



**Guiding Principles for the
application of APT's
Human Rights Based Approach
policy**

Table of content

1	Background and introduction.....	3
1.1	Rationale and structure of the guiding principles	3
1.1.1	<i>The rationale</i>	3
1.1.2	<i>Structure</i>	3
1.2	Some basic elements on the Human Rights based Approach	4
1.2.1	<i>Duty bearers and rights holders</i>	4
1.2.2	<i>The main constitutive elements of a Human Rights based Approach</i>	5
2	Human Rights Based Approach to the APT internally.....	7
2.1	Application of the Human Rights framework.....	7
2.2	Empowerment	7
2.3	Participation	7
2.4	Non-discrimination & vulnerable groups	8
2.5	Gender	8
2.6	Accountability.....	8
3	Human Rights Based Approach to the APT externally	9
3.1	Application of the Human Rights framework.....	9
3.2	Empowerment	9
3.3	Participation	9
3.4	Non-discrimination & vulnerable groups	10
3.5	Gender	10
3.6	Accountability.....	10
4	Implementation & Monitoring of the Guiding Principles.....	11

1 Background and introduction

1.1 *Rationale and structure of the guiding principles*

1.1.1 The rationale

The reflection on and development of the present Guiding Principles originated in end 2008 beginning of 2009 both internally within APT (e.g. 2009 collective SWOT exercise) as well as externally (e.g. donor requests on gender or non discrimination policies). It was then felt an internal gap on issues such as non discrimination or gender equality needed to be addressed. Several meetings were held, first between various members of the APT team, and then including two Board members. A consensus was reached that the best framework to address the needs would via a “Human Rights Based Approach” i.e. an approach which would broadly encompass all relevant applicable human rights norms within APT.

Various internal meetings were held over the period 2009-2010, including in restricted groups with APT Board members, and the Board consequently introduced a reference to the HRBA in the revised APT Vision and Mission, which is the institution’s core policy document, in March 2010¹. The draft Guiding Principles on applying APT’s new HRBA policy were then presented to the Board in April 2011. Comments of the Board were integrated in the present document.

1.1.2 Structure

The Guiding Principles are shaped in a concise, practical, and tangible form. They constitute a tool for policy guidance. The principles are divided into 2 separate sections, namely:

- Application of the HRBA within APT (Secretariat and Board) – internally
- Application of the HRBA in APT programmes and activities (external environment)

¹ “In its work and functioning, the APT endeavours to apply the principles of a human rights based approach, in particular the universality and indivisibility of all human rights, empowerment, accountability, participation, non-discrimination, gender sensitivity and protection of vulnerable groups”

The above distinction is necessary in order for the policy on applying human rights to be comprehensive and mutually reinforcing. Application of the HRBA internally reinforces the application externally, and vice versa. It is based on the rationale that one of the best means to convince APT partners and beneficiaries of the use and need to abide by international human rights law is to ensure that all internal and external actions of the organisation reflect and abide by this commitment. The principles purport to provide policy and operational guidance to the APT so that all activities contribute to enhancing Human Rights. As emphasized by the first constitutive element of the guiding principles (international legal framework), these constitute a furtherance of applicable international and national laws.

In addition to the 2 substantive sections on the HRBA, a concluding section addresses implementation measures and monitoring.

1.2 *Some basic elements on the Human Rights based Approach*

The conceptual and practical framework of the Human Rights based Approach (HRBA) was originally developed as part of human rights mainstreaming. Its aim consisted in ensuring that major interventions, especially those undertaken as part of international development, would not only *do no harm*, but that they would also actively contribute in enhancing the promotion and protection of human rights.

The HRBA identifies the needs and constraints of two main constituencies:

1.2.1 *Duty bearers and rights holders*

An approach based on human rights acknowledges the distinct roles and responsibilities born by individuals and institutions with particular duties towards others: the duty bearers; and individuals and institutions who hold certain privileges and are entitled to get these respected and enforced: rights holders.

Duty bearers have a certain level of power, which may considerably impact on various individuals and constituencies, and which they must be accountable for. In international law, duty bearers have a legal and moral responsibility to respect and uphold legal

norms and standards. In human rights law in particular, States are duty bearers and they are the custodians of the implementation of human rights norms.

