

# Annex V. Checklist



International Organization for Migration (IOM)

# ANNEX V. CHECKLIST FOR A RIGHTS-BASED APPROACH TO PROGRAMMING

## SITUATION ASSESSMENT AND ANALYSIS

- When coming up with an idea for a project, have any of the following been consulted: Reports by any of the UN human rights mechanisms, non-governmental organizations (NGOs), civil society organizations (CSOs) and grassroots organizations?**

When thinking about new ideas for a project, it may be useful to look if any issues relating to the implementation of international standards concerning migrants' rights have been raised by any of the UN human rights mechanisms (e.g. the Universal Periodic Review), by the treaty bodies, or other international or regional actors (e.g. the Special Rapporteur on the human rights of migrants, the Committee of Experts at the International Labour Organization, or NGOs regarding a particular country or region). It could also be useful to look if there are any discussions regarding the development of a national or regional legislation or policy, as the project could support this initiative.

- Is the needs assessment of the direct and indirect beneficiaries participatory and non-discriminatory?**

When identifying indirect and direct beneficiaries, it is first of all important to consider everyone who will be affected by the project. When carrying out the needs assessment, it is also important to involve and consult all beneficiaries – direct and indirect. This means that information should not only be collected from the State but also from NGOs and CSOs, among others.

- Is the data appropriately disaggregated?**

When carrying out a needs assessment, data could be disaggregated preferably on the most common grounds of discrimination recognized in international law relevant to the context, such as sex, race, colour, language, religion or conviction, political or other types of opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. As a minimum, data should be disaggregated by age, sex and migration status (if applicable). This can reveal which groups are at most risk of having their rights violated and should thus be prioritized.

- Have the rights-holders and duty-bearers been identified?**
- Have the relevant rights and corresponding obligations been identified?**
- Have the international and regional conventions, treaties and instruments that address the relevant issue facing migrants been identified?**

Examine if the relevant State has signed or ratified these instruments. If the State has not yet signed or ratified, examine if there are any lobby or advocacy activities

for ratification being carried out by any other agencies, organizations or civil society groups.

**Are the State's laws and policies on the relevant issues in line with international standards?**

Making such assessment can sometimes be a bit difficult and time consuming. One option is to look at what the UN treaty bodies say about the implementation of their instrument in the State concerned as well as consult NGO shadow reports. The International Migration Law (IML) Unit is also available to assist with legislation reviews and guidance.

**Is there a pattern of discrimination against migrants or other groups of society?**

When making an assessment of discrimination, it will be necessary to look if the discrimination is supported by law or if discrimination occurs in practice. Often, the national laws may be in line with international standards however the State may be aware of discrimination against certain groups but failing to address the issue.

**Have marginalized groups been identified and is their participation during the situation assessment ensured?**

What is considered to be a marginalized group will depend on the context of the country and often involves those living in extreme poverty, disabled persons and persons living with diseases, irregular migrants, refugees, internally displaced persons, stateless persons, minorities, indigenous peoples and others. In order to identify marginalized groups, it is important to involve relevant NGOs, CSOs, rights groups or networks at an early stage. It is also essential to make sure that these actors are included and consulted throughout the process.

**During the situation assessment, has any potential negative effect of the project on certain groups been identified?**

**Is the strategy of the project to further the realization of certain rights?**

In some situations it will be necessary to deal with the symptoms of a problem and provide direct services to States or rights holders, rather than deal with underlying root causes. In other situations, it may be more appropriate and effective to promote accountability and the rule of law, advocate legislative changes, or empower migrants to advocate the protection or upholding of their own rights.

**Who will be able to see the result of the analysis and have access to gathered data?**

In order to make sure that all relevant stakeholders can participate meaningfully during the situation assessment, it is essential to distribute information about the assessment, the data gathered and the plan for intervention. However, please keep in mind that some information is sensitive and should never be shared externally. For example, it is fundamental that all personal data of the beneficiaries is collected, received, used, transferred and stored in accordance with IN/138: IOM Data Protection Principles.

## PLANNING AND DESIGN

- Is the appropriate terminology being used in the project proposal?**

When possible, please make sure to use definitions established in international law. This will strengthen the accuracy of the project and avoid any potential confusion about migration-related terms such as *trafficking*, *irregular migration*, *migrant workers* and *refugees*. To find the definitions, consult the *IOM Glossary*, which has been translated into several languages such as French, Russian, Chinese and Albanian. In addition, please feel free to contact the IML Unit for assistance.
- Does the project proposal describe the rights at stake in the project, the rights-holders and duty-bearers, and the underlying reasons why the applicable rights are not being enjoyed?**
- Does the project proposal identify any potential negative effect that the project may have on the rights of certain groups? Are there any mitigating strategies in place and are these explicitly mentioned in the project?**
- Is the planning and designing process participatory and non-discriminatory?**

Ensure that all stakeholders are involved throughout the process. For example, make sure to consult relevant NGOs, CSOs, rights groups and networks. The planning and design process should engage particularly excluded and marginalized groups and provide the support they need in order to participate meaningfully.
- In the results matrix, is the objective explicitly rights-based?**

In some results matrices, it will be obvious that the project takes a rights-based approach (RBA) because it is the objective, outcome or output that explicitly refers to rights. For example:

**Objective**  
*To contribute to comprehensive rights-based migration management approaches that address the needs of stranded, vulnerable, and irregular migrants in targeted sending, transit and receiving countries.*
- If the objective is not explicitly rights-based, is it linked to a right? Can a rights-based outcome be added or can the language be modified to make it more rights-based?**

For example, the following objective is not explicitly rights-based, but it is linked to a right, namely the right to health.

