages between the two.
8. MONGOLIA Learning experience and lessons from NHRAP process in Mongolia in Mapping the A2J issues and strengthening national legal frameworks.	<i>Mapping exercises of rights and access to justice issues useful for identifying target groups, accountability and capacity gaps as well as providing an overview of how different stakeholders interact.</i>	Broad range of stakeholders represented at NHR conference and by national coordinating committee (NCC) members of disadvantaged groups? The office identified what the major / broad A2J concerns are. How was this done? Participatory process?	CSO and national human rights institutions were included in NHRAP as the mechanism for accountability and establishing participatory monitoring and evaluation systems.	Ensuring that most disadvantaged groups are represented and targeted was lacking in this project. Legal literacy assessment among disadvantaged groups should form part of Baseline studies in order to	

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				address constraints and bottlenecks.	
9. NEPAL Formulation of NHRAP – impact on A2J issues	<i>Using a rights-based approach focusing on participation as an end in itself helped in institution building of the NHRAP.</i>	<p>The project was facilitated by a steering committee made up of government and civil society members.</p> <p>Participatory consultative workshops in different parts of the country were used only during the formulation phase. A wide range of and stakeholders participated although how these will be sustained and given control over outcomes is not clear.</p>	<p>Implementation of NHRAP was necessary in order not to disillusion participants whose expectations had been raised.</p> <p>Extensive media coverage was good for momentum and accountability.</p>	A range of disadvantaged groups represented. But ‘representation’ does not necessarily mean non-discrimination.	
10. IRAN Human Rights Education and Partnership Building.	<i>Constituency building involving a large and varied range of stakeholders is important.</i>	Participation is a form of engage disadvantaged groups in away that does not have to explicitly refer to human rights, which may be sensitive.	The test of many HR projects comes in seeing if there is actually any impact in terms of actual improvement in A2J indicators.		
11. China Strengthening Legal Aid System in China to Improve Access to Justice for disadvantaged groups.	<p><i>Awareness of necessary financial and human resources.</i></p> <p><i>Capacity building to overcome regional disparities is necessary.</i></p>	Awareness raising amongst citizens for services that a programme is to provide is essential, especially for reaching those most in need of services.	More attention needs to be given to monitoring and evaluation of programme activities, to asses progress, consolidate achievements and ensure follow up.		Developing legal aid system empowers the poor and disadvantaged to claim and exercise their rights. UNDP has a role increasing capacity of duty-bearers and rights-holders.

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	<i>Getting political backing at local as well as national level for implementation.</i>				
12. VIETNAM Legal Needs Assessment: Building Ownership and Partnership for Legal Reform.	<i>Political commitment at high level important. Longer-term commitment necessary. Clear identification of scope and purpose.</i> <i>Coordination mechanisms among participating agencies stakeholders are necessary although may be problematic</i>	Assessment was mainly based on a desk-review without a comprehensive survey and analytical study on the perception and assessment for the client of the access to justice point of view. A participatory analysis would have complemented the top down approach	National ownership key to ensure sustainability of the assessment. Accountability by and of claims holders is not there due to the fact that the assessment was desk-based.	It is unlikely that this project ensured non-discrimination and/or identified all vulnerable groups due to the desk-based nature of the programme.	The project was not conducted from a rights-based approach thus any empowerment was not measured / identified.