On the other hand, rights holders are entitled to certain rights and privileges, which must be guaranteed by the individuals and institutions holding a form of power on them. They also hold certain duties. In human rights law, citizens constitute rights holders, despite the fact that a number of them may not be aware of their rights.

Although not static or hermetic, the distinction between duty bearers and rights holders is fundamental to the HRBA as it helps to identify and take into account the particular situation in which individuals and institutions are with regards to applicable universal human rights norms. Depending on their particular situation and at given times, individuals and institutions may either find themselves in a position as duty bearers, or rights holder, or a combination of the two.

1.2.2 The main constitutive elements of a Human Rights based Approach²

Human rights based approaches, which were originally designed for the mainstreaming of human rights with the development sector, integrated the following core and elements, which have equally been integrated within the set of APT Guiding Principles. These core elements of the HRBA are interrelated and mutually reinforcing

- *International legal framework*

It constitutes the basic and obligatory set of legally enforceable entitlements at the national level. This necessarily includes to explicitly take human rights obligations into account at every stage of the programme cycle as well as addressing the full spectrum of indivisible, interdependent and interrelated rights.

- *Empowerment*

This means ensuring actors have the possibility and capacity to take full ownership over the processes of change desired. It involves ensuring that rights holders and duty bearers share a common understanding of human rights goals and the duties to respect, protect and fulfil them.

² Adapted from resources from the International Human Rights Network.

- *Participation*

It must be ensured at all stages of the programme cycle and for all relevant actors. Participation can only be effective to the extent that it is free, open and informed. It requires having adequate means and routines for communication between relevant actors.

- *Non-discrimination and vulnerable groups*

The rationale for non discrimination is that all individuals are equal. Furthermore, the specific needs of groups and individuals in “vulnerable” situations, including those of individuals deprived of their liberty, must be acknowledged and duly taken into account.

- *Gender*

Gender is an essential dimension of a HRBA and it directly relates to other HRBA constitutive dimensions, especially non-discrimination. It seeks to address the particular needs and constraints of women and men. The APT decided to make gender a specific feature of its HRBA.

- *Accountability*

Accountability is particularly relevant to the APT as it constitutes one of the central elements of the APT mandate (opening up places of detention and make decision makers accountable). It requires the ability to identify rights-holders and their entitlements, and corresponding duty-holders and their obligations.

2 Human Rights Based Approach to the APT internally

This section deals with the HRBA as applicable to the internal APT environment that is to say staff (both in and outside Geneva), management, and Board.

2.1 *Application of the Human Rights framework*

- The APT strives to respect and apply relevant international and national Human Rights norms in its internal functioning.
- In particular, basic Human Rights standards are mainstreamed in internal policies and procedures such as contracts, staff regulations, statutes, etc.

2.2 *Empowerment*

- The APT respects individual expertise and autonomy and empowers staff to take responsibilities, especially in project management.
- The APT encourages a policy of collective empowerment and ownership.
- Contributions to APT's work are suitably acknowledged.
- All staff and management have the right to form their own informed opinion based on access to relevant information, and communicate this opinion internally to others.
- All staff and management are informed of their respective rights and duties, and the limits attached to these

2.3 *Participation*

- The APT promotes participation of all staff, in defining APT's vision, policy and strategies, in line with its mandate and strategic objectives, which are approved by the Board.
- The APT encourages open dialogue between members of staff, management, and Board.
- The APT promotes inputs from all, within reasonable limits, in processes and consultations which lead to decision making.

2.4 *Non-discrimination & vulnerable groups*

- The APT strives to provide equal opportunities to all staff and management regardless of gender, age, nationality, sexual orientation, political views, social and linguistic background.
- Non discrimination, gender sensitivity and respect for equality are sought in areas such as recruitment, salaries, and promotions.

2.5 *Gender*

- The APT strives to respect and actively promote equality between women and men, including in decision making.
- The APT strives to accommodate family related needs of staff and management, without prejudice to the interest of the organisation.

2.6 *Accountability*

- The APT strives to maintain a suitable flow of information and coordination between all staff, management, Board and Bureau in a spirit of transparency and effective functioning.
- APT strives to ensure that programme staff do not have to fundraise for their own programme, but to assume responsibility for maintaining constructive relations with donors.
- APT staff, management, Board and Bureau are accountable to each other on the basis of acceptance of each individual's rights and duties as well as reciprocity.
- APT staff and management strive to work together collectively in a cooperative and transparent manner.
- APT management is committed to an "open door" policy to receive and respond to comments, proposals, and grievances from all staff.