**Objective**  
*To improve and strengthen the linkages between migration management and health in the targeted country.*



To make the project more rights-based, one option is to add a rights-based outcome:

**Added Outcome**

*The Government of the targeted country is committed to strengthen the protection of right to health of migrants.*

Sometimes it will be sufficient to just modify the language. For example:

**Outcome**

*Returning migrants are provided with life-saving humanitarian assistance in targeted provinces at entry points, in transit centres and in host communities.*

**Modified Outcome**

*The rights to life, adequate standard of living, and health of returning migrants are protected by providing life-saving humanitarian assistance in targeted provinces at entry points, in transit centres and in host communities.*

**Is the project using rights indicators?**

A (human) rights indicator is “specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights.”<sup>2</sup>

Rights indicators are important for several reasons. The first and most obvious reason being that it allows us to measure and monitor compliance with rights obligations. Rights indicators are also likely to strengthen the accountability of States and encourage compliance with rights standards and obligations.

**Is the project using RBA indicators?**

While rights indicators measure the situation of rights and/or the result of a project with a rights-based objective or outcome, RBA indicators measure the extent to which human rights principles – most often participation, equality and non-discrimination, and accountability – have been applied to the process of programming for each stage of the project. These indicators will thus be useful for most types of project regardless of whether or not the objective or outcome is rights-based and they will also be relevant for evaluating a project.

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 2 Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation* (United Nations/Office of the United Nations High Commissioner for Human Rights, New York and Geneva, 2012), p. 16.

## IMPLEMENTATION

**How are the various stakeholders participating during the implementation of the project?**

It may be necessary to also consider if the stakeholders require any additional assistance to participate meaningfully during the implementation of the project. This could vary from small financial contributions to allow individuals to travel to and from meetings to making sure to plan well in advance so that people can organize themselves early on. The key to meaningful participation is the dissemination of relevant information.

**Are particularly excluded groups able to participate during the implementation of the project? How is this ensured?**

For instance, information about the project should be distributed in various languages and, if possible, make use of local CSOs, NGOs, rights groups and networks to make sure that information about the project can reach everybody.

**Is the implementation of the project strengthening the capacity of the duty-bearers to fulfil their obligations and empowering rights-holders to claim their rights?**

**Is the project implemented in a gender-responsive and culturally sensitive manner?**

**Is there a risk that the implementation of the project leads to discrimination or stigmatization of certain groups?**

This is particularly a risk if a proper analysis of the potential negative effect of the project has not been carried out during the situation assessment. Examples of this could be when one group is allowed to benefit from the project but another one is not. This could lead to jealousy and negative attitudes towards the beneficiaries of the project.

**Is the implementation of the project targeting discrimination against certain groups?**

**Does the implementation of the project assist rights-holders to access complaint or redress mechanisms such as courts, tribunals, ombudspersons and so on, or assist duty-bearers to set up any similar complaint or redress mechanisms?**

**How is transparency and accountability ensured throughout the implementation of the project?**

How is information about the implementation of the project disseminated? Through the Internet? Via the radio? Through newsletters? Does the project allow for any forum where the project can be discussed with the public? Can beneficiaries make suggestions or complaints regarding the implementation of the project?



## MONITORING AND EVALUATION

- Throughout the project, is the rights situation monitored as well as the performance of the project?**

Monitoring the rights situation, also referred to as “situation monitoring”, measures the broader conditions of and changes in a situation before, during and at the end of the project. This type of monitoring will be relevant for projects that have an objective or outcome directly linked to furthering the realization of rights as it will be linked to the performance of the project.

- As the project manager, are you using the monitoring tool provided in the manual?**
- Does the term of reference indicate that the evaluation will integrate rights into the general criteria for evaluation, such as relevance, effectiveness, efficiency, impact and sustainability?<sup>3</sup>**
- How have the various stakeholders (including rights-holders and duty-bearers, local civil society groups and NGOs) been involved in planning and designing the monitoring and evaluation of the project?**

It may, for example, be important to consult various stakeholders about what type of data should be collected and as well as the methodology of collecting the data. To the extent possible, make sure that the most marginalized groups of rights-holders are involved in the monitoring and evaluation processes.

- Are the monitoring and evaluation processes explicitly designed to detect or measure discrimination against particular groups?**
- For example, monitoring and evaluation may be designed to detect any forms of discriminatory practices that may occur during the implementation of the project or as a result of the project.
- Is the data collected appropriately disaggregated, such as by age, disability, displacement, ethnicity, gender, nationality, migration status and so on?**
- Do the monitoring and evaluation processes account for any form of complaint mechanisms and how are complaints received during monitoring and evaluation dealt with?**
- Are the findings from monitoring and evaluation shared publicly in a transparent manner?**
- Are the findings from monitoring and evaluation used to promote changes in law or the policy of the State?**

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 3 The United Nations Evaluation Group has provided guidance on how to do this in *Integrating Human Rights and Gender Equality in Evaluation – Towards UNEG Guidance* (2011).