3 Human Rights Based Approach to the APT externally

This section deals with the HRBA as applicable to the external APT environment i.e. partners, direct and indirect beneficiaries, donors, as well as other relevant actors (thereafter “stakeholders”). These actors may get either directly or indirectly influenced or affected by APT’s activities.

3.1 Application of the Human Rights framework

- The APT strives to respect and fulfil relevant international and national Human Rights norms in all operations, including in its interactions with stakeholders.
- The APT strives to publicise and promote the universality, indivisibility and interdependence of human rights to both duty bearers (including state and non state actors) and rights holders (including partners and beneficiaries). APT’s broad interpretation of torture prevention work is a reflection of the universal and indivisible aspect of all human rights.

3.2 Empowerment

- The APT strives to engage with stakeholders on the basis of equality and mutual respect, with a view to strengthen capacities and ownership sustainably.
- Relevant stakeholders are able to provide input at relevant stages of programme cycle.
- Achievements are suitably acknowledged and attributed to relevant stakeholders.
- The APT seeks to produce practical and accessible tools and publications.
- The APT takes an approach of empowerment of partners and beneficiaries. It seeks to impart skills, knowledge and determination as opposed to replacing other actors in doing prevention work.

3.3 Participation

- The APT seeks free, participatory and meaningful decision making processes between stakeholders within activities which fall both within its direct control and outside its direct control.

- In capacity strengthening activities, the APT strives to receive inputs and participation from beneficiaries, when appropriate, in particular during the phases of needs identification as well as evaluation.

3.4 *Non-discrimination & vulnerable groups*

- The APT promotes due consideration to the specific risk factors affecting vulnerable groups and their specific needs.
- The APT strives to provide and promote participation of relevant stakeholders regardless of gender, age, nationality, sexual orientation, political views, social and linguistic background; including in the activities which are planned and implemented by partner organisations.

3.5 *Gender*

- The APT strives to promote equality between women and men in relevant stages of programme cycle (i.e. from planning stage to evaluation stage).
- The APT promotes due consideration to the specific needs of women, including the girl child in prevention work.
- The APT strives to strike a gender balance in its activities both amongst facilitation teams, as well as beneficiaries.
- The APT acknowledges that the deprivation of liberty milieu is mostly of a male nature, which requires due consideration to the specific needs of women in this environment.
- The APT acknowledges the specific contribution that men and women make to torture prevention.

3.6 *Accountability*

- The APT is accountable to all relevant stakeholders (including donors, partners, and beneficiaries) on the basis of reciprocity.
- The APT strives to remain transparent on its achievements and downturns, both programmatically and financially. External evaluations of projects may be commissioned to contribute to this purpose.
- In particular, the APT maintains a regular flow of information on its activities through public platforms such as its website, newsletters, etc.

4 Implementation & Monitoring of the Guiding Principles

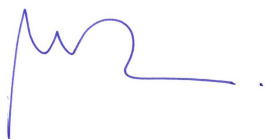
Implementation of the present guiding principles in APT internal functioning and in activities will be monitored on a regular basis. In particular, the human rights based approach should be assessed in the following way:

- *Internally*: implementation of the HRBA internally will be assessed during key stages of project planning and evaluation such as Strategic Planning or Review Meetings. It can also be assessed on an ad-hoc basis, such as on the occasion of adoption of new internal rules, changes in APT's internal structure, etc. A set of illustrative examples of possible action for implementation of the guidelines can be discussed by the staff, and reviewed when appropriate.

- *Externally*: implementation of the HRBA externally will also be assessed both regularly (such as during Board or other reviews of APT's strategic objectives) and on an ad-hoc basis, such as by consultant evaluators upon initiation or completion of major projects. As stated under the two main sections of the guiding principles, these shall be considered at all stages of programme cycle, from the planning stage to the evaluation stage.

The present document may be reviewed and amended on the occasion of revising the APT Vision and Mission.

Mark C.A. Thomson
Secretary General,
APT, Geneva



September 2011